



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 27 April 2021

location: council chambers

and by audio-visual link

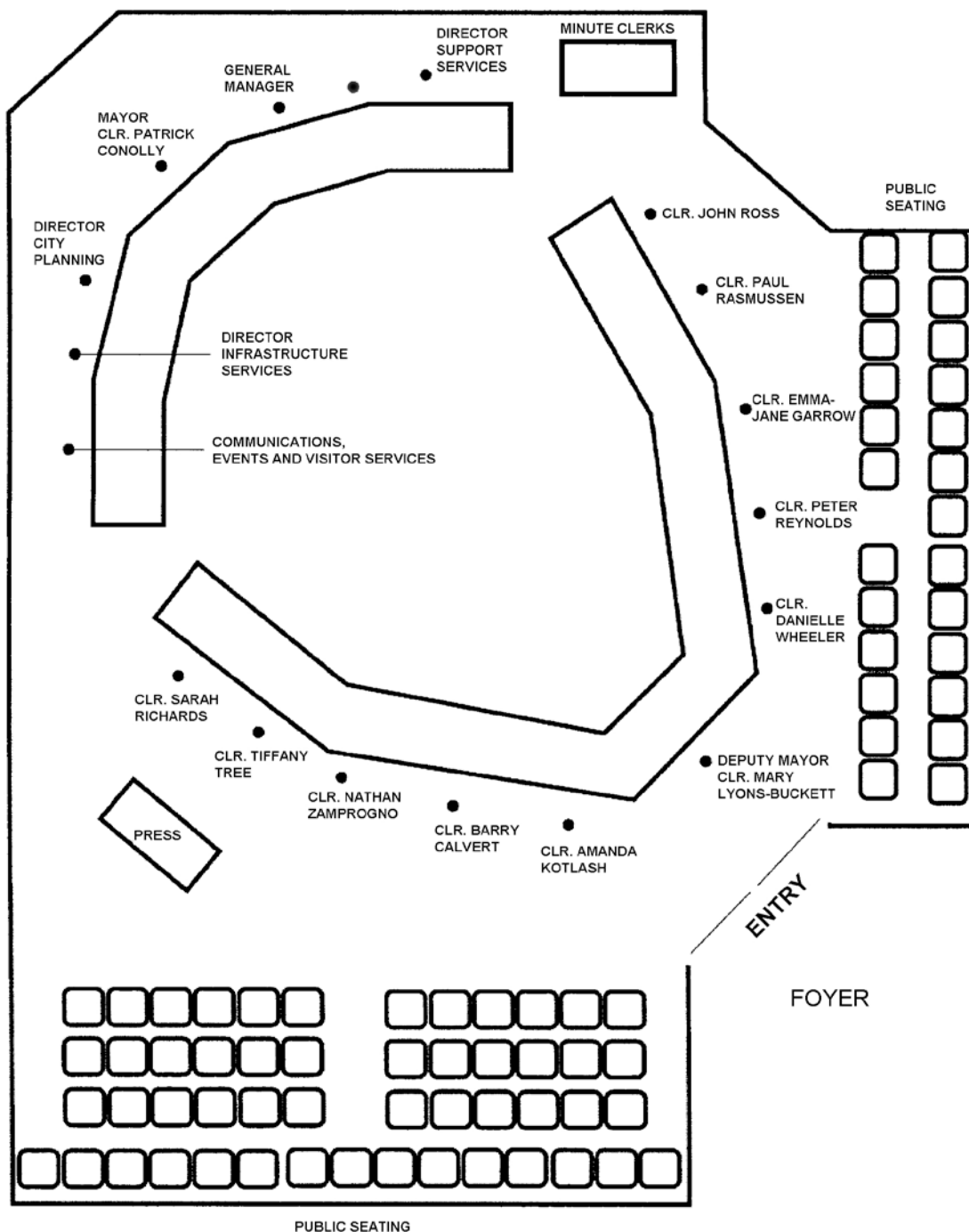
time: 6:30 p.m.



mission statement

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

Hawkesbury City Council



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ORDINARY MEETING
Procedural Matters
Meeting Date: 27 April 2021

PROCEDURAL MATTERS

Welcome

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

The Acting General Manager will address the Council meeting, mentioning:

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

Attendance

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

Apologies and Leave of Absence

The Mayor will ask for any Apologies or Leave of Absence Requests or Audio-Visual 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: 27 April 2021

ordinary

section 1

confirmation of minutes

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Meeting Date: 27 April 2021

SECTION 1 - Confirmation of Minutes

1. Extraordinary Meeting - 19 April 2021
2. Ordinary Meeting - 20 April 2021



Hawkesbury City Council

extraordinary meeting minutes

date of meeting: 19 April 2021

location: council chambers and
by audio-visual link

time: 5:30 p.m.

EXTRAORDINARY MEETING

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Minutes: 19 April 2021

EXTRAORDINARY MEETING

Minutes: 19 April 2021

Minutes of the Extraordinary Meeting held at the Council Chambers and by Audio-Visual Link, Windsor, on 19 April 2021, commencing at 5:33pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage and addressed the Council meeting, mentioning:

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

ATTENDANCE

At Council Chambers: Councillor Patrick Conolly, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, Emma-Jane Garrow, Amanda Kotlash, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree and Danielle Wheeler and Nathan Zamprogn.

By Audio-Visual Link: Councillor Paul Rasmussen.

ALSO PRESENT:

At Council Chambers: McArthur NSW Group Director, Susanne Lyall, Independent Selection Panel Member, Brian Bell and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

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

The Mayor, Councillor Patrick Conolly advised that a request was received from Councillor Paul Rasmussen to attend the Council Meeting on 19 April 2021 by Audio-Visual Link.

95 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler and seconded by Councillor Garrow that approval be granted for Councillor Rasmussen to attend the Council Meeting on 19 April 2021 by Audio-Visual Link.

Councillor Rasmussen entered the meeting at 5:35pm.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors.

EXTRAORDINARY MEETING

Minutes: 19 April 2021

CONFIDENTIAL REPORTS

96 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with a confidential matter and in accordance with Section 10A of the Local Government Act 1993, members of Staff, the Press and the public be excluded from the Meeting during consideration of the following item:

Item: 068 MM - Position of General Manager - (79351, 79353, 125610)

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

97 RESOLUTION:

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

EXTRAORDINARY MEETING

Minutes: 19 April 2021

Item: 068

MM - Position of General Manager - (79351, 79353, 125610)

MOTION:

The Mayor, Councillor Patrick Conolly advised that whilst in closed session, the Council RESOLVED, on the motion of the Mayor, Councillor Conolly.

Refer to RESOLUTION

98 RESOLUTION:

The Mayor, Councillor Patrick Conolly advised that whilst in closed session, the Council RESOLVED, on the motion of the Mayor, Councillor Conolly.

That:

1. Council adopt the confidential recommendation in regard to the offer for the position of General Manager as detailed in the Mayoral Minute, subject to the negotiation of a contract in accordance with The Standard Contract for the Employment of General Managers as approved by the Departmental Chief Executive.
2. The Mayor be authorised to negotiate the Total Remuneration Package with the selected candidate as detailed in the recommendation of the Mayoral Minute.
3. If negotiations of a contract as detailed in the report are not successful, Council proceed as detailed in the recommendation of the Mayoral Minute.
4. Authority be given for any documentation in association with this matter be executed under the Seal of Council, if necessary.

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

Against the Motion: Councillor Rasmussen.

Absent: Nil.

The meeting terminated at 8:07pm.

Submitted to and confirmed at the Ordinary meeting held on 27 April 2021.

.....
Mayor



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 20 April 2021

location: council chambers and
by audio-visual link

time: 6:30 p.m.

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ORDINARY MEETING

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Minutes: 20 April 2021

ORDINARY MEETING

Minutes: 20 April 2021

Minutes of the Ordinary Meeting held at the Council Chambers and by Audio-Visual Link, Windsor, on 20 April 2021, commencing at 6:32pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The Acting General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

PRESENT:

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

By Audio-Visual Link: Councillor Paul Rasmussen.

ALSO PRESENT:

At Council Chambers: Acting General Manager - Laurie Mifsud, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Acting Chief Financial Officer, Vanessa Browning, Manager Corporate Communication - Suzanne Stuart, Corporate Planning and Performance Strategist - Stephanie Kissun, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

The Acting General Manager advised that a request was received from Councillor Paul Rasmussen to attend Ordinary and Extraordinary Council Meetings from 20 April 2021 to 31 July 2021 by Audio-Visual Link due to health reasons.

99 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Garrow that approval be granted for Councillor Rasmussen to attend Council Meetings from 20 April 2021 to 31 July 2021 by Audio-Visual Link due to health reasons.

DECLARATIONS OF INTEREST

Councillor Kotlash declared an interest on Item 069.

ORDINARY MEETING

Minutes: 20 April 2021

Acknowledgement of Official Visitors to the Council

There were no official visitors.

SECTION 1 - Confirmation of Minutes

100 RESOLUTION:

RESOLVED on the motion of Councillor Richards and seconded by Councillor Zamprogno that the Minutes of the Extraordinary Meeting held on 25 March 2021, be confirmed.

101 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Richards that the Minutes of the Ordinary Meeting held on 30 March 2021, be confirmed.

ORDINARY MEETING

Minutes: 20 April 2021

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 069 **GM - Draft Operational Plan - 2021/2022 - (79351, 95496, 96332)**

Directorate: General Manager

Councillor Kotlash declared a pecuniary interest in this matter as the organisation she works for receives membership fees from Hawkesbury Council. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

102 RESOLUTION:

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

That:

1. The report regarding the Draft 2021/2022 Operational Plan be received and noted.
2. The Draft 2021/2022 Operational Plan, attached as Attachment 1 to the report, be approved for public exhibition and that Council give public notice of the exhibition of the Draft 2021/2022 Operational Plan for a minimum of 28 days, in accordance with Section 405 of the Local Government Act 1993.
3. The Draft 2021/2022 Operational Plan be reported back to Council, post the public exhibition period, to consider any public submissions received and to consider the adoption of this document and to make and fix rates and charges for the year ended 30 June 2022.

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

Against the Motion: Councillors Richards and Tree.

Absent: Councillor Kotlash.

ORDINARY MEETING

Minutes: 20 April 2021

SECTION 5 – Notices of Motion

Item: 070 **NM1 - Environment Committee Conduct Public Meetings on Cool Burning - (80093)**

MOTION:

103 RESOLUTION:

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

That Ms Erin Wilkins be allowed to address Council, on this item.

Ms Erin Wilkins addressed Council, speaking on this matter.

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

That Council request the Environment Committee investigate and research the possible introduction of "Cool Burning" (Cultural Burning) trials within the Hawkesbury Local Government Area. The Committee is to:

1. Engage with the local Darug community to discuss cultural burning as practiced in the Hawkesbury.
2. Prepare a short discussion paper with information from and liaison with Aboriginal representative groups and people who have knowledge and experience with respect to the matter, NSW Rural Fire Service, NSW National Parks and other relevant State and Commonwealth Departments.
3. Hold an Environment Committee meeting to facilitate debate on the draft discussion paper and invite representatives from the above to participate in that meeting.
4. If required hold a further Environment Committee meeting to continue the discussion, however if not required that the Committee members draft a report in conjunction with staff to submit to Council within four months.

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

That Council:

1. Engage with the local Darug community to discuss cultural burning as practiced in the Hawkesbury.
2. Invite cultural and scientific experts to brief Councillors on the use of cultural (cool) burning and its use, both current and potential, in the Hawkesbury Local Government Area.
3. Invite relevant agencies and groups including local Darug representatives, NSW Rural Fire Service, NSW National Parks to attend the briefing.
4. Prepare a discussion paper on the use and implementation of cultural (cool) burning in the Hawkesbury Local Government Area through the Environment Committee or formation of an expert working group, to come back to Council within four months.

ORDINARY MEETING

Minutes: 20 April 2021

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

Against the Amendment: Councillors Conolly, Calvert, Kotlash, Richards, Tree and Zamprogno.

Absent: Nil.

The Amendment was lost on the casting vote of the Mayor.

MOTION:

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

Refer to RESOLUTION

104 RESOLUTION:

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

That Council request the Environment Committee investigate and research the possible introduction of "Cool Burning" (Cultural Burning) trials within the Hawkesbury Local Government Area. The Committee is to:

1. Engage with the local Darug community to discuss cultural burning as practiced in the Hawkesbury.
2. Prepare a short discussion paper with information from and liaison with Aboriginal representative groups and people who have knowledge and experience with respect to the matter, NSW Rural Fire Service, NSW National Parks and other relevant State and Commonwealth Departments.
3. Hold an Environment Committee meeting to facilitate debate on the draft discussion paper and invite representatives from the above to participate in that meeting.
4. If required hold a further Environment Committee meeting to continue the discussion, however if not required that the Committee members draft a report in conjunction with staff to submit to Council within four months.

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

Against the Motion: Councillors Rasmussen and Ross.

Absent: Nil.

ORDINARY MEETING

Minutes: 20 April 2021

Item: 071

NM2 - Resource Allocation - Natural Disasters - (79351, 125612)

MOTION:

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

Refer to RESOLUTION

105 RESOLUTION:

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

That Council commit to allocating a minimum amount each year to the Crisis Management Response Reserve.

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

Against the Motion: Councillor Ross.

Absent: Nil.

ORDINARY MEETING

Minutes: 20 April 2021

QUESTIONS FOR NEXT MEETING

Item: 072

**Responses to Councillor Questions Taken On Notice at the Council Meeting -
30 March 2021 - (79351)**

Responses to Questions Taken On Notice at the Council Meeting on 30 March 2021 were provided and additional follow up questions were asked and answered. An additional question was asked regarding exemption under the Infrastructure Environmental Planning Policy which was taken on notice and will be answered in the Business Paper for the next Council Meeting.

The meeting terminated at 7:36pm.

Submitted to and confirmed at the Ordinary meeting held on 27 April 2021.

.....
Mayor

ordinary

section 2

mayoral minutes

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 27 April 2021

SECTION 2 – Mayoral Minutes

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

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

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

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

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

ordinary

section 3

reports
for determination

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 27 April 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 073 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012, Draft Development Control Plan, Draft Voluntary Planning Agreement and Biodiversity Certification Application - Jacaranda Development, Glossodia - (124414, 95498)**

Previous Item: 145, Ordinary (13 August 2019)
 018, Ordinary (9 February 2021)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number: LEP001/18
Property Address: 103, 123, 213, 361 Spinks Road, 11 James Street, 3 Derby Place and 746A and 780A - 780C Kurmond Road, Glossodia
Applicant: Celestino Pty Ltd
Owner: EJC Glossodia Private Limited
Date Received: Originally 27/03/2018, Revised 12/07/2019
Current Minimum Lot Size: 1000m², 2,000m² and 4,000m²
Proposed Minimum Lot Size: No changes to the current minimum lot sizes - reconfiguration of the current minimum lot size areas in line with the proposed residential zonings only

Current Zone: Part R2 Low Density Residential, part R5 Large Lot Residential, part RE1 Public Recreation and part SP2 Infrastructure
Proposed Zone: Rezoning of part R5 Large Lot Residential and part RE1 Public Recreation land to E2 Environmental Conservation, reconfiguration of the current R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation zonings and rezoning of part of SP2 zoned land to part R2 and part RE1 Public Recreation

Current Maximum Height of Buildings: 10M

Proposed Maximum Height of Buildings: No change to the current 10m maximum height of buildings - reconfiguration of the current 10m maximum height provision in line with the proposed residential zonings only

Site Area: 185.03Ha

Key Issues: Vegetation management
 Increased traffic volumes
 Condition of existing road infrastructure
 Infrastructure requirements
 Existing character of the locality
 Potential conflict issues with adjoining agricultural uses

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

RECOMMENDATION:

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for the Jacaranda Development.
2. Adopt and make the Plan (post exhibition amendments) for the Jacaranda Development included as Attachment 4 to this report under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of an opinion from Parliamentary Counsel's Office that the Plan may be legally made.
3. Submit the Biodiversity Certification Application documentation (post-exhibition amendments) for the Jacaranda Development included as Attachment 6 to this report to the Environment, Energy and Science Group of the Department of Planning, Industry and Environment for assessment and to make the necessary arrangements with the Minister for Environment and Energy to confer the Biodiversity Certification Application.
4. Adopt and make effective the amended Jacaranda Development Control Plan (post exhibition amendments) included as attached Attachment 5 to this report following publication of the LEP Amendment on the NSW Legislation website, and on the date that public notice of Council's adoption is given in a local newspaper.
5. The draft Voluntary Planning Agreement for the Jacaranda Development with appropriate post-exhibition amendments be finalised and reported to Council within four months from the date of Council's resolution to adopt and make the Plan. A Subdivision Certificate cannot be issued for the development until the new Voluntary Planning Agreement is executed.

BACKGROUND:

The purpose of this report is to consider the outcome of both community and public agency consultation associated with the Planning Proposal and supporting documentation for the Jacaranda Development at Glossodia. The following points highlight the relevant background.

Previous Planning Proposal

A Planning Proposal process was commenced in 2011 to allow development of the subject site for residential, public recreational and infrastructure purposes. With the gazettal of the Hawkesbury Local Environmental Plan 2012 (Amendment No 5) in December 2014, the subject site is currently zoned part R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation and SP2 Infrastructure as shown in Figure 1 below.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

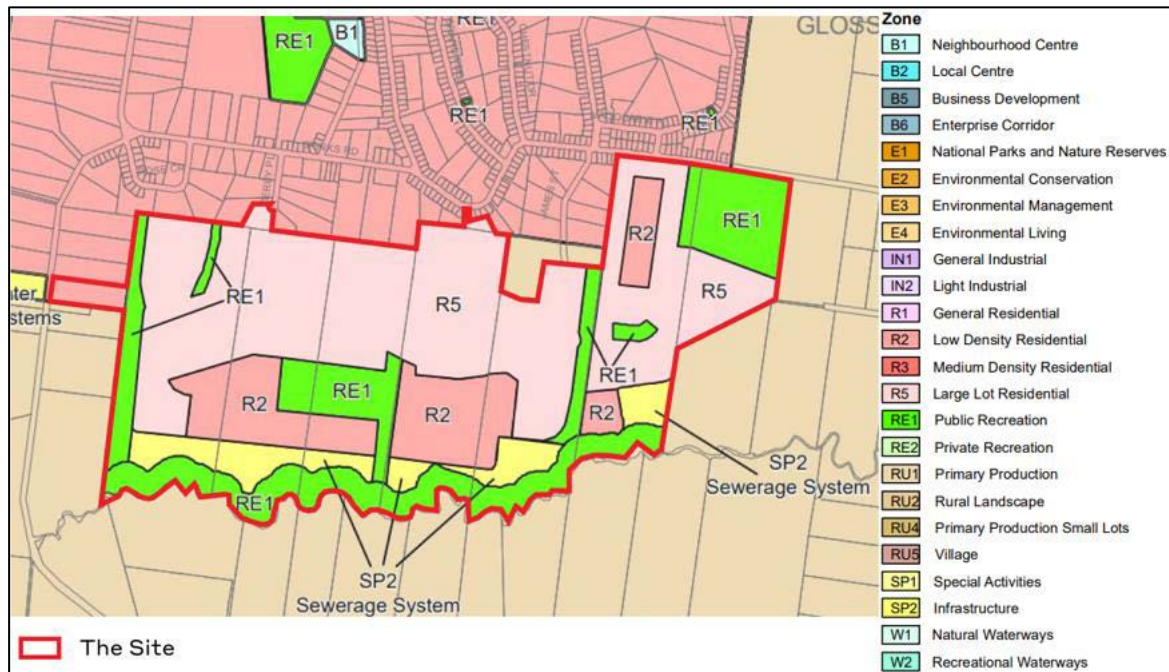


Figure 1: Extract of Current Zoning Map

The current Lot Size Map makes provision to enable a mix of residential lot sizes (1000m², 2000m² and 4,000m²) on the subject site as shown in Figure 2 below.

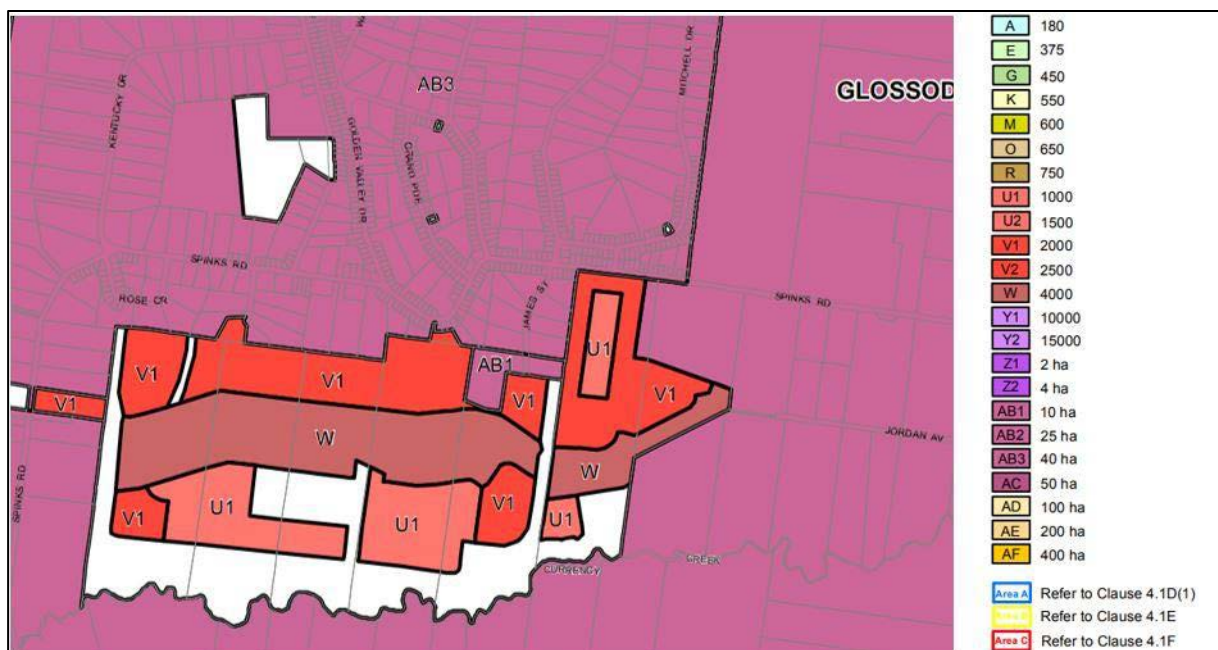


Figure 2: Extract of Current Lot Size Map

Under the current zoning and minimum lot size provisions, the subject site has the potential to yield approximately 580 residential lots, whilst the remainder of the site was to be used for open space and infrastructure purposes.

In January 2017, a Voluntary Planning Agreement in support of the proposed development on the site was executed. In order to provide input into the preparation of that Voluntary Planning Agreement, a Community Reference Group was established. However, to date no development applications have been submitted for subdivision over the site.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

New Planning Proposal

A new Planning Proposal was received on 27 March 2018 which identifies the proposed development as 'Jacaranda' instead of the previous name of 'Jacaranda Ponds'.

The new Planning Proposal was submitted in order to propose a rezoning of part of the subject site containing critically endangered species and endangered ecological communities to E2 Environmental Conservation. This is to enable an improved ecological outcome for the subject site whilst enabling development of the subject site for residential (no net increase from originally approved 580 lots), public recreation and water recycling purposes.

Council at its Ordinary Meeting on 13 August 2019 resolved to forward the new Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination. Council also resolved not to commence community consultation until such time as a new Voluntary Planning Agreement, and site specific Development Control Plan had been prepared and endorsed by Council for the purposes of public exhibition.

On 9 June 2020, Council received a Gateway Determination from the Department of Planning, Industry and Environment advising to proceed with the Planning Proposal subject to certain conditions, including:

- The Planning Proposal must be amended to address the biodiversity issues raised by the Environment, Energy and Science Group of the Department of Planning, Industry and Environment, and the NSW Rural Fire Service prior to public exhibition.
- A Restricted Lot Yield Map must be prepared to limit the maximum number of lots on the site as 580 residential lots.
- A site specific Development Control Plan must be prepared.

The Planning Proposal seeks to rezone part of the subject site containing significant vegetation to E2 Environmental Conservation, and reconfigure the existing R2 Low Density Residential, RE1 Public Recreation and SP2 Infrastructure zonings on the subject site to provide for the same yield of 580 residential lots on the subject site as the current zoning provides for. The new Concept Masterplan for the Jacaranda Development is shown in Figure 3.



Figure 3: Jacaranda Concept Masterplan

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

A condition of the Gateway Determination required Council to publicly exhibit the Planning Proposal, Draft Jacaranda Development Control Plan, new Draft Voluntary Planning Agreement and Biodiversity Certification Application as an overall package. This approach is consistent with Council's resolution to proceed with the Planning Proposal, and enable effective community consultation on all aspects of the proposal. Undertaking the Biodiversity Certification at this stage enables both a strategically led outcome, and a streamlined biodiversity assessment process for areas of land in future development applications.

Previous advice received from the Environment, Energy and Science Group of the Department of Planning, Industry and Environment in late 2020 required the submission of the post-exhibition Biodiversity Certification Application by 24 April 2021. This requirement created a situation where the Planning Proposal, Draft Jacaranda Development Control Plan, new Draft Voluntary Planning Agreement, and the Biodiversity Certification Application needed to be publicly exhibited and reported to Council before 24 April 2021.

This was a significant challenge given the available time to finalise preparation of relevant documentation in consultation with relevant internal and external stakeholders, including the Department of Planning, Industry and Environment.

As detailed in the Biodiversity Certification Application and Biobank Agreements section of this report, the Environment, Energy and Science Group of the Department of Planning, Industry and Environment has granted Council an extension to submit the Biodiversity Certification Application by 1 May 2021. This has enabled Council's consideration of the matter at this Meeting.

Current Planning Proposal

Following extensive discussion between the applicant, Council Officers and the Department of Planning, Industry and Environment, the Planning Proposal was amended to address Council's resolution, and the issues identified in the Conditions of the Gateway Determination, including the issues raised by the Energy, Environment and Science Group of the Department of Planning, Industry and Environment.

The amended Planning Proposal received endorsement from the Department of Planning, Industry and Environment in January 2021.

Council at its Ordinary Meeting on 9 February 2021 considered a report on the amended Planning Proposal and supporting documentation, and resolved as follows:

"That Council:

- 1. Receive and note the update on the Jacaranda Development, Glossodia.*
- 2. Endorse the amended draft Jacaranda Planning Proposal, draft Biodiversity Certification Application, Report and Strategy, draft Jacaranda Development Control Plan, and draft Local Voluntary Planning Agreement contained in Attachments 1, 2, 3 and 4 respectively to this report as being generally consistent with Council's earlier decisions with respect to this matter.*
- 3. Approve public exhibition of the amended draft Jacaranda Planning Proposal in accordance with s3.34(2) and clause 4 of Schedule 1 of the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan.*
- 4. Approve public exhibition of the draft Jacaranda Development Control Plan in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan, noting that the draft Jacaranda Development Control Plan and draft Jacaranda Planning Proposal must be published on Council's website for the same period as that for exhibition of the draft Planning Proposal.*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

5. *Approve public exhibition of the draft Local Voluntary Planning Agreement in accordance with clause 25D(1A) of the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan, noting that this exhibition is to be part of and contemporaneous with that for the draft Planning Proposal.*
6. *Consult with the NSW government agencies listed in Condition 6 of the Gateway Determination.*
7. *Approve public notification of the draft Biodiversity Certification Application, Report and Strategy in accordance with s126N(2) of the former Threatened Species Conservation Act 1995.*
8. *Receive a post exhibition/notification report for items 3, 4, 5 and 7 above.*
9. *Facilitate a COVID safe meeting or drop-in session where members of the public can ask questions about the process and changes from the original proposal and request representatives from the developer also attend."*

The Flowchart in Figure 4 highlights the process and actions associated with the Planning Proposal, and the stage that the matter is currently at.

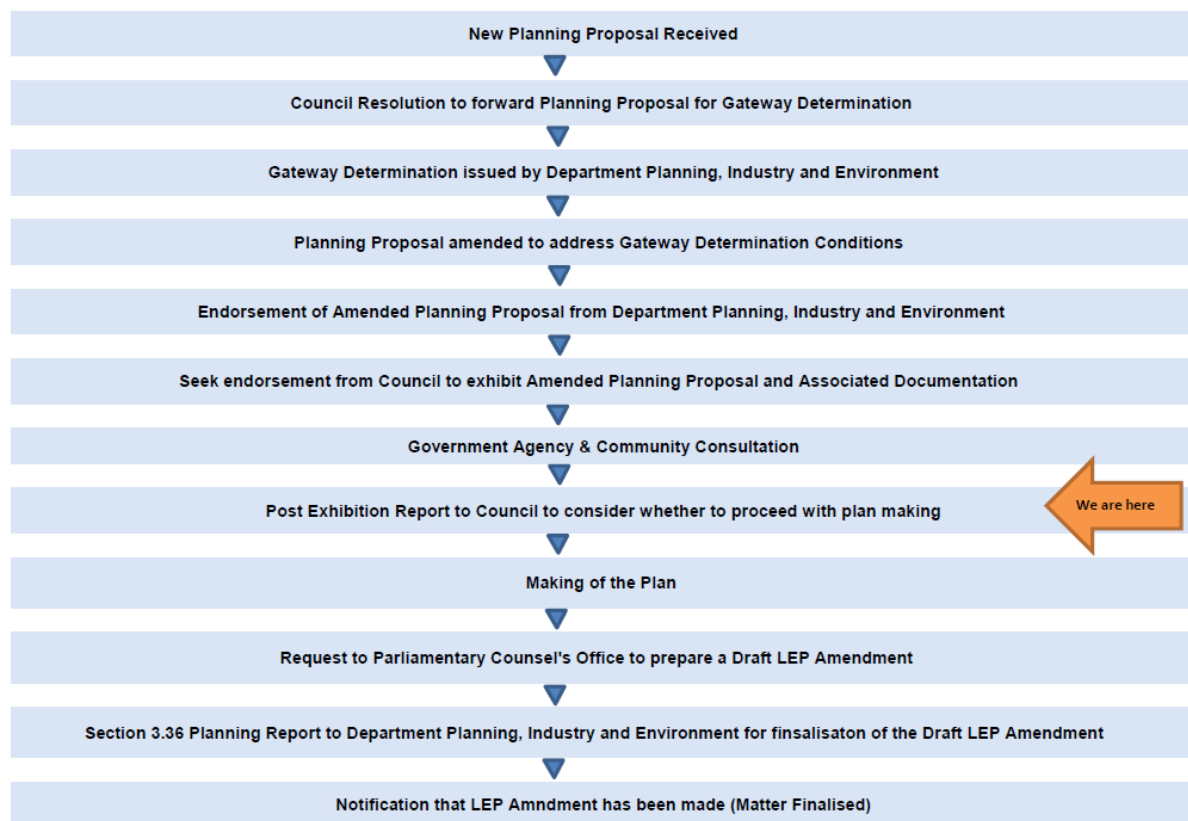


Figure 4: Jacaranda Planning Proposal Process and Actions

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Consultation with the Community and relevant Government Agencies

In accordance with the Gateway Determination and relevant statutory requirements, consultation on the Planning Proposal was undertaken with the community and relevant government agencies as outlined below.

Public Exhibition including Community Information Session

The Planning Proposal and other supporting documentation, including:

- Draft Jacaranda Development Control Plan
- Biodiversity Certification Application
- Draft Voluntary Planning Agreement

was publicly exhibited for the period Thursday, 25 February 2021 to Sunday, 28 March 2021.

The Planning Proposal and other supporting documentation was made available to view on Council's online community engagement site www.yourhawkesbury-yoursay.com.au, and between 9am to 4pm Monday to Friday at Council's Administration Office, 366 George Street, Windsor. A copy of exhibition material was also provided at the Glossodia Community Centre. Public notices were placed in the 'Hawkesbury Courier' local newspaper and letters were sent to all property owners in Glossodia advising of the public exhibition of the planning proposal.

Following Council's resolution in February 2021, an Information Session was held at the Glossodia Community Centre on Friday, 12 March 2021. The Information Session comprised a Drop in Session (1pm to 4pm) and an Information Session with Q&A (6pm to 8pm). The focus of the Information Session was to ensure that the Glossodia community was well informed in terms of the latest proposal, and provide an opportunity to ask questions about the proposed development or raise issues at the Information Session and to encourage making a submission for consideration by Council.

The Glossodia community were advised in writing of the Information Session, and a flyer advising how to register to attend or speak at the Information Session and make submissions on the Planning Proposal was included with the written advice. In addition, Council's website displayed information on the Information Session, and included online registration forms to attend or speak at the Information Session.

The Drop In Session between 1pm to 4pm was attended by Council Officers and representatives of the applicant (Celestino Pty Ltd). Approximately 150 local residents attended the Drop In Session to speak to Council Officers and representatives from Celestino. The evening Information Session with Q&A held from 6pm to 8pm was attended by approximately 90-100 residents.

Council received 50 submissions from the community raising various issues. Attachment 1 to this report includes copies of all the submissions received from the community. Attachment 2 includes the points raised in submissions and Council Officer responses. Key issues raised in the submissions included:

- Concern at increased traffic as a consequence of the development
- Existing poor road infrastructure will be compounded by further development
- Current road network unable to accommodate increased traffic volumes
- Concerns with proposed access locations onto Spinks Road (western access in particular)
- Lack of public transport in the area
- Impacts on semi-rural character/environment
- Insufficient infrastructure including schools, shops, medical practices, hospitals to accommodate development
- Impacts associated with flooding and particularly evacuation
- Loss of agricultural land
- Potential interface issues with adjoining farm properties.

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Based on the consideration of community consultation received during the public exhibition, a series of amendments to the Planning Proposal and draft Development Control Plan have been made. These amendments are outlined in the Post Exhibition Amendments Section of this report.

Government Agency Consultation

Consultation was undertaken with the following public agencies:

- Department of Planning, Industry and Environment – Water & Utility team
- NSW Environment, Energy and Science
- NSW Rural Fire Service
- NSW Office of Water
- Independent Pricing and Regulatory Tribunal (IPART).

Each of the above organisations/agencies was provided with a copy of the Planning Proposal and supporting documentation and provided a minimum of 21 days to comment on the proposal.

Council received responses from the Department of Planning, Industry and Environment – Water & Utility team, NSW Environment, Energy and Science, NSW Rural Fire Service, Independent Pricing and Regulatory Tribunal and Endeavour Energy. None of these agencies objected to the making of the plan other than certain issues regarding the Planning Proposal and Draft Jacaranda Development Control Plan. Attachment 3 to this report includes the government agency responses and Council Officer comments. The key issues raised in these responses were from the Environment, Energy and Science Group of the Department of Planning, Industry and Environment and included:

- The amount of Open Space provision within the subject site
- Protection of Cumberland Plain Woodland within R5 Large Lot Residential land
- Issues associated with passive recreation uses within biobank areas
- Further measures to protect the riparian corridor along Currency Creek.

As detailed within Attachment 3, these issues have been able to be addressed through amendments to the Planning Proposal and draft Development Control Plan. These amendments are outlined in the Post Exhibition Amendments Section of this report.

Biodiversity Certification Application and Biobank Agreements

Biodiversity Certification Application, Report and Strategy

In accordance with Section 126N of the Repealed Threatened Species Conservation Act 1995 and a requirement of the Environment, Energy and Science Group of the Department of Planning, Industry and Environment, public notice of the Exhibition of the Biodiversity Certification Application, Report and Strategy – Jacaranda, Glossodia was placed in the Sydney Morning Herald. This was in addition to a notice of the public exhibition of the Planning Proposal and supporting documentation including the Biodiversity Certification Application, Report and Strategy in the 'Hawkesbury Courier' local newspaper.

Council received no submissions from the community with respect to the Biodiversity Certification Application, Report and Strategy.

Under the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the Biodiversity Certification Application needs to be approved by the Minister for Energy and Environment by 24 August 2021. The Environment, Energy and Science Group of the Department of Planning, Industry and Environment have advised Officers that the process requires a minimum of four months to assess the Biodiversity Certification Application and for a determination to be made by the Minister. Previous advice from the Environment, Energy and Science Group was that the Biodiversity Certification Application (Post-exhibition) needed to be submitted to the Department by 24 April 2021. Given the timing of Council's meeting cycle, a report on the outcome of consultation on the Planning Proposal and supporting documentation is scheduled for Council's Ordinary Meeting on 27 April 2021. Given this, Officers have

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been able to negotiate an extension with the Department to submit the Biodiversity Certification Application (Post-exhibition) by 1 May 2021.

The Flowchart in Figure 5 highlights the process and actions associated with the Biodiversity Certification Application Report and Strategy, and the stage that the matter is currently at.

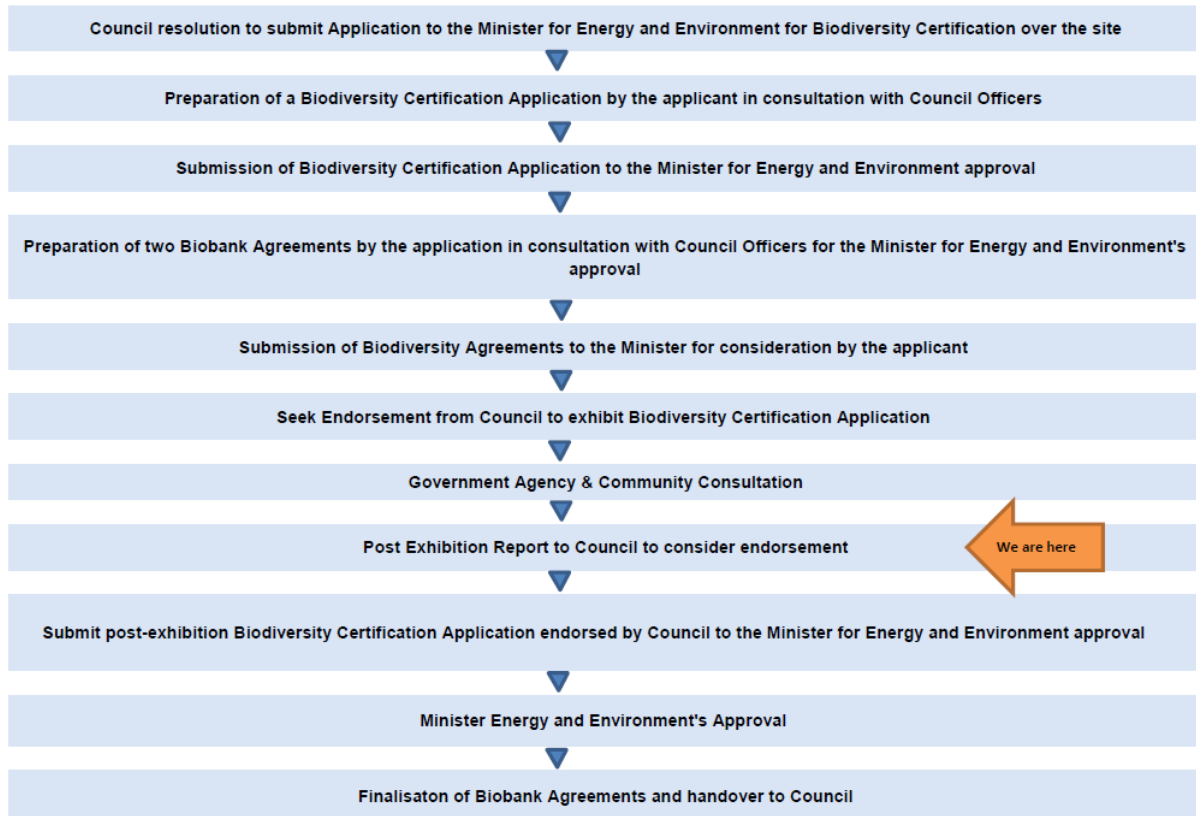


Figure 5: Jacaranda Biodiversity Certification Application Process and Actions

Biobank Agreements

In order to achieve a 100% conservation measure and commitment in the Biodiversity Certification Application, 12.1ha of land area within the eastern part and 16.12ha of land area within the western part of the subject site has been identified as biobank sites. The two biobank sites are shown in Figures 6 and 7 below.

Biobanking Agreements and Biobank Agreement Credit Assessment Reports containing Management Actions and Plans, including associated cost estimation sheets for the establishment and maintenance of these two biobank sites were prepared by Eco Logical Australia Pty Ltd on behalf of the property owners. These Biobanking Agreements documents were submitted to the Minister for Environment and Energy in August 2020. Following approval of the two Biobank Agreements by the Minister for Environment and Energy, the owners of these sites, Celestino Pty Ltd and Frank George Pace & Pace Land Holdings Pty Ltd will enter into two separate agreements with the Minister for Environment and Energy in order to establish, protect and manage these two biobank sites in perpetuity.

The Planning Proposal proposes to dedicate these biobank sites zoned E2 Environmental Conservation along with the proposed RE1 Public Recreation and E2 Environmental Conservation zoned land within the subject site to Council. Once Council has agreed and accepted the biobank sites and becomes the owner of these sites, Council will be responsible for the on-going maintenance and management of the biobank sites within the subject site in-perpetuity. In return, Council will receive annual payments from the BioBanking Trust Fund. The amount of annual payment to Council is based on the in-perpetuity cost estimates for undertaking these actions approved by the Minister.

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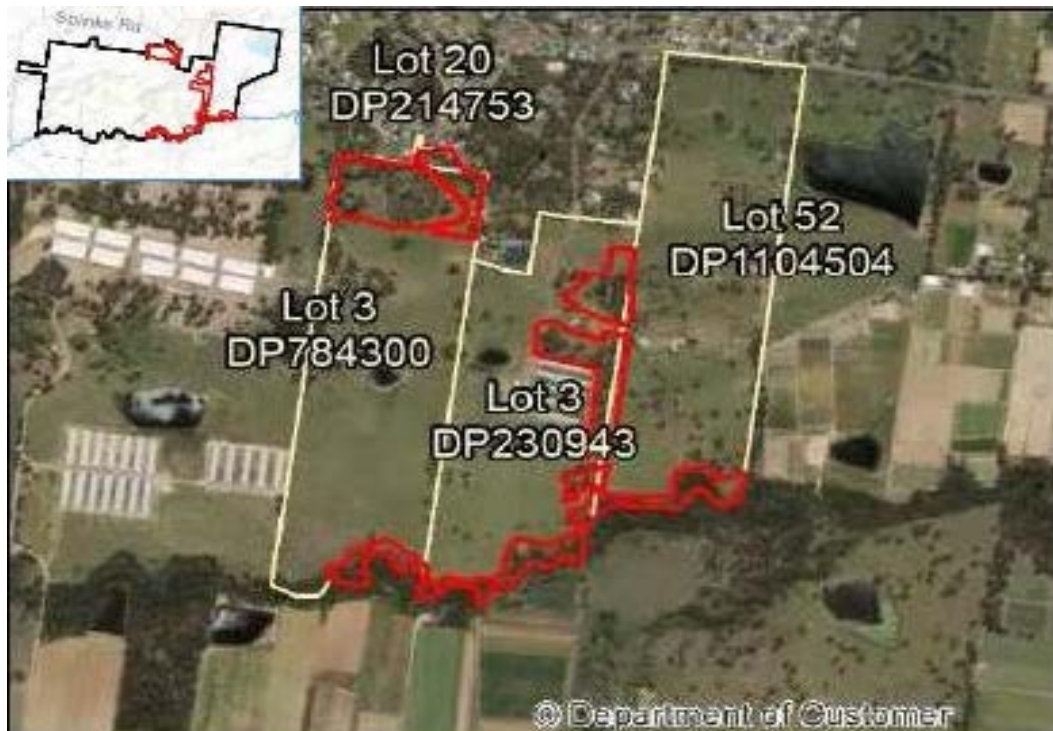


Figure 6: Glossodia East Biobank Site



Figure 7: Glossodia West Biobank Site

Prior to accepting the dedication of biobank sites, an independent ecological consultant with appropriate qualifications and experience is being engaged to undertake an independent review of the Biobanking Agreements and in-perpetuity cost estimates prepared by Eco Logical Australia Pty Ltd. This is to receive independent expert advice and opinion on the accuracy, adequacy, reasonableness and comprehensibility of the Biobanking Agreements documentation, and in particular, in-perpetuity cost estimates for the proposed management actions and plans in the Biobank Agreements. Costs associated with this independent review will be met by the applicant.

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Post Exhibition Amendments

As a result of consultation with the community and relevant government agencies, certain amendments including administrative amendments to the exhibited Planning Proposal, draft Jacaranda Development Control Plan and the Biodiversity Certification Application documentation have been made. The key post-exhibition amendments to these documents are outlined below.

Planning Proposal (Post-exhibition)

- Amended the proposed Land Zoning Map in the exhibited Planning Proposal as follows:
 - Amended the proposed RE1 Public Recreation zoning of the entire riparian corridor along Currency Creek to E2 Environmental Conservation to enable improved protection and management of the vegetation within the riparian corridor
 - Amended the proposed R5 Large Lot Residential zoning of the land area between the two E2 Environmental Conservation zoned biobank areas along the northern boundary to RE1 Public Recreation to provide increased public open space areas and accommodate where required drainage basins to effective stormwater management within the site.

The amended Land Zoning Map is shown in Figure 8.

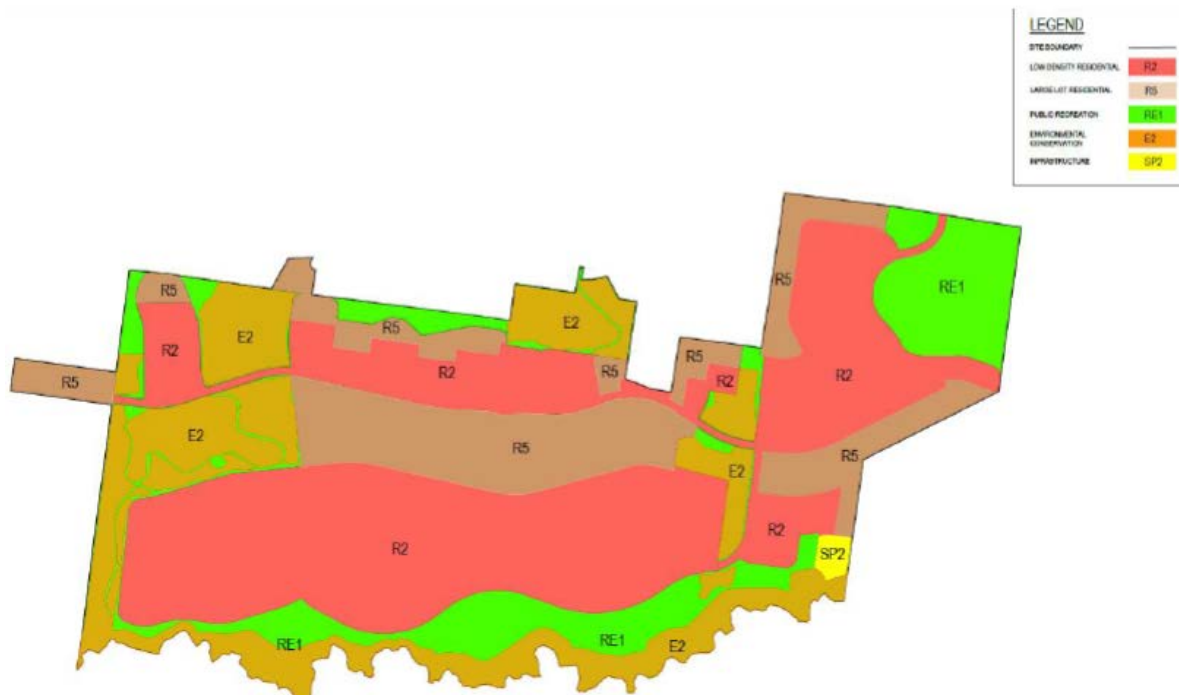


Figure 8: Amended Land Zoning Map

- Amended the proposed Lot Size Map in the exhibited Planning Proposal to change the 2,000m² minimum lot size provision applying to the land area at the south-eastern corner of the subject site adjacent to agricultural properties to a 4,000m² minimum lot size in order to reduce the number of lots in this location, and address potential land use conflicts raised by adjoining agricultural land owners

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The amended Land Zoning Map is shown in Figure 9.

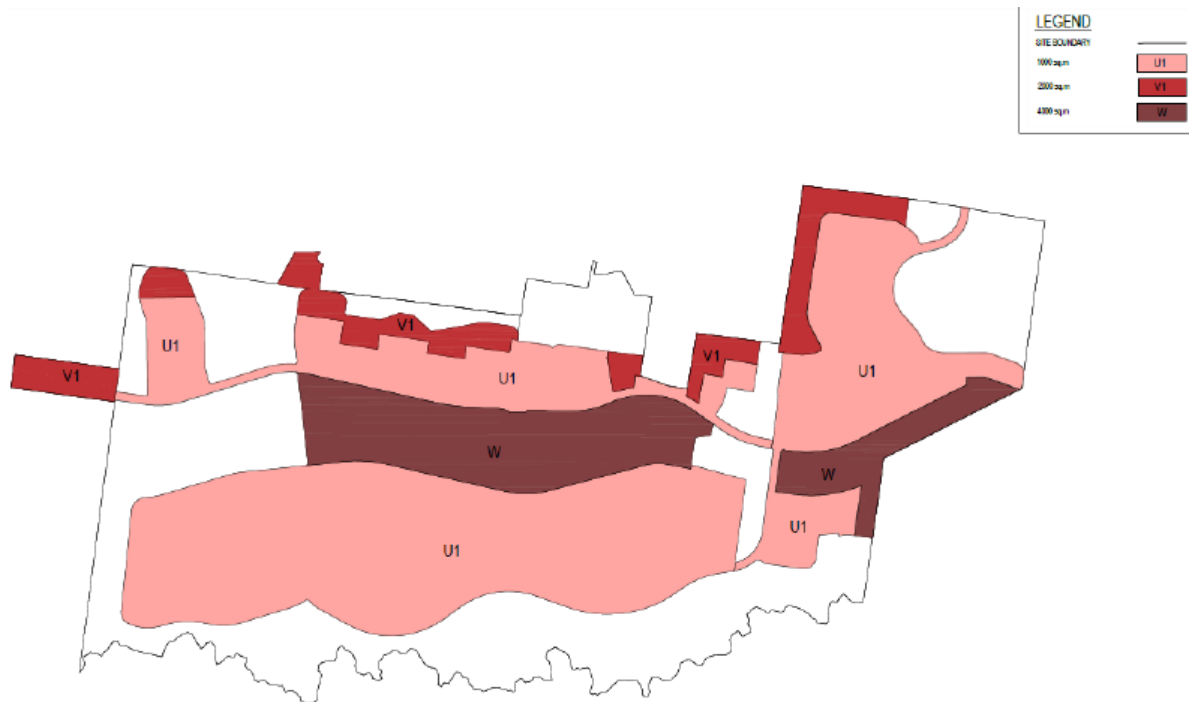


Figure 9: Amended Land Zoning Map

- Removed reference to use of biobank areas within the subject site for passive recreation purposes
- Included additional information and amended certain information relating to retention of Cumberland Plain Woodland within the proposed R5 land areas to avoid any ambiguity among the community of future development of that land area
- Corrected the subject site details with the removal of Lot 19 DP 214753, 211 Spinks Road from the subject site as this property does not form part of the subject site
- Amended open space and public recreation analysis information with the corrected land area figures.

A copy of the amended Planning Proposal (Post-exhibition) is included as Attachment 4.

Draft Jacaranda Development Control Plan (Post-exhibition)

In line with Council's resolution, a site-specific Development Control Plan was prepared by the applicant in consultation with Council Officers. The site-specific Development Control Plan is a guiding document to enable an environmentally sustainable and orderly development accommodating approximately 580 dwellings on the subject site. The Draft Plan was prepared by the applicant following extensive consultation with relevant Council Officers.

In response to the outcome of government agency, and community consultation a number of post-exhibition amendments have been made to the exhibited draft Development Control Plan, including:

- Additional objectives and development controls for biodiversity
- Additional development controls for protection of native vegetation and habitat in the Lake Park
- Pedestrian and cyclist pathways (apart from crossings), infrastructure, detention basins, wetlands and ponds, service utilities, need be located outside the riparian corridor
- Additional objectives included in the 'Open Space and Public Domain' section
- Inclusion of additional controls relating to Sustainability and Resilience
- Inclusion of controls to address potential boundary interface issues with existing agricultural land uses.

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A copy of the amended Jacaranda Development Control Plan (Post-exhibition) is included as Attachment 5.

The applicant is currently undertaking preparation of a Masterplan Concept Development Application. The Masterplan Concept Development Application will include the following based on consideration of the amended Planning Proposal and amended draft Development Control Plan:

- Site wide Bulk Earthworks design
- Site wide Integrated Water Cycle Management Strategy (IWCMS)
- Site wide Remediation Action Plan
- Aboriginal Heritage Impact Permit
- Indicative Landscape Design including Street Tree and Lighting detail
- Site wide Road Hierarchy and Street Naming Strategy

Biodiversity Certification Application Documentation (Post-exhibition)

A number of minor administrative amendments have been made to the exhibited Biodiversity Certification Report & Strategy in order to ensure that it is consistent with the amended Planning Proposal.

A copy of the Biodiversity Certification Application Documentation (Post-exhibition) is included as Attachment 6.

Voluntary Planning Agreement in support of Jacaranda Development

Current Voluntary Planning Agreement

On 30 January 2017, a Voluntary Planning Agreement incorporating the following works in support of the development of Jacaranda Ponds, Glossodia was executed by Council:

Road Works

- Rehabilitation of existing pavement including road widening of Spinks Road from Mitchell Drive to Creek Ridge Road
- Rehabilitation of existing pavement of Spinks Road from Boomerang Drive to Mitchell Drive
- Reconstruction the entire bend at the intersection of Creek Ridge Road and Spinks Road
- Rehabilitation of existing pavement including road widening of Creek Ridge Road from Spinks Road to Kurmond Road
- Expansion of the existing Currency Creek culvert on Spinks Road north of Kurmond Road
- Rehabilitation of existing pavement including road widening of Spinks Road from Glossodia Bushfire shed to Kurmond Road
- Construction of a dual lane roundabout including all road approaches at the intersection of Spinks Road and Kurmond Road
- Construction of a dual lane roundabout including all road approaches at the intersection of Wire Lane and Kurmond Road
- Rehabilitation of existing pavement including road widening of Gorricks Lane and Freemans Reach Road
- Rehabilitation of existing pavement including road widening of Wire Lane from Kurmond Road to Terrace Road
- Upgrading of Golden Valley Drive pavement (west) from Spinks Road to Glossodia Neighbourhood Shops.

Community Facilities

- Pedestrian crossing on Spinks Road
- Bus stops – Spinks Road
- Refurbishment and extensions to Glossodia Community Centre

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Open space

- Lakeside Park
- Village Green
- Central Reserve
- River corridor
- Redevelopment of Woodbury Reserve

New Draft Voluntary Planning Agreement

A new draft Voluntary Planning Agreement was prepared by the applicant in accordance with Council's new Voluntary Planning Agreement Policy adopted by Council at its Ordinary Meeting on 13 October 2020. The new draft Voluntary Planning Agreement was prepared in consultation with relevant Council Officers in order to support the proposed development on the subject site.

Through negotiations with the applicant, the total contribution (works and cash) has been increased from \$30,000 per lot to \$40,000 per lot. This represents an increase of approximately \$5.8M above the current Voluntary Planning Agreement amount, and a total contribution of \$23.2M.

As part of the Voluntary Planning Agreement preparation process, Council Officers undertook a review of the above proposed works in the existing Voluntary Planning Agreement. Given the proposed works were arrived at following extensive consultation with the community (Community Reference Group), where these works have not already been completed it was recommended that they were retained in the new draft Voluntary Planning Agreement.

The local community was provided an opportunity as part of the community consultation process to select their top ten priorities from the proposed works listed in the draft Voluntary Planning Agreement.

Based on community feedback and further discussions with the applicant, it is expected to make certain post-exhibition amendments to the exhibited draft Voluntary Planning Agreement based on the outcome of community consultation. This is in order to provide certainty of cost and the timely delivery of works by the Developer to match community needs and priorities. It is proposed that finalisation of the draft Voluntary Planning Agreement be reported to Council within four months of Council's resolution to finalise the Planning Proposal. Additionally, it is recommended that no Subdivision Certificate be issued for the development until the new Voluntary Planning Agreement has been executed.

CONSISTENCY WITH THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The report is consistent with a wide range of Focus Areas, Directions and Strategies within the CSP, including:

Our Leadership - 1.4 and 1.5

Our Assets - 4.2 and 4.3

Our Future - 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

All the costs of the preparation and exhibition of the Planning Proposal and associated documents, including the costs of this assessment report, have and will continue to be met by the Applicant. If the proposal is ultimately approved the Voluntary Planning Agreement ensures that the direct costs of the development and some ongoing maintenance costs, for instance of parklands, will be met by the Applicant.

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications outside of Council's adopted 2020/2021 Operational Plan, which will adversely impact on Council's financial sustainability.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

ATTACHMENTS:

- AT - 1** Copy of Submissions (*Distributed under separate cover*).
- AT - 2** Community Submissions and Council Officer Comments - (*Distributed under separate Cover*).
- AT - 3** Government Agency Responses and Council Officer Comments - (*Distributed under separate cover*).
- AT - 4** Amended Planning Proposal - (*Distributed under separate cover*).
- AT - 5** Amended Jacaranda Development Control Plan - (*Distributed under separate cover*).
- AT - 6** Amended Biodiversity Certification Application, Report and Strategy - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 074 **GM - 2021 Floodplain Management Australia - National Conference (79351, 80286)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider the nomination and participation of Councillors and/or appropriate staff in the 2021 Floodplain Management Australia National Conference to be held on-line from Wednesday, 26 to Friday, 28 May 2021.

EXECUTIVE SUMMARY:

Conference Name:	2021 Floodplain Management Australia National Conference
Type:	Audio Visual Conference
Date:	26 May to 28 May 2021
Location:	On-line
Participants:	Mayor and Councillors
Cost:	\$350 per delegate

Given the relevance of the subject matter and the theme of the 2021 Floodplain Management Australia National Conference - Essential Knowledge for a Flood Resilient Future, Council may wish to consider representation at the Conference.

The Conference will be conducted on-line from 26 to 28 May 2021.

Registration fees for the Conference are \$350 per delegate.

RECOMMENDATION:

That:

1. Participation of nominated Councillors and staff as considered appropriate by the General Manager, in the 2021 on-line Floodplain Management Australia National Conference at a cost of \$350 per delegate be considered.
2. 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.

BACKGROUND

Consideration is required regarding participation at the 2021 Floodplain Management Australia National Conference. The Conference will be conducted on-line from 26 to 28 May 2021.

The theme of the 2021 Conference is 'Essential Knowledge for a Flood Resilient Future' and will focus on the latest developments and achievements in flood and emergency management to assist in identifying, planning for, and managing flood risks, and building disaster resilient communities.

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The online Conference is for anyone interested in making our communities more flood safe. It will bring together flood professionals and community members with interests in floodplain risk management. Attendees will include Commonwealth, State and Local Government representatives, research organisations and education providers as well as consultants, engineers, land-use planners, emergency responders and community volunteer organisations.

The Online Conference will be a way to maintain engagement with the industry, network, share ideas, discuss industry topics, and have no concerns about border closures or quarantine costs.

Further details regarding the Conference and program are available via the link provided below:

[2021 Floodplain Management Australia National Conference](#)

Registration fees for the on-line Conference are \$350 per delegate.

DISCUSSION

Consideration should be given in regard to the relevance of the Conference to Council's business and available budget to cover costs of attendance.

Where relevant, after participating in the Conference, delegates are requested to 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.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management
 - 2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.
 - 2.1.2 Make the Hawkesbury a friendly place where people feel safe.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the adopted 2020/2021 Operational Plan.

Cost of participation in the 2021 Floodplain Management Association Annual National Conference will be \$350 per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2020/2021	\$30,000
Expenditure to date	\$79
Outstanding Commitments	<u>\$12,806</u>
Budget balance as at 15 April 2021 (approx. including outstanding commitments)	<u>\$17,115</u>

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It should be noted that the outstanding commitment of \$12,806 relates to Councillor attendance at the:

- 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum.
- Planning 101 for Councillors
- National General Assembly of Local Government.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 075 **GM - Flood Recovery Financial Assistance - (79351)**

Directorate: General Manager

PURPOSE OF THE REPORT:

As the recovery from the March 2021 flood continues, Council continues to play a critical role in reinstating public assets and supporting its community. The purpose of this report is to outline specific actions undertaken or proposed to be undertaken in continuing to provide this support. The report seeks Council's endorsement in regard to the waiving of certain regulatory and development fees. The report also includes information in regard to other assistance offered by Council, and seeks Council endorsement to undertake the necessary clean up and repair works, including clean up on private property.

EXECUTIVE SUMMARY:

The March 2021 flood has had a significant impact on Council's assets and private property.

Repair and clean-up of Council's assets has commenced with the aim of making the facilities safe and operational as soon as possible. The Hawkesbury local government area has been declared a natural disaster area. Accordingly funding will be available through Natural Disaster funding for eligible expenditure. Some of the additional expenditure necessitated by the flood, however, may not be eligible for funding and will have to be addressed by Council in future Quarterly Budget Reviews.

The clean-up of private properties and the recovery process is being coordinated by Resilience NSW. The NSW State Government has rolled out various assistance packages for individuals and businesses as detailed on the Service NSW website, and has issued guidelines relating to flood cleanup.

Council will continue to play a significant part in the recovery of its impacted communities, especially as communities commence the process of reinstating the assets they have lost. This report proposes a number of actions to support impacted communities in getting back to normal as soon as possible.

These actions relate to the waiving of various fees regulatory and development fees, assistance with payment of rates, complementing the clean-up work being coordinated by Resilience NSW on private properties and clean up and repair of Council assets.

RECOMMENDATION:

That:

1. Should an Application be submitted to Council related to a flood impacted property to carry out construction or reconstruction works associated with the property, the applicable fees will be waived for applications lodged up until June 2022.
2. Where possible, Development Applications, Construction Certificate applications and the like from flood impacted areas are to be prioritised by Council's assessment team for any applications lodged up until 30 June 2022.
3. Council endorse the undertaking of works relating to the cleanup of flood debris and waste from private property based on guidelines as issued by the NSW State Government from time to time.
4. Council receive and note the information regarding assistance offered to flood affected communities with payment of Rates and other charges.

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5. Council note that work is being undertaken to restore public assets and infrastructure, and that any associated financial impact outside the adopted Budget be regularly reported to Council through Quarterly Budget Reviews.

BACKGROUND

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

There has been significant impact on Council's assets and private property with 4,500 properties within the inundation zones. Condition assessments are underway and there are currently over 2,500 properties which have been damaged or destroyed. There had been substantial damage to infrastructure including to roads, bridges, halls, parks, facilities and the riverbanks.

The priority has been to ensure roads are accessible, places are made safe to return and waste is removed. Council has taken the following actions during the flood emergency and the transition to recovery:

- Immediately arranged road crews to close roads, assess road conditions and undertake road repairs and pot hole filling
- Cleaned up roads as floodwaters receded
- Closed and safely reopened of the Lower Portland Ferry
- Undertook ongoing waste collection on the eastern side of the River with steps taken as early as practicable to recommence waste collection on the western side of the River including the temporary establishment of an alternative Environmental Protection Authority (EPA) approved storage facility
- Worked with the NSW State Emergency Service (SES), the NSW Rural Fire Service (RFS), NSW Police, Hawkesbury Local Area Command, and many volunteer groups to assist members of the community whose homes have been directly impacted by the floods
- Establishment of a Council website Flood Information 2021 which transitioned to Flood Recovery 2021 as the source of truth with all the latest flood updates
- Provided ongoing information to the community through a range of channels including website, social media, media releases, radio, television, banners, Frequently Asked Questions, videos, Messages on Hold, extended hours of opening of Customer Service Centre to answer inquiries
- Set up a temporary Customer Service Centre on the western side of the River
- Used the Disaster and Emergency Dashboard to provide regular updates on closure of local roads and closure of regional and state roads
- Established the Recovery Database where flood affected residents register to receive a Recovery Update. Updates were originally daily and they are now weekly.
- Distributed newsletter to the business community on support programs and grant funding
- Seconded Council staff to work in Evacuation Centres to support the Department of Community and Justice
- Established Council's Waste Management Facility as a site for waste drop offs. The site opened for extended hours over the Easter Long weekend. An online booking system on Council's website was set up for people to book their time slot to drop off flood affected waste at the facility
- Worked with the NSW State Government Public Works Department to organise the delivery and collection of free skip bins for properties with flood affected waste
- Set up Recovery Centres coordinated by Resilience NSW in South Windsor, North Richmond and Wisemans Ferry. These Recovery Centres have had an extensive range of government and non-government services to help with financial, physical and emotional support, offering a one-stop shop for anyone affected by the floods
- Set up of Outreach Hubs in Wilberforce, Colo Heights and St Albans
- Promoted GIVIT as the official way to donate during an emergency and recovery

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- Identified the high priority roads which require significant works including Freemans Reach Road, Greens Road, Grose Vale Road, Cornwallis Road, Tizzana Road, Terrace Road, Grono Farm and Manns Road
- Identified bridges, wharf and boat ramp which have been lost or significantly impacted including Colo Bridge, Luke Worsley Bridge, Windsor Wharf and Governor Phillip boat ramp
- Closed parks to clean and repair including Governor Phillip Park, Hawkesbury Park, Hanna Park, Church Street Reserve, Yarramundi Reserve, Navua Reserve, Howe Park and Upper Colo Reserve. A staged cleaning program is underway
- Inspected all Council properties for damage with 43 properties affected of which 19 have been reopened, three partly reopened. Prior to reopening the properties required inspection, cleaning and repair. The most significantly damaged buildings are the sports and amenity buildings at Bensons Lane, Colbee Park and Deerubbin Park
- Inspection, safety work and insurance claim assessment of various Council owned buildings including the Power Boat Clubhouse at Governor Phillip Park, the Lower Portland 'Ferry Masters Cottage, Macquarie Park House and the Australiana Pioneer Village
- Inspected and repaired sewer pump stations and infrastructure, particularly Cornwallis/Greenaway Crescent Windsor
- Worked with Resilience NSW, and other services such as Peppercorn to provide community support programs
- Commenced undertaking a more detailed assessment of damage to understand the scope of works and approvals that may be required for recovery
- Attended a meeting with Turf Farmers to listen to their concerns and allow Resilience NSW, relevant state agencies and Council to them provide information in relation to recovery.

Many of Council's assets including buildings are insured and claims will be made against policies in the first instance.

Under the Natural Disaster Funding Arrangements Council is eligible to claim for urgent restoration and repair works to road and drainage infrastructure and documentation has been maintained to enable claims. Larger restoration projects will be lodged for assessment and approval. Other works will be subject to guidelines as issued by the NSW State Government from time to time.

A Disaster and Emergency Committee was held on the 14 April 2021 to provide an update on flood and emergency management. Representatives from key agencies including Resilience NSW, NSW SES and NSW Police were in attendance and addressed the Committee and answered questions. The key learnings from the flood were discussed and noted, and a complete list will be compiled.

Relevant Legislation

Local Government Act 1993

DISCUSSION

Assistance with Regulatory and Development Fees

There are matters that Council could consider that would be useful to residents and the recovery process. These include:

- Waiving or discounting fees associated with Development Applications, including private property stabilisation with the Hawkesbury River and sewage inspection fees for flood impacted properties in the declared natural disaster area,
- Prioritising assessment of construction certificates and development applications from flood impacted properties in the declared natural disaster area,
- Whether to approve the conduct of work by Council officers on private property should the need arise to complement the clean-up activities being coordinated by Resilience NSW.

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Assistance with Payment of Rates

Council acknowledges that those communities impacted by the March 2021 flood may face financial difficulties over the coming months. To alleviate some of this pressure, Council is encouraging those communities to contact Council to discuss a suitable payment arrangement for the upcoming Rates installment due on 31 May 2021. It is intended that leniency will be applied in regard to interest usually applicable to payment arrangements.

Assistance to Impacted Council Properties Tenants

In accordance with the applicable lease provisions Council is offering rent abatement to tenants of Council properties who are unable to use their premises due to the property being damaged as a result of the March 2021 flood. The lost revenue is covered by insurance.

Assistance with Fees applicable to work on Private Properties

Given the position taken by the NSW State Government to assist with cleanup of flood waste on private (and public lands) as (detailed in guidelines issued by the NSW State Government), Council is able to undertake and then seek reimbursement for such work. Whilst works on (or related to) private property would normally require a resolution of Council, Section 67(5) of the Local Government Act 1993 exempts work undertaken on behalf of a public authority from this requirement. In this case the works are being done on behalf of the NSW Government under the applicable guidelines and Natural Disaster funding arrangements.

Given, the large number of private properties and the continuing identification of eligible works, the General Manager will authorise such work where it is in accordance with the applicable guidelines.

Repair of Council Assets and Clean Up

As the clean-up and inspection of Council's assets continues, at this stage it is difficult to estimate what the damage bill will cost. It is also unclear what assistance Council will receive from other levels of Government under Natural Disaster funding and any other assistance. It is proposed that Council delegate to the General Manager the restoration of Council's assets and to carry out the clean-up operations, whilst seeking to maximise funding obtained from other levels of government and insurance.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management
- 2.4 Community wellbeing and local services - Build on a sense of community and well being
 - 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.
 - 2.4.2 Provide flexible services that can adapt to changing community needs and service demands.

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FINANCIAL IMPACT

The matters raised in this report have direct financial implications. Impacts on income and expenditure applicable to this proposal will need to be addressed as part of future Quarterly Budget Reviews.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 076 **IS - Hawkesbury Events - Governor Phillip Park Exclusive Use Approval - (95495, 79354, 92138, 74204, 73829, 147051)**

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek approval for several boating events and a Flood Relief Concert to be held at Governor Phillip Park during the period from May to November 2021.

The events all require "exclusive use" of Governor Phillip Park to be given by Council.

EXECUTIVE SUMMARY:

The Upper Hawkesbury Power Boat Club, Ski Racing NSW Inc. and NSW Waterski Federation Ltd are all seeking exclusive use of Governor Phillip Park for a number of race events for the 2021 season.

The events include:

Saturday, 11 September 2021 and Sunday, 12 September 2021	Spectacular Boat Races
Saturday, 16 October 2021 and Sunday, 17 October 2021	The Hawkesbury 120 Water Ski Classic
Saturday, 20 November 2021 and Sunday, 21 November 2021	The Bridge to Bridge Water Ski Classic

These races have been conducted annually, attract visitors and contribute positively to the local economy in addition to providing high profile sporting events for the area.

Utopian Touring are seeking exclusive use of Governor Phillip Park between Friday, 4 June 2021 and Tuesday, 8 June 2021 for the Hawkesbury Flood Relief Concert to be held on the Sunday, 6 June 2021. Leading artists have been approached to perform at the event and funds raised will be collected by Rotary Australia World Community Service, through the National Flood Relief Appeal.

RECOMMENDATION:

That:

1. Approval be granted to Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Park for the Spectacular Boat Races to be held on Saturday, 11 September 2021 and Sunday, 12 September 2021.
2. Approval be granted to Ski Racing NSW for "exclusive use" of Governor Phillip Park for the Hawkesbury 120 Water Ski Classic to be held on Saturday, 16 October 2021 and Sunday, 17 October 2021.
3. Approval be granted to NSW Waterski Federation Ltd for "exclusive use" of Governor Phillip Park for the Bridge to Bridge Water Ski Classic to be held on Saturday, 20 November 2021 and Sunday, 21 November 2021.

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4. The approvals in parts 1, 2 and 3 be subject to the following conditions/documents:
 - Council's General Park Conditions
 - Council's Fees and Charges
 - The Windsor Foreshore Plan of Management
 - The Governor Phillip Exclusive Use Policy
 - The Governor Phillip Noise Policy.
 - Submission and approval of a Traffic Management Plan which has been approved as part of the Special Event Application.
5. Approval be granted to Utopian Touring for "exclusive use" of Governor Phillip Park for the Hawkesbury Flood Relief Concert over Friday, 4 June 2021 to Tuesday, 8 June 2021, subject to the following conditions:
 - Waiving of fees for the Hawkesbury Flood Relief Concert set up and pack down from Friday, 4 June 2021 to Tuesday, 8 June 2021
 - The Governor Phillip Exclusive Use Policy
 - Payment of a bond for exclusive use of the venue
 - Modification of the existing Dinner by the River 2019 Traffic Management Plan
 - Preparation of the COVID-19 Safe Plan for the event
 - Provision of the Event Liquor License
 - Provision of Event Approval by Hawkesbury Local Area Command
 - Event Food vendors to be registered under Council 's Temporary Food Premises and Food Vending Application
 - Adherence to the Protection of the Environment Operations General Regulations noise guidelines for Large Outdoor Activities
 - Preparation of a flyer distributed to surrounding landowners/residents notifying of the event, traffic and noise impacts
 - Provision of, within one month of the Hawkesbury Flood Relief Concert, a copy of the financial statement from the event.
6. As the applicants have not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate dates, if required by the applicant.

BACKGROUND

Boating Events

Governor Phillip Park is well utilised for events in particular boating events with up to four exclusive use boating events being sought per year. These events are regular fixtures at Governor Phillip Park. They are well coordinated, receive good attendance, and are considered to provide positive benefits to both the community and local businesses as well as providing a high profile sporting event for the area.

The Upper Hawkesbury Power Boat Club, Ski Racing NSW Inc. and NSW Waterski Federation Ltd are all seeking exclusive use of Governor Phillip Park for the period from September to November 2021 for a number of events.

Upper Hawkesbury Power Boat Club

The Upper Hawkesbury Power Boat Club have requested exclusive use for the 'Spectacular Boat Races' to be held on 11 and 12 September 2021 from 9am to 5pm. They expect over 200 people to this event.

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The Double Dash Boat Races that were due to be held on Saturday, 1 May 2021 and Sunday, 2 May 2021 have been cancelled due to the floods.

Ski Racing NSW Inc

Ski Racing NSW Inc. have requested exclusive use of Governor Phillip Park on Saturday, 16 October 2021 and Sunday, 17 October 2021 to conduct the annual Hawkesbury 120 Water Ski Classic, with non-exclusive use for set up on Friday, 15 October 2021.

NSW Waterski Federation Ltd

The NSW Waterski Federation Ltd have requested exclusive use of Governor Phillip Park on Saturday, 20 November 2021 and Sunday, 21 November 2021 to conduct the annual Bridge to Bridge Water Ski Classic, with non-exclusive use for set up on Friday, 19 November 2021.

Hawkesbury Flood Relief Concert

During March 2021 the Hawkesbury experienced a one in thirty year flood event which had significant impacts on the community. Utopian Touring, a local business, recently approached Council and requested exclusive use of Governor Phillip Park between Friday, 4 June 2021 and Tuesday, 8 June 2021 to hold the Hawkesbury Flood Relief Concert on Saturday, 6 June 2021.

The Concert would provide the opportunity to raise money for the impacted Hawkesbury community. Ticket sales will assist with event costs and the remaining funds will be collected and managed by Rotary Australia World Community Service through the National Flood Relief Appeal. The funds raised will be accessed through local Rotary Clubs as discussed in the media release attached in Attachment 1. Leading artists have been invited to perform at the event but a final line up of performers is yet to be confirmed. Utopian Touring has also requested that Council waiver the hire fees for Governor Phillip Park over the exclusive use period and provide waste bins during the event.

DISCUSSION

Boating Events

These three events are regular fixtures at Governor Phillip Park. They are well coordinated, receive good attendance, and are considered to provide positive benefits to both the community and local businesses as well as providing a high profile sporting event for the area.

The exclusive use area excludes the playground area, and conditions of approval will require organisers to manage access to the playground for the general public during the events.

Separate to the exclusive use applications the events will also be required to obtain approval for traffic management, which is to be undertaken as part of the Special Event Application.

Each of these organisations will also need to develop a COVID-19 safe plan for each event as to how they will comply with the current COVID-19 restrictions.

Hawkesbury Flood Relief Concert

Governor Phillip Park is also a popular location to hold Council run community events and has been used in the past as a venue for concerts. In 2019, Utopian Touring held Dinner by the River at the Park and in March 2021 were approved to receive sponsorship funding under Council's 2020/2021 Event Sponsorship Program for a series of Dinner By the River events to be held in 2021.

Utopian Touring have applied for exclusive use of the Park between Friday, 4 June 2021 to Tuesday, 8 June 2021 to set up and pack up the Flood Relief Concert.

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The exclusive use area excludes the playground area, and conditions of approval will require organisers to manage access to the playground for the general public during the exclusive use period.

As the event will be held within the next three months there is not an opportunity for the organisers to obtain approval for a Traffic Management Plan so the existing Traffic Management Plan for the Dinner by the River 2019 event will need to be modified to reflect the similar traffic controls required as part of the Flood Relief Concert.

A request has been made for the waiver of hire fees for Governor Phillip Park over the exclusive use period and for the provision of waste bins during the event. It is proposed that the fees for the event be waived, as this is a flood relief event, however Council's 2020/2021 Event Sponsorship budget has been expended and there are no funds remaining to cover the cost of the bins for the event.

The funds raised from the sale of the tickets to the event will be collected by Rotary Australia World Community Service through the National Flood Relief Appeal. The funds raised will be accessed through local Rotary Clubs. Council is seeking Utopian Touring to provide Council, within one month of the event, a copy of the financial statement from the event.

A COVID-19 Safe Plan will be required to be prepared for the event detailing how organisers will comply with the current COVID-19 restrictions.

Location Plan



Relevant Legislation

Local Government Act 1993.

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Future

- 5.5 Reinforcing our dynamic places - Support the revitalisation of our town centres and growth of our business community
 - 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses.
 - 5.5.2 Create active partnerships to develop a network of vibrant centres, creating opportunities for business growth and community connection.
 - 5.5.3 Assist our town and village centres to become vibrant local hubs
- 5.6 Instigating Place Making Programs - Celebrate our creativity and cultural expression
 - 5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another

FINANCIAL IMPACT

Income will be generated through user charges for use of the Reserve in accordance with the Draft 2021/2022 Operational Plan.

There will be no financial impact from waiving the fees for the Hawkesbury Flood Relief Concert as they had not been budgeted for in the Adopted 2020/2021 Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

AT - 1 Media Release by Rotary Australia World Community Service for the National Flood Relief Appeal.

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AT - 1 Media Release by Rotary Australia World Community Service for the National Flood Relief Appeal



25/03/2021

MEDIA RELEASE

National Flood Relief Appeal

Australian charity, Rotary Australia World Community Service, today announced the creation of a national Flood Relief Appeal for people impacted by the recent floods up and down the Eastern seaboard.

Australians impacted by the recent floods will be the beneficiaries of money raised by Flood Appeal and will be able to liaise with their local Rotary Club to advise of their needs.

The fundraising campaign, which aims to raise in excess of \$10 million, was launched this week to support the communities in need after yet another disaster impacting Australians.

"The money raised from the Appeal will go directly and quickly to support those impacted, providing essential items and financial support where Disaster relief and Insurance claims won't stretch," said Rotary Australia World Community Service Ltd CEO Andrew Woodward.

"The number of disasters Australians have endured in the last two years have been significant and left a lot of people in very difficult financial positions," Mr Woodward said.

Rotary Australia World Community Service has previously raised money for Bushfire and Drought affected areas and sees this disaster as just another where the network of Rotarians can step in to assist.

Mr Woodward said that he expects the money to help people with the things that insurance or disaster relief funds cannot replace. Whether it be helping farmers build new fences or providing food and clothing to those that have lost everything, the money raised will be crucial in helping families get back on their feet as soon as possible.

Rotary Australia World Community Service is a not-for-profit charity that aims to be the leading Australian charitable organization for people's wellbeing, supporting Rotarians and Rotary Clubs undertaking humanitarian projects in Australia and overseas.

Tax Deductible Donations to the appeal can be made here: <https://donations.rawcs.com.au/flood-appeal> or from the Rotary Australia World Community Service website at <https://rawcs.org.au>

Andrew Woodward is available for interviews and photographs.

[Link to headshot photo here](#)

Media Contact: Andrew Woodward 0411 075 107, andrew.woodward@rawcs.org.au

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oooO END OF REPORT Oooo

ORDINARY MEETING
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Item: 077 **IS - Weed and Biosecurity Management - (95495, 79354, 12212)**

Previous Item: 34, Ordinary (23 February 2021)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide a response to Council's resolution seeking information on various issues related to Weed and Biosecurity management and the services provided by Hawkesbury River County Council.

EXECUTIVE SUMMARY:

Hawkesbury River County Council is the Local Control Authority for the Hawkesbury City Council Local Government Area in respect of weed management and biosecurity.

Council sought advice on a number of matters relating to costs, performance, and alternative service delivery arrangements including any necessary legal or procedural steps to enable such arrangements.

In summary Hawkesbury River County Council has advised that it is unable to provide the requested information for the four year period requested and has provided information for the current financial year, noting that its current operational plan targets are not set for individual Local Government Areas. Works are undertaken on a need or priority basis across its area of operation.

Hawkesbury River County Council estimate that for the current financial year that works and support costs in the Hawkesbury Local Government Area total \$471,510.

Council's current direct contribution is \$200,000 and Hawkesbury River County Council also attracts other grants and generates own source income.

For Hawkesbury City Council to assume the function of being the Local Control Authority, it is estimated that we would incur a direct cost of \$610,500 per annum, offset by funding grant of approximately \$50,000 per annum. (Additional grants under the current funding arrangements would be tied to specific additional works on priority weeds).

It is acknowledged that by Council assuming the function, this increased cost would provide potentially a higher level of service than currently being achieved on a Local Government Area basis. However, without the economy of scale currently achieved by Hawkesbury River County Council, minimum staffing levels would need to be held within Council. It may be possible to reduce this direct staffing level through the use of contractors.

A comparison with other Councils indicated a broad range of staffing arrangements and it was difficult to identify the total cost of weed/biosecurity activities, or service levels provided, as these were, in some cases, undertaken in conjunction with other open space functions.

Service levels, particularly in terms of property inspections varied significantly. This is partly a result of local circumstances and partly accepted service levels.

The number of inspection staff varied from one (Camden Council) to four (Blue Mountains Council).

In determining an appropriate structure for Hawkesbury City Council to undertake weed management, it was estimated that a team of four staff supported by a part time administration person would be required. Allowing for operational costs and overheads an annual cost of approximately \$610,000 would be required.

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This would be offset by a likely minimum grant of \$50,000.

Alternatively Council's current contribution to Hawkesbury River County Council and likely grants would only enable employment and resourcing of two staff. This is not considered sufficient resourcing to cover the whole of the Local Government Area, and the likely service level provided may be difficult to justify as being sufficient in the circumstance of establishing the function in-house.

If Council were to consider becoming the Local Control Authority, it would be necessary to make an application to the Minister for Local Government seeking either a dissolution of the County Council or amending its constitution.

The Minister may decide to proceed with a public notification process and this would allow submissions by the public and affected parties. The legislation gives the Minister the final decision making authority, having regard for any submissions, and referrals.

RECOMMENDATION:

That Council receive and note the report on weed and biosecurity management.

BACKGROUND

At the Council Meeting held on 23 February 2021, Council considered a report relating to weed management and the role of Hawkesbury River County Council. It was resolved:

"That:

- 1. The report regarding Weed and Biosecurity Management be received and noted.*
- 2. By 30 April 2021, Council receive a further report on the costs of what was actually delivered by Hawkesbury River County Council in the Hawkesbury Local Government Area versus the annual targets outlined in the annual operational plans, for the last four years.*
- 3. By 30 April 2021, Council receive a report outlining the process it would need to follow if it wished to withdraw from Hawkesbury River County Council and take over as the local control authority.*
- 4. By 30 April 2021, Council receive a cost estimate of a replacement service provided in-house and likely timeframe to be operational."*

Relevant Legislation

Local Government Act 1993

DISCUSSION

Costs and performance of works undertaken by Hawkesbury River County Council in the Hawkesbury Local Government Area, for the last four years.

The information requested by Council was sought from Hawkesbury River County Council.

In response Hawkesbury River County Council provided the following information for the 2020/2021 financial year and advised that the information on the three prior financial years was not able to be provided in the timeframe, and the information is unlikely to be in a format to provide targets and outcomes on an Local Government Area basis to enable meaningful or accurate comparison.

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Table 1 below details the cost of provision of services in the Hawkesbury Local Government Area in the current financial year.

The Hawkesbury River County Council's 2020/2021 Operational Plan does not include targets for each individual Council area so the targets in Table 1 represent an equal division of the regional targets of the Operational Plan.

Table 1: Hawkesbury River County Council Works in the Hawkesbury Local Government Area 2020/2021

Service	Metric Achieved	Target in Operational Plan	Cost
Weed Control on Public Land (Roadsides and Reserves)	20.37HA	19.25HA	\$63,344
Property Inspections	421	553	\$67,360
Property Reinspections	36	52	\$6,120
Plant Seizures from Sale Points	32	N/A	\$24,960
Weed Extension (Landholder advice, plans, training)	300	150	\$165,000
Landscape Weed Surveillance	1504HA	213HA	\$52,645
Governance and Administration (+15%)	6 Board Meetings, 3 Audits, 3 IP&R documents, 5 grant reports. All business administration tasks.	6 Board Meetings, 1 Audit, 3 IP&R documents, 5 grant reports. All business administration tasks.	\$61,501
TOTAL			\$471,510

* These works have been completed to date (end of March 21) or planned to be provided by 30 June 2021. Costs are indicative only and based on industry charge out rates.

Process to withdraw from Hawkesbury River County Council

In order to outline the process involved in withdrawal the following information is provided.

Hawkesbury River County Council was established by proclamation in 1948, under the Local Government Act 1919. This proclamation was amended in 1996 with the effect of including within the County Council's area of operations the whole of the areas of the Blacktown City Council, Hawkesbury City Council, Penrith City Council and Baulkham Hills Shire Council (as it then was).

The Local Government Act 1993 contains savings and transitional provisions to the effect that:

- Any proclamation in force under the old Act immediately before 1 July 1993 is taken to be a proclamation under this 1993 Act
- A county council constituted immediately before the commencement the relevant provisions of the 1993 Act continues as that county council and is taken to be constituted under the 1993 Act.

Legal Status of County Councils

Pursuant to Section 387 of the Local Government Act 1993, county councils are established by proclamation.

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A proclamation conferring weed control functions on a county council is to be made only with the concurrence of the Minister administering the *Biosecurity Act 2015*.

A proclamation establishing a county council operates to constitute the county council as a body politic of the State.

Amendment and Dissolution of County Councils

For Council to withdraw from Hawkesbury River County Council and take over as the local control authority, the process detailed in the Local Government Act 1993 would need to be followed.

The following is a summary of the relevant provisions of the Local Government Act:

- A council, a county council, a public authority or the Departmental Chief Executive may make a proposal to the Minister to establish or dissolve a county council or to amend the constitution of a county council
- The Minister may also make such a proposal
- The Minister must give at least 28 days' public notice of a proposal made to the Minister that the Minister decides to proceed with or of a proposal initiated by the Minister
- Within the period of public notice, representations concerning the proposal may be made to the Minister by anyone affected by the proposal
- After considering all representations received concerning the proposal, the Minister may recommend to the Governor that the proposal be implemented, with or without modifications, or may decline to recommend that the proposal be implemented
- The Governor may, by proclamation, amend or revoke a proclamation establishing a county council, for the purpose of amending the constitution of, or of dissolving, a county council.
- A proclamation for the purpose of amending the constitution of a county council:
 - (a) may change the name of the county council, or
 - (b) may vary the county council's area of operations, or
 - (c) may vary the number of persons who comprise the county council's governing body, or
 - (c1) may vary the number of persons to be elected by each constituent council to the county council's governing body, or
 - (d) may vary the county council's functions.
- A proclamation can also contain such facilitative provisions as are necessary or convenient for giving effect to the proclamation.

If Council wished to withdraw from the Hawkesbury River County Council, a proposal would need to be made to the Minister to amend the constitution of the Hawkesbury River County Council to remove Council as a constituent council. Such a proposal could be made with or without the support of one or more of the other constituent councils.

If the Minister made a decision to proceed with the proposal, then the period of 28 days' public notice would commence. In this case, the other constituent Councils would, being "affected by the proposal" have the opportunity to make submissions to the Minister about the proposal.

It is not clear from the legislation the extent to which the Minister would consider the views of the other constituent councils in making the decision whether to proceed with the proposal.

The Minister is obligated to consider all representations received concerning the proposal, but the legislation is silent as to any criteria against which representations are assessed. The Minister could refer such review to the Boundaries Commission. The relevant section of the legislation is included as Attachment 1.

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If the constitution of the Hawkesbury River County Council was amended by proclamation to remove Council as a constituent Council, then it is likely the area of operations of the Hawkesbury River County Council would also be varied so that it was no longer the local control authority for land within Council's Local Government Area.

Such action would then, by default, mean that Hawkesbury City Council is the Local Control Authority.

"Local Control Authority is defined as follows under the Biosecurity Act 2015:

"370 Local control authority-meaning

- (1) The council of a local government area is the local control authority for land within that local government area unless the weed control functions for that area have been conferred on a county council or joint organisation (within the meaning of the [Local Government Act 1993](#)) under any other Act. If the weed control functions for an area have been conferred on a county council or joint organisation, the county council or joint organisation is the local control authority for that area."*

Section 371 of the Biosecurity Act details the functions as follows:

"371 Functions of local control authority

- (1) A local control authority has the following functions, in relation to the land for which it is the local control authority--*
- (a) the prevention, elimination, minimisation and management of the [biosecurity risk](#) posed or likely to be posed by weeds,*
 - (b) to develop, implement, co-ordinate and review weed control programs,*
 - (c) to inspect land in connection with its weed control functions,*
 - (d) to keep records about the exercise of the local control authority's functions under this Act,*
 - (e) to report to the Secretary about the exercise of the local control authority's functions under this Act.*
- (2) Nothing in this section limits the functions of the Secretary under this Act in relation to the control of weeds in any area.*
- (3) A function of a local control authority under this Act is to be exercised in accordance with any requirements specified in the regulations and any directions (not inconsistent with the regulations) given by the Secretary."*

Cost estimate of a replacement service provided in- house

In order to provide an estimate of in-house costs, it is necessary to determine both the base obligations of a Local Control Authority and the desired service level.

Under the Biosecurity Act, a Local Control Authority has a legal obligation to manage the biosecurity risk posed or likely to be posed to human health, the economy, community and environment by Priority Weeds.

A Local Control Authority has the following functions:

- The prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- To develop, implement, co-ordinate and review weed control programs,
- To inspect land in connection with its weed control functions,
- To keep records about the exercise of the local control authority's functions under the Act,
- To report to the Secretary about the exercise of the local control authority's functions under the Act.

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Local Control Authorities can meet their obligations through programs to:

- Control priority weeds on Council managed land
- Inspect private lands to ensure owners of land carry out their obligations

There is no prescribed number of inspections under the Act, however to provide an appropriate level of service to the community and meet the obligations under the Act, Council would need to substantiate the service level/number of inspections.

In terms of service level, each local control authority looks at their obligations differently based on their circumstances and geography and thus allocates resources differently. A number of councils were contacted and the following outlines resourcing and arrangements.

Blue Mountains City Council

Blue Mountains City Council has a number of programs in place for the control of weeds within their Local Government Area with activities undertaken directly. Management of the biosecurity function is undertaken within a broader function area with four full-time inspectors, who complete approximately 1,200 private land inspections per year and undertake control of priority weeds on public lands.

This team operates within a larger group of 18 full time and 8 part time staff including coordination and administration staff.

This group undertakes bushland management, walking trails and bushcare.

Whilst the total cost of the functional area is approximately \$2m per annum, the biosecurity function is only a component of that cost. Whilst detailed apportionment is not available, of relevance is the number of inspection/control staff being four full time positions.

Camden Council

Camden Council undertakes the biosecurity/weeds function as the Local Control Authority and has one full-time Weeds Officer who inspects around 430 properties per annum. These consist of larger rural, smaller rural, peri-urban and residential land inspections. Staff also inspect public land such as parks and reserves, road reserves, major roadways, train lines, creeks and the Nepean River. Works are delivered by contract arrangement.

The cost of provision of these services is approximately \$240,000 per annum, including approximately \$56,000 in grants including for the priority weeds programme.

Camden Council has other teams who undertake works (mowing, maintenance etc.) in reserves, parks, ovals, gardens, roadsides etc. This includes voluntary Bushcare groups overseen by council staff. Council's Parks and Gardens teams also do weed control – but do not have a specific responsibility for Priority Weeds under the legislation.

Shoalhaven Council

Shoalhaven Council has two full-time staff administering the Biosecurity Act conducting around 500 regulatory inspections annually. Additionally, Officers conduct around 1,100 non-regulatory inspections of private and public lands including significant aquatic pathways. They provide capacity building activities for private landholders and community volunteers and hold a number of educational events.

In addition to these staffing arrangements approximately \$70,000 per annum is spent on ground activities (Regional and State priority weeds), for which Shoalhaven attracts approximately \$30,500 in WAP grant funding.

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Hawkesbury City Council – Potential response / service arrangements

A cost estimate for Hawkesbury Council to undertake the Local Control Authority functions is directly dependent on the level of service Council wishes to provide the community and also meet its biosecurity obligations. In the absence of a detailed inventory of weeds and their extent across the Local Government Area, the following is an anticipated minimum structure necessary to respond to the same targets as Hawkesbury River County Council.

At a minimum this would require one full time weed inspector to undertake approximately three property inspections per day, a team of two staff for weed control as well as administration resources (0.6 FTE).

The weed control team would, for practical reasons, be full time (38 hrs / week) staff. This would provide a higher level of staffing for our Local Government Area that is currently provided by Hawkesbury River County Council however it is likely to be difficult to recruit staff on a part time basis.

Whilst Council would technically meet its obligations under the 'Biosecurity Act' by providing this minimum level of resources, inspections and control would be very limited and not meet likely community expectations. To meet expectations, Council would at least require four qualified weed officers, vehicles and equipment to manage regulatory and non-regulatory inspections and implement priority weed control across Council managed lands. Two staff would undertake inspections and reporting and the other two staff would implement priority weed control on public lands, road sides and river banks. Three vehicles would also be required for these roles.

It should be noted that this would only provide for priority weeds. It is highly likely that there is a current unmet expectation in the community that non-priority weeds such as lantana should be more actively managed. Whilst Hawkesbury River County Council do undertake works on these weeds, if Council were to be the control authority this would potentially require Council to respond to this at a significantly higher standard over the longer term.

Table 2 shows cost estimates associated with providing this service in-house.

Table 2: Cost Estimate for In-House Service

Item	Number	Description	Capital Cost	Total Annual Cost
Staff – 1 x inspector, 2 x operational staff, 1 x unit leader	4	Annual Salary including oncosts		\$422,080
Administrative Support	0.6	Annual Salary including oncosts		\$46,090
Vehicles	3	Purchase of vehicles - \$40,000 per vehicle	\$120,000	
Vehicle set up	2	Tool boxes, Quick Spray Unit and set up costs	\$50,000	
Boat for surveillance and aquatic weed control	1	Purchase of a boat - \$30,000	\$30,000	
Vehicle Maintenance	3	Maintenance cost - \$12,000 per vehicle		\$36,000
Stores (PPE, herbicides, fuel)		Stores (PPE, herbicides, fuel)		\$10,000
Equipment and Office Establishment		IT set up/licences/office set up/		
Overheads		IT, Finance, Printing, Risk Management, HR, Executive Management, Governance – etc.		\$96,000
TOTAL			\$200,000	\$610,170

There would be an estimated upfront capital cost of \$200,000.

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These costs do not cover any operational costs for hiring of specialised equipment such as a weed harvester to clear weeds from the river.

In regard to the specific issue of aquatic weed management, the key work in the Hawkesbury is generally of spraying of weeds such as water hyacinth and salvinia.

In addition to that core activity for priority weeds, Hawkesbury River County Council has previously carried out control works on reeds (typha sp.) growing at the river edge at Macquarie Park, which impacted on canoe/non-motorised water craft activity. These works involved the spraying, cutting and removal of the reeds using an aquatic weed harvester (Truxor unit). The estimated cost (based on Hawkesbury River County Council charge out rates) was approximately \$4,500. No weed management works of this site are currently required and future works requirement are highly dependent on flows and geomorphology.

It would also be necessary to consider the impacts on management within the organisation in terms of structure and responsibilities.

Potential Funding

The NSW Weeds Action Plan could provide external funding to assist Councils operations and would be determined by the outcomes and service level Council aims to provide. This funding is not guaranteed however potential minimum funding based on Hawkesbury River County Council funding would be approximately \$50,000. Higher levels of grant funding would be linked to additional works / outcomes.

Should Council determine to become its own Local Control Authority, the timeframe to be operational (not including the withdrawal process from Hawkesbury River County Council) would be approximately six months to a year. This will allow staff to advertise the positions, procure vehicles, set up IT systems, training, collating any existing information and preparing a local plan.

SUMMARY

It is noted that Hawkesbury River County Council operates on an “whole of area basis”, rather than an equal apportionment of expenditure to each constituent Local Government Area. As such records of expenditure have not historically been captured on a Council area basis. It is therefore difficult to make direct comparisons on cost. Based on the figures provided by Hawkesbury River County Council for 2020/2021 the estimated expenditure on Hawkesbury Local Government Area is \$471,000. Council's contribution is approximately \$200,000, with funding from grants and other income providing the balance.

Should Hawkesbury City Council become the Local Control Authority it is likely that the current funding (Council funding of \$200,000 and minimum grant funds of \$50,000) totalling \$250,000 would be sufficient to only employ and resource two staff. This would be problematic as it would require staff to be engaged on both inspection and control activities. Administration workload would need to be undertaken by existing staff and this would prove challenging based on existing projects and operations. This is not likely to prove an adequate resourcing for the whole of the Local Government Area.

The operational concept surrounding the special purpose County Council model is still considered sound whereby expertise and resources can be aggregated and applied to a broader area and address biosecurity and weed issues.

This is particularly so with the aquatic connectivity of the adjoining areas.

Whilst Council could undertake the Local Control Authority function, to do so effectively and achieve a satisfactory response capability without being able to utilise the scale of the larger organisation will require significantly increased expenditure.

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Environment

- 3.1 The natural environment is protected and enhanced - Value, protect and enhance our unique natural environment
 - 3.1.1 Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.
 - 3.1.2 Act to protect and improve the natural environment including working with key agency partners.
 - 3.1.3 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
 - 3.1.4 Use a range of compliance measures to protect the natural environment.
- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices
 - 3.4.1 Work with businesses and tourism operators to promote good practice and sustainability principles.

FINANCIAL IMPACT

The matters raised in this report may have direct financial implications should Council ultimately seek to undertake the Local Control Authority function in house.

Council currently contributes approximately \$200,000 per year to Hawkesbury River County Council. Based on the workings for Council to become the Local Control Authority, an additional \$410,170 would be needed to be funded per year, either from the diversion of funding from other programs, or increased income, predominantly through grant funding. Council would also need to meet initial capital funding of \$200,000.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

Whilst payment to the Hawkesbury River County Council is part of the long term financial plan, any additional funding has not been considered and would have impacts on the long term financial plan.

ATTACHMENTS:

AT - 1 Legislation – Section 263 Functions of the Boundaries Commission.

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AT - 1 – Legislation – Section 263 Functions of the Boundaries Commission

263 Functions of the Boundaries Commission

- (1) The Boundaries Commission is required to examine and report on any matter with respect to the boundaries of areas and the areas of operation of county councils which may be referred to it by the Minister.
- (2) For the purpose of exercising its functions, the Boundaries Commission--
 - (a) may hold an inquiry if the Minister so approves, and
 - (b) must hold an inquiry if the Minister so directs, but may not hold an inquiry otherwise than as referred to in paragraph (a) or (b).
- (2A) Despite subsection (2), the Boundaries Commission must hold an inquiry for the purpose of exercising its functions in relation to a proposal for the amalgamation of two or more areas that has been referred to it in accordance with [section 218F](#).
- (2B) Reasonable public notice must be given of the holding of an inquiry under this section.
- (3) When considering any matter referred to it that relates to the boundaries of areas or the areas of operations of county councils, the Boundaries Commission is required to have regard to the following factors--
 - (a) the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,
 - (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area,
 - (c) the existing historical and traditional values in the existing areas and the impact of change on them,
 - (d) the attitude of the residents and ratepayers of the areas concerned,
 - (e) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,
 - (e1) the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,
 - (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,
 - (e3) the impact of any relevant proposal on rural communities in the areas concerned,
 - (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards,
 - (e5) in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,
 - (f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.
- (4) The Boundaries Commission is not entitled to examine or report on any matter relating to the area of operations of a county council constituted or proposed to be constituted for the supply of electricity.
- (5) The Boundaries Commission must allow members of the public to attend any inquiry held by the Commission under this section.
- (6) The Boundaries Commission may continue with an examination or inquiry even though a commissioner or acting commissioner replaces another commissioner during the course of the examination or inquiry.
- (7) The Supreme Court may not make an order in the nature of prohibition in respect of, or an order for removing to the Court or quashing, any decision or proceeding made or conducted by the Boundaries Commission in connection with the exercise of its functions.

oooO END OF REPORT Oooo

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Item: 078 **IS - Windsor Bridge Replacement Project - Bridge Demolition and Thompson Square Precinct Works - (95495)**

Previous Item: 058, Ordinary (30 March 2021)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

This matter was deferred from Council's meeting of 30 March 2021 in response to assess potential damage to the site and potential impact on relevant works. This report details the items and artefacts that have been obtained/secured by Council as a result of the Windsor bridge demolition. The report also details an offer made from Transport for NSW (TfNSW) to make a payment to Council in lieu of a number of works proposed in Wharf Reserve.

EXECUTIVE SUMMARY:

Council has sought and secured a range of artefacts and elements from the old Windsor Bridge, which have become available due to its demolition.

These items represent a sample of the various components of the Bridge including the deck, pier/column extensions, original pier/caissons, bracing bricks, sandstone and other items.

These items will be stored by Council until reuse or interpretation is considered.

Following the recession of floodwaters an inspection of the site and artefacts has been made. No significant damage to Wharf Reserve was noted other than siltation. Other areas within the bridge construction site are being cleared and restored by TfNSW.

TfNSW have made a negotiated offer to Council to make a payment of \$250,000 in lieu of works at Wharf Reserve. This is considered a beneficial opportunity to enable Council to undertake an integrated program of improvements across the whole of the precinct. The estimate values of works has been confirmed and the offer is recommended for acceptance.

RECOMMENDATION:

That Council:

1. Note the information of artefacts and elements, from the Windsor Bridge demolition to be stored by Council pending determination on future use.
2. Accept the offer of \$250,000 made by Transport for NSW in lieu of completion of works in Wharf Reserve.
3. Utilise the funding in part 2 to undertake an integrated range of improvements in the Thompson Square Precinct (including Wharf Reserve).

BACKGROUND

The demolition of Windsor Bridge has resulted in a range of artefacts and materials being available to Council.

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Whilst the materials are not technically heritage listed, they do represent a valuable record of the Bridge, its construction and history. The materials generated through demolition and salvage also offer the potential for various displays or reuse that record or symbolise that history.

TfNSW has facilitated the transfer of the following items to Council.

Item	Quantity	Current / Proposed Location
Sandstone	600 pieces	Council Depot
Bridge brackets	32	Council Depot
Upper pier sections	4	Northern Bank/Council Facility
Lower pier sections	4	Northern Bank/Council Facility
Lower pier with brick lining	1	Northern Bank/Council Facility
Cross brace and brackets - section of deck	1 – approximately 2 x 3m	Northern Bank/Council Facility
Steel walkway beams	4 x 12m (possibly 2 more if straight)	Northern Bank/Council Facility
Lewis bolt	2	Northern Bank/Council Facility
Metal/iron fittings/bolts from the pier infill	Assorted pieces	TfNSW Office/Council Offices
Curved brick layout including upper layer bricks	1 complete (will obtain any others)	TfNSW Office/Depot
Bricks and fragments	All	TfNSW Storage/Council Facility
Rope ladder	Approximately 6m long	Stored in accordance with conservators advice at Council Office

Whilst no definitive use or proposal has been made, or budget allocated, for use or heritage interpretation at this stage, all materials will be inventoried and stored for future purposes.

Wharf Reserve

As part of the modification of the road component of the Windsor Bridge Replacement Project which provided a merge lane for traffic at the north-west corner of Bridge and George Streets, TfNSW agreed with the Department of Planning, Industry and Environment on offset works involving landscaping works in Wharf Reserve. These works were additional to their other approved project requirements.

The scope of those works were the construction of retaining walls, extension of scour protection to the wharf area and provide a stairway to replace the steps to the upper carpark. It was originally proposed to undertake terracing and pathway construction at the north-eastern area of the Reserve, however this area was found to be unstable and would also have impacted the bushland regeneration area. This was deleted from the works with other works including pathway widening and reconstruction, and stairway renewal in sandstone, substituted.

TfNSW have constructed the retaining walls, scour protection and associated works, and have now alternatively offered to make payment to Council in fulfilment of their commitment.

In assessing this proposal, it was considered by staff that this was of potential advantage to Council as it would enable Council to both evaluate the necessity and desirability of some works, following reopening of the reserve and provide a design solution that integrated Thompson Square with the wharf area, as a total precinct.

TfNSW initially proposed a payment of \$119,887 in lieu of works. This offer (supported by contractor quotations) still provided for TfNSW to reconstruct the stairway from the wharf to the upper carpark (costing \$81,668).

Staff proposed that the stair replacement be incorporated in the payment offer. This would enable Council to determine the need for these stairs (given the presence of an adjacent pathway), and potentially carry out other works.

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A review of other items, including the need for project management and supervision as well as maintenance and establishment costs was conditionally proposed to TfNSW, as follows:

Original TfNSW offer	\$119,887
Stairway renewal	\$86,668
Maintenance (12 months)	\$8,760
Establishment (3 months)	\$5,640
Project Management	\$34,000
Total	\$250,045
Negotiated and Rounded to \$250,000	

TfNSW have responded and confirmed their acceptance of the Council proposal.

Site inspection following flooding has indicated no significant damage to Wharf Reserve other than minor sedimentation. Areas within the TfNSW works site will be cleared and repaired by TfNSW. Accordingly there is no impact on the financial or physical aspects of the TfNSW offer.

DISCUSSION

It is considered that the payment in lieu of works is fair and reasonable and would enable Council greater flexibility in improving and integrating the overall precinct.

This is particularly valuable given the need to upgrade the pre-existing grassed/park area of Thompson Square with the new TfNSW works. Whilst the areas are separated by location and function the area will benefit from a consistency and compatibility of design elements.

Accordingly, it is recommended that Council accept the TfNSW offer of \$250,000 in lieu of works.

COMMUNITY ENGAGEMENT

There is significant community interest in both the artefacts, and the future management and improvements to Thompson Square Precinct.

It is intended to undertake future consultation on appropriate works and heritage interpretation and display of salvaged items.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Community

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

FINANCIAL IMPACT

Whilst there are no immediate financial impacts arising from the report, any funding provided by TfNSW will be restricted for use in the Thompson Square Precinct.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

This matter is not specifically aligned with Fit for the Future Strategies.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 079 **IS - Truck and Trailer Parking - (95495, 79346)**

Previous Item: 037, Ordinary (27 February 2018)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide a response to various issues raised relating to truck and trailer parking in the Hawkesbury Local Government Area.

EXECUTIVE SUMMARY:

Heavy vehicles with trailers are parking in various areas within the Hawkesbury and in some instances not in accordance with the road rules. The interpretation of the road rules can lead to some discrepancy at locations within the Hawkesbury and any controls within these sites would be best served by sign posting where possible to regulate allowable vehicles.

The preference for the truck drivers is to have an area that offers off road de-coupling. There are limited areas for trucks to park along road lengths and allowing for these vehicles to de-couple trailers. Delivery companies may need to take into consideration the limited available space within the road reserve closer the commercial area and balance the Work Health and Safety issues for truck drivers to de-couple or alternatively arrive with vehicles suitable for their destination.

The provision for de-coupling off road would require a considerable amount of land to build a purpose built area and would be difficult to strategically locate to suit all destinations given the location of commercial areas within the Hawkesbury. This may be a matter for TfNSW through its heavy vehicle freight section to work with delivery companies and transport operators to formulate a strategy and possible solution.

In relation to the sites referred to in the Mayoral Minute considered by Council on 27 February 2018 which include the Ham Common and gravel stockpile area near Colo High School, it is proposed that no changes be implemented at these sites.

RECOMMENDATION:

The information as contained in this report be received and noted.

BACKGROUND

The following matter has been raised by Council resolution on 27 February 2018 relating to Truck and Trailer Parking and resolved as follows:

“That Council investigate and report back on issues associated with heavy vehicles and truck and trailer parking including road rules, safety, amenity and commercial and operational needs of transport operators”

This relates to an emerging issue with the number of truck and trailers which are off loaded and left at various sites around the Hawkesbury. Sites such as the large bitumen carpark section at the Ham Common, Mulgrave Road and the gravel stockpile site near Colo High School are utilised by such large vehicles. There are particular risks or dangers associated with this practice when this is in the vicinity of pedestrians.

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In the matter being raised, it is acknowledged that it may be necessary in some circumstances for these vehicles to travel through either residential areas or areas where manoeuvring two trailers necessitates the removal and parking of one or more trailers.

In identifying various issues relating to heavy vehicle parking including safety, amenity, and commercial transport operations, it is important to ensure that actions lead to a balanced approach to transport needs and safety.

DISCUSSION

Heavy Vehicles Parking Issues:

Heavy vehicles with trailers are parking in various areas such as commercial, rural, farmland, residential and recreational. Sites identified include the large bitumen carpark section at the Ham Common between the Visitor Information Centre and the Richmond Tennis Courts, and the gravel stockpile area near Colo High School along Bells Line of Road.

There are limited areas for trucks to park along road lengths and allowing for these vehicles to de-couple trailers. These vehicles are generally B-Doubles that need to split their trailers (de-couple) to access local roads. The B-Doubles are used by distribution centres to minimise delivery trips to an area. The limited available space within road reserves leads to Work Health and Safety issues for truck drivers to de-couple closer to commercial areas, such as Windsor, Richmond and North Richmond which receive many deliveries from a range of vehicles such as general trucks, semi-trailers and B-Doubles. The preference for the truck drivers is to have an area that offers off road de-coupling.

Over a period of time, trucks have parked their trailers in areas such as the Ham Common and the gravel stockpile area near Colo High School as they have been tolerated. In recent times, there have been many user-demands at these sites, and this has resulted in conflict points such as pedestrian movement and the loss of parking for general vehicles accessing a site such as the Ham Common Reserve. The increased use of large vehicles is impacting on those areas.

Due to the proximity of the delivery destination sites relative to where the deliveries originate from, in many cases deliveries within the Hawkesbury are part of regional deliveries undertaken by these companies. As such the Prime Mover will be transporting two trailers. At the point of destination, most sites cannot facilitate for the two trailers and hence one of the trailers needs to be parked prior to entering the destination area.

Ham Common:

The Ham Common, Richmond is located along Hawkesbury Valley Way which is a State road. The large sealed parking area is off road and is part of the overall Ham Common Reserve.

There are several parking areas within the Ham Common Reserve which includes the Hawkesbury District Tennis Centre at the western end, Hawkesbury Visitor Information Centre centrally located, Skate Park at the eastern end, and the large parking area between the Tennis Courts and the Visitor Centre.

The Ham Common site was redeveloped in the 1980s as part of the Bicentenary and the works included the construction and sealing of the parking areas at the Visitor Information Centre and the large parking area. The Visitor Information Centre car park does not provide for the parking of vehicles towing caravans and trucks but allows for some tourist bus/coach parking in addition to standard vehicle parking.

The large parking area was built as a supplementary overflow parking area to the Visitor Centre carpark. The intent of this parking area was to provide for vehicles towing caravans to park and also an area for tourist buses/coaches to park and turn around. The large parking area was not formalised with line marking or any form of signage to manage its use.

Due to no formal signage and line marking at the large parking area, trucks have been using this area to park as well as de-couple their trailers and leave their trailers whilst undertaking deliveries.

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An example of this is the delivery vehicles to Coles Richmond and North Richmond. This area is used to split the B-Double to enable deliveries to these two sites without the prime mover returning to the distribution centre each time.

The Plan of Management for the Ham Common has identified the large parking area as one that requires a re-design to formalise a parking arrangement and to ensure that pedestrian movement along the shared path and parallel to Hawkesbury Valley Way provided a safe route for users. Currently the access to the parking area crosses the shared path and the wide access point favours vehicles over pedestrians. Removal of large trucks entering the parking area will provide for improved safety for users along the shared path. Council has allocated funds in the current financial year to provide for an alternate pedestrian pathway between the parking area and the boundary to the railway line (southern end). This will reduce the conflict between vehicles and pedestrians adjacent to Hawkesbury Valley Way (northern end).

It should be pointed out that this area has existed since the 1980s when it appears that the site entertained less pedestrian movement and deliveries utilising B-Doubles were less frequent. In the current environment, trucks delivering to Richmond and North Richmond are assisted by being able to utilise this area.

An option to control this site and prohibit the parking of large trucks and trailers is to provide regulatory signage. Due to the proximity of the Ham Common along the State road network and the current usage by trucks as a parking area, comment has been sought from TfNSW and their Heavy Vehicle Freight Section. The preference of TfNSW is that the large parking area allow for trucks to de-couple and park as there are no alternate locations to allow for the practice to be undertaken safely. Removal of trucks from the Ham Common may result in trucks parking along roadways and undertaking the unsafe practice of de-coupling next to moving traffic. TfNSW indicated that the aim of freight movement is to minimise the number of trips and hence trucks are generally transporting two trailers. This provides for efficient movement of freight and also minimising transport costs for businesses.

Discussion has been undertaken with the distribution centre for Coles to identify if alternate methods of delivery can be undertaken which would result in trucks not using this area. Their preference is to leave this area without regulation or they will need to reconfigure their deliveries to their stores. They have also indicated that this area can serve as an informal and alternate parking area for large vehicles in an emergency situation.

A review of the parking layout for the large parking area is currently in progress as identified in the Plan of Management. Options to accommodate large trucks and trailers will be investigated, however the final layout may not provide for large trucks and trailers. Discussion will be undertaken with TfNSW and transport providers to formulate a final outcome either way and to ensure there is a transition period for trucks to find an alternate location, should the resulting parking layout not accommodate for truck and trailer parking.

The main role of the Ham Common Reserve is to provide for safe pedestrian and recreation use as this is a valuable community and regional asset. The effective use of the Reserve should not be compromised for the benefit of truck and trailer parking needs.

It is proposed that no changes are undertaken at the Ham Common Reserve large parking area, until the overall design layout process has been completed.

Gravel Stockpile area Bells Line of Road – Colo High School:

The gravel area near Colo High School is contained within the road reserve which is in the vicinity of the old state road alignment of Bells Line of Road, North Richmond. The old road alignment provides access to the adjacent properties and also provides the conveniences of a drop off and pick up area for the school students with some students also parking their vehicles at this location.

The buildings on the adjacent properties are within 100 metres of each other extending down to Crooked Lane. This area whilst it does not have street lighting can be considered to be within a built up area based on the spacing of the adjacent buildings.

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The area between the old road alignment and the current road alignment is utilised for the stock piling of gravel by TfNSW and its contractors. Other trailer and heavy vehicle parking also occurs from time to time. The advice from TfNSW is that the gravel area does not encroach into the area used by the School community or the adjacent residents and is to remain in its current format. TfNSW will monitor the situation and act accordingly as required. The preference is to have the trailer de-coupled in this area rather than within the North Richmond township.

Other Sites:

In addition to the two sites referred to in the Mayoral Minute, there are potentially other sites within the Hawkesbury that experience the parking of trucks and their trailers. An example of this is Mulgrave Road which is located within an area Zoned for Light and General Industrial, Primary Production and Infrastructure. Windsor High School is located along Mulgrave Road near its intersection with Windsor Road. The movement of heavy vehicles in the vicinity of the School as well as the parking of the larger vehicles and their trailers is a concern raised by the School community.

There are trailers at various times of the day or week parked on the opposite side of the School along Mulgrave Road. This issue has been previously raised and responded to via Councillor Question No. 8 on 10 July 2018. The Question enquired into '*residents receiving a Parking Offence No.83618 for "Stop heavy long vehicles parking longer than 1 hour"*' and sought specifications on this Offence. The Offence Code 83618 relates to "*Stop heavy/long vehicle longer than 1 hour*", whereby it is an offence to park for longer than 1 hour in these areas whereby the vehicle has a Gross Vehicle Mass (GVM) of 4.5tonnes or more and it is a built up area.

Mulgrave Road in the vicinity of Windsor High School has street lighting and is considered to be in a built up area, although there can be some discrepancy in the interpretation of the adjacent land (McGraths Hill STP) opposite to the School as being built up area or not built up area.

The situation with Mulgrave Road is slightly different to the commercial area access needs for the delivery vehicles. Windsor High School is primarily located in an industrial/commercial area and not within a residential area as is commonly the case for schools. This site poses a problem as some of the adjoining businesses are taking advantage of the available road space and parking their trailers along the road shoulder. The space is used as a defacto pick up transition area for trailers. Upon investigation by the Regulatory Service team it is noted that many of the trailers are destined to locations outside the Hawkesbury Local Government Area.

Infringement notices have been issued, however the practice of parking of the trailers is continuing. In most cases the Infringement Notices are directed to the owner of the trailer who may be located out of the region or even interstate. Regulatory Services will continue to take this action. The provision of regulatory signage is being actioned through the Local Traffic Committee and will provide the truck drivers with a clear direction as to what vehicles can park in this area.

"No Parking-Motor Vehicles under 4.5 GVM excepted" zones will be provided on both sides of Mulgrave Road adjacent to the School. This will allow standard vehicles to park and at the same time prohibit the parking of larger vehicles and trailers.

Other sites can be considered for this type of treatment as the situation arises.

Road Rules and Heavy Vehicle Definition:

It should be pointed out that interpretation of the road rules can lead to some discrepancy and any controls within these sites would be best served by sign posting where possible to regulate allowable vehicles.

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Road Rule 2014:

built-up area, in relation to a length of road, means an area in which either of the following is present for a distance of at least 500 metres or, if the length of road is shorter than 500 metres, for the whole road—

- (a) buildings, not over 100 metres apart, on land next to the road,
- (b) street lights not over 100 metres apart

Offence Code 83618 relates to "Stop heavy/long vehicle longer than 1 hour". There are rules and subrules that relate to this offence that are summarised as:

- (1) The driver of a heavy vehicle, or long vehicle, must not stop on a length of road that is not in a built-up area, except on the shoulder of the road.
- (2) The driver of a heavy vehicle, or long vehicle, must not stop on a length of road in a built-up area for longer than 1 hour, unless the driver is permitted to stop on the length of road for longer than 1 hour by information on or with a traffic control device.
- (2A) The driver of a heavy vehicle, or long vehicle, other than a bus, is permitted to stop on a length of road in a built up area for longer than 1 hour if, throughout the period when the vehicle is stopped on the length of road, the driver is engaged in dropping off, or picking up, goods.
- (2A–1) The driver of a heavy vehicle, or a long vehicle, is permitted to stop on a length of road in a built-up area for longer than 1 hour if: (a) the driver is carrying out functions under the road transport legislation, or (b) the driver is complying with a direction given by a police officer or other person carrying out functions under the road transport legislation, or (c) the heavy vehicle or long vehicle is a bus.
- (2A–2) The driver of a heavy vehicle, or a long vehicle, is permitted to stop on a length of road in a built-up area for longer than 1 hour if the vehicle is stopped for a purpose that is ancillary to or connected with the lawful carrying out of a filming project (within the meaning of the Local Government Act 1993) that is approved under that Act. Heavy vehicle means a vehicle with a GVM of 4.5 tonnes or more. Long vehicle means a vehicle that, together with any load or projection, is 7.5 metres long, or longer. Built-up area, in relation to a length of road, means an area in which either of the following is present for a distance of at least 500 metres or, if the length of road is shorter than 500 metres, for the whole road: (a) buildings, not over 100 metres apart, on land next to the road, (b) street lights not over 100 metres apart

The Road Transport Act 2013-definition

heavy vehicle means-a motor vehicle or trailer that has a GVM of more than 4.5 tonnes

vehicle means -

- (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or
- (b) any description of tracked vehicle (such as a bulldozer), or any description of vehicle that moves on revolving runners inside endless tracks, that is not used exclusively on a railway or tramway, or
- (c) any other description of vehicle prescribed by the statutory rules.

Summary of Actions:

The interpretation of the road rules can lead to some discrepancy at locations within the Hawkesbury and any controls within these sites would be best served by sign posting where possible to regulate allowable vehicles.

The preference for the truck drivers is to have an area that offers off road de-coupling. There are limited areas for trucks to park along road lengths and allowing for these vehicles to de-couple trailers. Delivery companies may need to take into consideration the limited available space within the road reserve closer the commercial area and balance the Work Health and Safety issues for trucks to de-couple or alternatively arrive with vehicles suitable for their destination.

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The provision for de-coupling off road would require a considerable amount of land to build a purpose built area and would be difficult to strategically locate to suit all destinations given the location of Commercial areas within the Hawkesbury. This may be a matter for TfNSW through its heavy vehicle freight section to work with delivery companies and transport operators to formulate a strategy and possible solution.

In relation to the sites referred to in the Mayoral Minute, the following actions are proposed:

- Ham Common: No changes are to be undertaken at this stage at the Ham Common Reserve large parking area, until the overall design layout process has been completed. Options such as the sign posting of the area similar to the action taken at Mulgrave Road with “No Parking-Motor Vehicles under 4.5 GVM excepted” to be undertaken in consultation with TfNSW.
- Gravel Stockpile area Bells Line of Road - Colo High School: The gravel area along Bells Line of Road to remain unchanged as advised by TfNSW.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Assets

- 4.1 Transport infrastructure and connections – Creating an integrated and well maintained transport system is an important local priority
 - 4.1.1 Our roads and other transport infrastructure will be planned and provided to ensure connected, efficient and safe movement for all modes of transport.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

This matter is not specifically aligned with any Fit For The Future Strategies.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 80 **SS - Investment Report - March 2021 - (95496, 96332)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

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 \$60.73 million in investments at 31 March 2021 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 March 2021 be received and noted.

BACKGROUND

Council held \$60.73 million in investments as at 31 March 2021. 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.

1. Composition of Investment Portfolio

Tables 1 to 3 below provide details regarding the \$60.73 million in investments held as at 31 March 2021.

Table 1 - Summary of Council's Investment Portfolio as at 31 March 2021

Product Type	Face Value	% of Total
At Call Deposits	\$7,300,000	12.0%
TCorp Cash Fund	\$2,132,913	3.5%
Term Deposits - Fixed Rate	\$51,300,000	84.5%
Grand Total	\$60,732,913	100.0%

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

Long Term Credit Rating	Face Value	% of Total
AA-	\$53,600,000	88.30%
BBB	\$3,000,000	4.90%
BBB+	\$2,000,000	3.30%
NSW TCorp Cash Fund	\$2,132,913	3.50%
Grand Total	\$60,732,913	100.0%

Table 3 – Fixed Term Deposits

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
ANZ	AA-	A-1+	07-Jul-21	0.80%	\$3,000,000
Bank of Queensland	BBB+	A-2	11-Aug-21	0.90%	\$2,500,000
			16-Dec-21	0.55%	\$500,000
Commonwealth Bank of Australia	AA-	A-1+	06-May-21	0.25%	\$500,000
			21-Jul-21	0.67%	\$2,000,000*
			21-Jul-21	0.61%	\$1,000,000*
			26-Aug-21	0.69%	\$1,000,000*
			14-Oct-21	0.64%	\$3,000,000
			04-Nov-21	0.55%	\$1,500,000
			13-Jan-22	0.40%	\$1,000,000
			10-Feb-22	0.41%	\$1,500,000*
			23-Feb-22	0.43%	\$2,000,000
			20-Nov-23	0.65%	\$1,000,000
ME Bank	BBB	A-2	09-Dec-21	0.50%	\$2,000,000
National Australia Bank	AA-	A-1+	29-Apr-21	1.10%	\$1,000,000
			06-May-21	0.35%	\$500,000
			26-May-21	1.02%	\$1,500,000
			03-Jun-21	0.99%	\$3,000,000
			22-Sep-21	0.70%	\$1,000,000
			14-Oct-21	0.50%	\$500,000
			10-Nov-21	0.50%	\$2,000,000
			13-Jan-22	0.45%	\$2,000,000
			27-Jan-22	0.42%	\$800,000
			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
Westpac	AA-	A-1+	07-Apr-21	1.00%	\$1,000,000
			21-Apr-21	1.00%	\$1,000,000
			29-Apr-21	1.00%	\$1,000,000
			06-May-21	0.95%	\$1,500,000
			26-May-21	0.95%	\$500,000
			03-Jun-21	0.91%	\$1,000,000
			18-Jun-21	0.92%	\$1,500,000
			22-Sep-21	0.67%	\$1,000,000*
			09-Dec-21	0.49%	\$2,000,000
Grand Total					\$51,300,000

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

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2. Compliance to Investment Policy

Tables 4 to 5 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

Table 4 – 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	96.49%	100%	Yes
A+ to A- and below	8.23%	50%	Yes
BBB+ to BBB and below	8.23%	30%	Yes
BBB- and below	0%	5%	Yes
TCorp Cash Fund	3.51%	20%	Yes

Table 5 – 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+	3 years	Yes
BBB, BBB-	1 year	Yes
Non-rated ADIs	1 year	Yes

3. Portfolio Return

Council's investment portfolio (excluding At Call Deposits and TCorp Cash Fund) provided a weighted average return (running yield) as shown in Table 6 below.

Table 6 – Portfolio Return

30 November 2020	Weighted Average Return (Running Yield)
Hawkesbury City Council – Investment Portfolio	0.064%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.002%
Performance Relative to Benchmark	0.062%

Based on Council's Investment Advisor 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 2005, 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.

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Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify 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 2005 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 has reviewed Council's investments as at 31 March 2021 and has advised as follows:

- *Council's portfolio monthly return is around 0.06% above the Bloomberg AusBond Bank Bill benchmark. This return excludes at Call Accounts and the NSW TCorp Cash Fund.*
- *Bank of Queensland (BoQ) and ME Bank (MEB) have announced a merger subject to due diligence. The target date for completion is August 2021. Once BoQ and MEB are combined, Council will have an 8.23% exposure to the combined entity (based on this month's portfolio size). This will be outside portfolio limits. However, when purchased, all investments were within portfolio limits. Amicus' recommendation is no new investments be made in either BoQ or MEB and the current investments are held until they mature thus avoiding exacerbating any over exposures to the combined entity should the merger proceed.*
- *Overall, exposures to individual entities and to credit limits have been well managed such that there is additional capacity to add exposures to any of the existing entities if an opportunity arises, or to absorb any downgrades. Amicus generally recommends its clients operate with "buffers" between policy limit maximums and minimums to provide flexibility and avoid breaches, which is the strategy adopted by Hawkesbury City Council.*

In the current investment environment, Council's Investment Advisor, Amicus suggests Council pursues the following investment strategies with regards to any excess liquidity:

- *Invest in the best Term Deposit rates available within the capacity of Policy limits.*
- *Take limited exposures (no more than 5% of the total portfolio per entity, obviously within policy limits) to issuers outside the Major Banks in short-dated Term Deposits if rates are attractive. 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. In making these investments, Council should consider the likely lowest overall total size of the investment portfolio over the year to ensure that total exposures to an issuer outside the Major Banks does not exceed the 5% limit because the overall portfolio size has decreased since the initial investment was made.*
- *Consider investing in Bonds and Floating Rate Notes where the yields and risks are attractive relative to Term Deposits. As per prior reports, 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.*
- *With current Term Deposit rates well below the average of Council's average annual yield investment returns will fall in the coming months and so Amicus recommends Council actively pursue the strategies outlined above to mitigate the coming impact on absolute returns.*

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During the reporting period, the investment portfolio increased by \$0.8 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

Restriction of Funds

Council's total investment portfolio as at 31 March 2021 included funds that are restricted as to what they can be expended on.

Table 7 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$12,041,012	19.83%
External Restrictions - Western Parkland City Liveability Program	\$3,439,876	5.66%
External Restrictions - Bushfire and Flood Grants	\$822,024	1.35%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$5,124,442	8.44%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$16,043,782	26.42%
Unrestricted	\$23,261,777	38.30%
Total	\$60,732,913	100.00%

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.

Liveability, Fire and Flood Funding

At its meeting on 28 July 2020, Council resolved that future monthly investment reports identify the proportion of total investments made up of:

- Western Parkland City Liveability Program funding
- State and Federal Government grant funding for fire and flood.

Table 7 (above) has been amended to provide the details of the proportions.

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COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
 - 1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2020/2021 Adopted Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long-term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 081 **SS - Audit Committee Annual Report - September 2020 - (95496, 91369, 79351)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide to Council the Audit Committee's Annual Report for the period ending 16 September 2020.

EXECUTIVE SUMMARY:

The Audit Committee Charter requires an Annual Report of the Audit Committee's activities to be prepared for submission to the Audit Committee, and then to Council.

The Audit Committee's Annual Report for the period from 12 September 2019 to 16 September 2020 has been prepared and is attached as Attachment 1 to this report.

The Annual Report includes an assessment of the Audit Committee's performance in regard to compliance with the Committee Charter and provides a high level summary of the status of management actions arising out of audits undertaken and an overview of the type and number of reports received by the Committee.

RECOMMENDATION:

That the Audit Committee's Annual Report for the period ending 16 September 2020, attached as Attachment 1 to this report, be received and noted.

BACKGROUND

Clause 9.3 (g) of the Audit Committee Charter states that the Secretariat of the Audit Committee is required to prepare an Annual Report of the Audit Committee's activities for submission to the Audit Committee, and then to Council.

An Annual Report for the period from 12 September 2019 to 16 September 2020 was prepared and considered at the Audit Committee meeting on 2 December 2020. The Annual Report includes an assessment of the Audit Committee's performance in regard to compliance with the Committee Charter. It also provides a summary of the Committee's work in regard to risk management, the control framework, external accountability, legislative compliance, and internal audit activities.

The Annual Report provides a high level summary of the status of management actions arising out of audits undertaken and an overview of the type and number of reports received by the Audit Committee in the 12 month period.

At the Audit Committee meeting on 2 December 2020, the Committee resolved to endorse and submit to Council the Audit Committee Annual Report - September 2020.

The Audit Committee's Annual Report for the period from 12 September 2019 to 16 September 2020 is attached as Attachment 1 to this report.

The Annual Report provides an overview of the Committee's operation and activities undertaken by the Audit Committee for the 12 month period ending 16 September 2020.

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Council, at its meeting on 30 October 2018 adopted the Audit Committee Charter. The Charter requires an annual report of the Committee's activities to be submitted to the Audit Committee and Council.

The adopted Audit Committee Charter requires an annual report of the Committee's activities to be submitted to the Audit Committee and Council.

DISCUSSION

The Audit Committee's Annual Report for the period from 12 September 2019 to 16 September 2020 was considered by the Audit Committee at its meeting on 2 December 2020. At that meeting, the Audit Committee resolved as follows:

"That the Audit Committee Annual Report – September 2020, attached as Attachment 1 to this report, be endorsed to be submitted to Council, subject to the following amendments to be made on page 3 of the Annual Report:

- *Craig Bennett*
 - *Removal of reference to Treasurer of Kurrajong Anglican Church*
 - *Add position of Vice-President of Retirement Village Residents Association Inc. NSW.*
- *Ellen Hegarty*
 - *Add Nepean Blue Mountain Local Health District (NBMLHD) Consumer Advocacy Network; Consumer Representative to the Research Committee of Nepean Hospital*
 - *Qualifications include Master of Applied Finance and Certification in Internal Auditing and Quality Assurance."*

In accordance with the above resolution, the requested amendments were made to the Audit Committee Annual Report - September 2020, and is now submitted to Council.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.
- 1.6 Corporate Services - Support the operation of the organisation through the provision of effective and efficient corporate support services.
 - 1.6.2 Council's workforce, systems and processes will support high performance and optimal service delivery for our community.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks.

ATTACHMENTS:

AT - 1 Audit Committee Annual Report – September 2020.

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AT - 1 Audit Committee Annual Report – September 2019



AUDIT COMMITTEE

ANNUAL REPORT

12 September 2019 - 16 September 2020

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INTRODUCTION

Hawkesbury City Council has in place an Audit Committee. Council established the Committee under Section 377 of the Local Government Act 1993. The Committee provides an independent assurance on risk management, control, governance and external accountability.

The term of the Audit Committee is four years from September 2016 to September 2020. The Audit Committee Charter states the Term will be four years to coincide with the Council's term of office. It is noted that due to the deferral of the local government election to September 2021, the term of the Committee has been extended to align with the election date.

The Committee Charter requires the Secretariat to prepare an Annual Report of the Audit Committee's activities for submission to the Audit Committee, who will, in turn, present such report to Council.

This Annual Report provides an overview of the Committee's operation and activities undertaken by the Audit Committee for the 12-month period from 12 September 2019 to 16 September 2020 and provides an assessment of the Committee's performance during this period.

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PROFILE OF COMMITTEE MEMBERS

Ms Nisha Maheshwari	Ms Ellen Hegarty	Mr Craig Bennett
<p>Nisha was appointed Chair of the Audit Committee in 2018. Nisha has experience in both conducting and managing various types of audits under Australian Auditing Standards and assessing the adequacy of internal audit functions and internal controls within organisations.</p> <p>Nisha has been an independent Committee member since 2010.</p> <p>Nisha's relevant experience and qualifications include:</p> <ul style="list-style-type: none"> • Financial Controller at The Smith Family • Manager at KPMG • Member of Local Government Audit Committee Association • Chartered Accountant • Qualifications in audit, financial management and business advisory 	<p>Ellen has been an independent Committee member since 2013.</p> <p>Ellen's experience and qualifications include:</p> <ul style="list-style-type: none"> • Finance Officer, Defence Finance Group • Joint owner of Linus Finance Brokers Pty Ltd - Licensee of Kurmond Licensed Post Office • NSW Cancer Council, MP Liaison Officer for the seat of Hawkesbury • Vice Chairperson of Hawkesbury Cancer Support Network • Nepean Blue Mountain Local Health District (NBMLHD) Consumer Advocacy Network; Consumer Representative to the Research Committee of Nepean Hospital • Qualifications include Master of Applied Finance and certification in Internal Auditing and Quality Assurance. 	<p>Craig was appointed Deputy Chair of the Audit Committee in 2018.</p> <p>Craig's experience includes:</p> <ul style="list-style-type: none"> • Investment Banking with Societe Generale Paris • Director Hawkesbury Community Financial Services • Franchisee for Local Community Bank • Vice-President of Retirement Village Residents Association Inc. NSW.

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Councillor Paul Rasmussen	Councillor John Ross	Councillor Patrick Conolly (Alternate)
<p>Councillor Rasmussen is a Councillor member since September 2016. Councillor Rasmussen is a member of various Council Committees including Waste Management Advisory Committee, Floodplain Risk Management Advisory Committee and the Hawkesbury Tourism Advisory Committee in addition to the Audit Committee, represents Council on a number of external Committees and has served as Chairman of various organisations.</p> <p>Paul has dedicated many years of service to the community, including 30 years' service to RAAF and has completed tertiary training in:</p> <ul style="list-style-type: none"> • Science and Engineering • Finance • Leadership 	<p>Councillor Ross is a Councillor member since 2016. Councillor Ross is a member of the Hawkesbury Access and Inclusion Advisory Committee in addition to the Audit Committee. John is an active member of campaigns and has qualifications in Accounting.</p>	<p>Councillor Conolly is a Councillor member since 2013. Councillor Conolly is a member of various Council Committees including the McMahon's Park Management Committee and the Hawkesbury Sister City Association in addition to the Audit Committee. He has previously been a member on Council's Heritage Advisory Committee and Destination Hawkesbury Committee. Patrick has qualifications including a Master of Commerce and a Bachelor of Business and Commerce.</p>

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COMMITTEE REPORT CARD

Committee Meetings	<p>The Audit Committee met six times during the reporting period:</p> <ul style="list-style-type: none"> • 6 November 2019 • 4 December 2019 • 4 March 2020 • 3 June 2020 • 26 August 2020 • 16 September 2020
Composition	<ul style="list-style-type: none"> • Three independent external members • Two Councillors • One Alternate Councillor
Broad range of skills and experience	<ul style="list-style-type: none"> • Independent external members have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment and/or financial, legal and business expertise.
Functional separation	<ul style="list-style-type: none"> • The Committee has no executive powers.
Sufficient time allocated to tasks	<ul style="list-style-type: none"> • The Committee agenda allows time for discussion of Agenda Items. The Agenda is distributed one week before the meeting date.
Consultation	<ul style="list-style-type: none"> • Directors and Managers invited to address audit reports as required. The General Manager, the Director Support Services and the Chief Financial Officer also attend meetings of the Audit Committee.
Probity	<ul style="list-style-type: none"> • Members declare conflicts of interest if they arise.
Risk management	<ul style="list-style-type: none"> • Council is in the process of developing an organisation wide Enterprise Risk Management Framework. The risk registers were updated for each operational area of Council. All registers have been consolidated and reported to the Audit Committee. Associated actions will be reported to the Audit Committee.
Control framework	<ul style="list-style-type: none"> • Review of controls and policies and procedures through audit reports and high-level briefings received. • The 2020/2021 Internal Audit Program approved. • The approved Program includes three audits to be carried out during 2020/2021

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External accountability	<ul style="list-style-type: none"> • Provided feedback on the annual Financial Statements. • Annual General Purpose Financial Statements and Special Purpose Financial Statements for year ended 30 June 2020 presented to the Committee.
Legislative compliance	<ul style="list-style-type: none"> • A Compliance Register has been developed, at this stage through a subscription to Kell Moore Lawyers to provide Council with bi-annual updates on changes to legislation that impact on local government and on staff delegations.
Internal audit	<ul style="list-style-type: none"> • 2018/2019 and 2019/2020 Internal Audit Programs: <ul style="list-style-type: none"> - 2018/2019 contained four audit projects. All four of the audit projects have been finalised and reported to the Audit Committee. - The 2019/2020 contained three audit projects. One of the audits, being the DRIVES24 Audit has been completed and has been presented to the Audit Committee. The City Planning – Applications and Certificates Audit is finalised and is being submitted to the Audit Committee for consideration at the meeting on 2 December 2020. The Customer Service – Standards and Complaints Audit is in the final stages of finalisation. • Other reports considered: <ul style="list-style-type: none"> - Internal Audit Management Actions Status Reports - Council Financial Reports including monthly investment reports and quarterly review reports - Provision of Internal Audit Services - Council's Enterprise Risk Register - A New Risk Management and Internal Audit Framework for Local Councils in NSW - Review of Council's Investment Policy - Third Party Review - Peppercorn Services Inc - Third Party Review - Hawkesbury River County Council - New Accounting Standards - The Committee reviews progress reports from management in regard to the implementation of agreed operational improvements flowing from all internal audits conducted.
External audit	<ul style="list-style-type: none"> • External Auditors attended the Audit Committee meetings.

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INTERNAL AUDIT

The Committee monitors the effectiveness of the control environment through the review of audit reports.

The Committee receives auditor presentations on the audit report findings. Managers and Directors are also invited to discuss identified improvement opportunities. The implementation of management actions arising from internal audit reports is a critical element of an effective internal control framework.

Council's Executive Management Team has established a reporting process providing a structured yet flexible risk appetite to track the implementation of management actions. The Committee, through an Internal Audit Coordinator, periodically monitors the status of management actions items at each Committee meeting.

As at 19 November 2020, the status of the management actions from the audits carried out since September 2017 are outlined in the following table:

Audit Name	Actions	Completed	On Track	Overdue
Accounts Payable	50	50		
Commercial Leases and Property Management	20	10	10	
Cyber Security Review	29	29		
Delegations Review	16	14	2	
Developer Contributions Review	22	11	11	
ICT Continuity and Recovery	11	11		
Plant and Equipment Review	16	11	5	
Regulatory Inspectorate Review	15	14	1	
WMF & Environmental management plan compliance review	11	11		
Workers Compensation and Return to Work Review	8	8		
Provision of Information to the Public	23	20	3	
Project and Contract Management	15	3	12	
DRIVES24 Compliance (2018/2019)	7	7	0	
Procurement	18	16	2	
DRIVES24 Compliance (2019/2020)	2	2	0	
	263	217	46	0

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COMMITTEE PARTICIPATION

Name	Role	Term	Meetings	
			Eligible	Attended
Nisha Maheshwari	Chair	September 2019 to September 2020	6	5
Craig Bennett	Deputy Chair	September 2019 to September 2020	6	5
Ellen Hegarty	Independent	September 2019 to September 2020	6	4
Paul Rasmussen	Councillor	September 2019 to September 2020	6	5
John Ross	Councillor	September 2019 to September 2020	6	6
Patrick Conolly	Councillor (Alternate)	September 2019 to September 2020	N/A	N/A

- Meetings held between 12 September 2019 to 16 September 2020.

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COMMITTEE GUESTS

Name	Organisation	Meeting Date
Ms Yas Wickramasekera Ms Shirley Huang Ms Cathy Wu	The Centium Group Grant Thornton NSW Audit Office	6 November 2019
Ms Yas Wickramasekera Mr James Winter	The Centium Group Grant Thornton	4 December 2019
Mr James Winter Mr Kenneth Leung	Grant Thornton NSW Audit Office	4 March 2020
Ms Shirley Huang Mr James Winter Mr Kenneth Leung	Grant Thornton Grant Thornton NSW Audit Office	3 June 2020
Ms Penelope Corkhill Mr James Winter Mr Kenneth Leung	The Centium Group Grant Thornton NSW Audit Office	26 August 2020
Ms Penelope Corkhill Mr James Winter	The Centium Group Grant Thornton	16 September 2020

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COMMITTEE AND STANDING REPORTS

Meeting Date	Audit reports received	Standing reports received ⁽¹⁾	Other reports received ⁽²⁾
6 November 2019	2	2	6
4 December 2019	0	3	5
4 March 2020	0	3	1
3 June 2020	0	3	4
26 August 2020	1	2	4
16 September 2020	1	1	5

- (1) Standing reports are information presented to the Committee e.g. internal audit management actions progress report, status of the current audit plan and finance reports.
- (2) Other reports are where the Committee was provided with reports on a particular audit matter.

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SUMMARY OF COMMITTEE WORK

Control Framework

Independent members appointed following Local Government elections in 2016.

The Committee is following actions as a result of audits performed to obtain assurance that internal controls were working effectively and that there was appropriate policies and procedures in place for the following:

1. Accounts Payable
2. Commercial Leases and Property Management
3. Cyber Security
4. Delegations
5. Developer Contributions
6. ICT Continuity and Recovery
7. Plant and Equipment
8. Regulatory Inspectorate
9. Waste Management Facility and Environmental Management Plan Compliance
10. Workers Compensation and Return to Work
11. Provision of Information to the Public
12. Project and Contract Management
13. DRIVES24 Compliance (2018/2019)
14. Procurement
15. DRIVES24 Compliance (2019/2020)

The Committee established actions as a result of these audits and management is committed to having a sound and effective internal control framework through management's responses to audit recommendations and attendance at the Committee meetings.

The 2020/2021 Internal Audit Program approved by the Audit Committee. The approved Program includes three audits to be carried out during 2020/2021.

External Accountability

Annual General Purpose Financial Statements and Special Purpose Financial Statements for year ended 30 June 2020 presented to the Committee.

Legislative Compliance

Council subscribed to Kell Moore Lawyers to provide Council with bi-annual updates on changes to legislation that impact on local government and on staff delegations.

Internal Audit

The Committee adopted the Internal Audit Plan for 2020/2021 at its meeting on 16 September 2020.

The Committee considered internal audit reports that were presented in relation to audits completed during the year, and these reports were adopted. The progress on the status of management actions arising from internal audit reports were reviewed.

The Committee acted as a forum for communication between Council, the General Manager, senior management, and internal and external audit through discussions during the Committee meetings.

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External Audit

A representative of Council's External Auditor, The Audit Office of NSW, and the Auditor's nominated agent, Grant Thornton attend the Audit Committee meetings.

Risk Management

Council is in the process of developing an organisation wide Enterprise Risk Management Framework. The risk registers were updated for each operational area of Council. All registers have been consolidated and reported to the Audit Committee. Associated actions will be reported to the Audit Committee.

Other Matters

During the reporting period the Audit Committee also considered various other reports including the following:

- Management Actions Status Reports
- Internal Audit Program Status Reports
- Council Financial Reports including monthly investment reports and quarterly review reports
- Review of Council's Risk Registers.
- Review of the General Purpose Financial Statements and Special Purpose Financial Statements.
- Audit Committee Annual Report - September 2019.
- Terms of Reference for Audits.
- Legislation - Internal Audit and Risk Management Framework.
- Meeting Dates for 2020.
- NSW Audit Office Performance Audits 2019/2020 - NSW Local Government Sector.
- Review of Council's Investment Policy.
- Third Party Review - Peppercorn Services.
- Tender and Contract Management Review.
- Third Party Review - Hawkesbury River County Council Inc.
- Proposed 2020/2021 Internal Audit Program.
- Provision of Internal Audit Services.

oooO END OF REPORT Oooo

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Item: 082 **SS - Attendance by Councillors at Council and Committee Meetings - (95496)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide information concerning requirements for personal attendance by Councillors at meetings of Council and Council Committees of which the members are all Councillors
- Seek endorsement of a draft submission by Council in response to the Office of Local Government's Consultation Paper concerning proposed changes to the Model Code of Meeting Practice
- Recommend the adoption of procedures for attendance by Councillors at meetings by audio-visual link, pending the outcome of the consultation process on proposed changes to the Model Code of Meeting Practice.

EXECUTIVE SUMMARY:

The Local Government Act 1993 requires that Council Meetings and Meetings of Council Committees, the members of which are all Councillors, must be conducted in accordance with Council's Code of Meeting Practice. References in this report to committees means only those committees the members of which are all Councillors.

Council's Code of Meeting Practice, based on the Model Code of Meeting Practice prescribed under the Local Government Act 1993, requires that Councillors be present in person at Council and committee meetings in order to participate.

Following the onset of the COVID-19 Pandemic in March 2020 the Local Government Act 1993 was amended to permit Councillors to attend meetings by audio-visual link, and Council commenced holding meetings this way from 31 March 2020.

The COVID-19 specific amendments to the Local Government Act 1993 were repealed on 25 March 2021, meaning Councillors would again be required to attend meetings in person in accordance with the Code of Meeting Practice. However:

- Pending the proposed changes to the Model Code of Meeting Practice, on 31 March 2021 amendments were made to the Local Government (General) Regulation 2005 exempting councils from the requirement for Councillors to attend meetings in person
- The Office of Local Government has issued draft procedures for attendance at meetings by audio-visual link, which it recommends Councils adopt. The draft procedures contain reasons for which Councillors can seek to attend meetings by audio-visual link.
- The Office of Local Government is proposing that the Model Code of Meeting Practice be amended to permit Councillors to attend meetings by audio-visual link in certain circumstances. Consultation Paper on the proposed changes to the Model Code of Meeting Practice

It is recommended that Council adopt the procedures for the attendance of Councillors at meetings by audio-visual link which are consistent with the draft procedures issued by the Office of Local Government.

Submissions in response to the Consultation Paper on the proposed changes to the Model Code of Meeting Practice are required to be made by 3 May 2021.

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A draft submission in response to the Consultation Paper has been prepared. In summary Council's submission makes the following points in relation to the proposed amendments to the Model Meeting Code:

- That Council is supportive of Councillors being able to attend meetings by audio-visual link
- The reasons for which remote attendance can be requested should include where it would take more than 1 hour to travel to the meeting
- The reasons for which remote attendance can be requested should also include where a councillor is affected by circumstances which create a high risk of severe illness if they were to contract COVID-19
- There should be some flexibility as to the period of notice required to be given by Councillors of a request to attend by audio-visual link. Council should have discretion to approve requests by Councillors to attend remotely where those requests are made less than five business days before the meeting, which is the period recommended in the Consultation Paper.

RECOMMENDATION:

That Council:

1. Adopt Procedures for Attendance by Councillors at Meetings by audio-visual link, attached as Attachment 2 to this report.
2. Endorse Council's draft submission in response to the Office of Local Government's Consultation Paper concerning proposed changes to the Model Code of Meeting Practice, attached as Attachment 4 to this report.

BACKGROUND

The Local Government Act 1993 provides that councils must adopt Codes of Meeting Practice based on the Model Code of Meeting Practice (the Model Meeting Code) prescribed by Government Gazette.

A new Model Meeting Code was prescribed in December 2018, and adopted by Council on 28 May 2019, with amendments.

Since then amendments to Council's Code of Meeting Practice have been adopted by Council on 18 February 2020 and most recently on 23 February 2021.

Section 360(5) of the Local Government Act says:

"A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it."

Clause 5.2 of Council's Code of Meeting Practice says:

"A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting."

The Local Government Act 1993 was amended in March 2021 to insert the following provision:

*"747A (1) For the prescribed period -
(a) a requirement in the Act or regulations that members of a council or other person attend a meeting is satisfied if the meeting is held in whole or in part—
(i) remotely using audio visual links, or
(ii) in any other manner approved by the Minister but only if audio visual links are not reasonably available."*

The prescribed period ended on 25 March 2021.

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Prior to the repeal of Section 747A, the Office of Local Government announced changes to the Local Government (General) Regulation 2005 (the Regulation) which would provide an exemption from the requirement to attend meetings in person, however the Regulation did not take effect until 31 March 2021. The exemption expires on 31 December 2021.

The Office of Local Government's Circular of 1 April 2021 - 21-02 Temporary exemption from the requirement for councillors to attend meetings in person (the Circular) says:

- Councils are not required to amend their codes of meeting practice in response to the Regulation but should adopt procedures to supplement those codes
- The Office of Local Government has created draft procedures which provide that Councillors can seek permission to be physically absent from Council meetings due to illness, disability, caring responsibilities or such other reason that is acceptable to Council. The Office of Local Government's draft procedures for attendance by Councillors at meetings by audio-visual link are attached to the Circular.

The Circular is attached as Attachment 1 to this report. Draft Hawkesbury City Council Procedures for attendance by Councillors at meetings by audio-visual link are attached as Attachment 2 to this report.

The Consultation Paper attached as Attachment 3 to this report proposes amendments to the Model Meeting Code to allow Councillors to attend Council and Committee meetings by audio-visual link with approval in certain circumstances.

Submissions in response to the Consultation Paper are required to be made by 3 May 2021.

Councillors were briefed on the Regulation and proposed changes to the Model Code of Meeting Practice at a Councillor Briefing Session on 13 April 2021.

DISCUSSION

Amendments to Local Government (General) Regulation 2005

The repeal from 25 March 2021 of the COVID- 19 specific amendments to the Local Government Act 1993, means that Councillors would be required to attend Council and Committee meetings in person.

While the Office of Local Government consults on proposed changes to the Model Code of Meeting Practice, the amendment to the Regulation is an interim measure. It has the effect of exempting Council from complying with Clause 5.2 of Council's Code of Meeting Practice which requires Councillors to be personally present at meetings to participate. This means that Councillors can attend meetings by audio-visual link in certain circumstances.

The Office of Local Government Circular says that councils should adopt procedures for remote attendance by audio-visual link. The draft procedures proposed by the Office of Local Government and included as part of Attachment 1 to this report provide that the reasons for remote attendance should be limited to:

- Ill health
- Disability
- Carer responsibility
- Such other reason as is acceptable to Council or the committee.

The draft procedures require requests by Councillors to attend meetings remotely by audio-visual link to be made in writing to the General Manager within a timeframe consistent with the timeframe for lodging notices of motion. In Council's case this would be five business days or seven days in total prior to a meeting.

The draft procedures also refer to the requirement for Council and committees to act reasonably when considering requests by Councillors to attend meetings remotely by audio-visual link.

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It is open to Council to adopt those procedures while the Office of Local Government completes their process for the making of changes to the Model Code of Meeting Practice.

Proposed amendments to the Model Code of Meeting Practice

The overview to the Office of Local Government's Consultation Paper contains the following:

"Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances."

The Consultation Paper proposes changes to the Model Code of Meeting Practice which would permit councillors to attend meetings by audio-visual link with the approval of Council or a committee for the following reasons:

- Ill health
- Disability
- Carer responsibility
- Natural disaster
- Being absent from the local area due to pre-existing work commitment

The Consultation Paper proposes the same period of notice of requests to attend meetings by audio-visual link as the draft procedures (referred to as five working days).

The Consultation Paper also makes the following proposals:

- Being absent from the local area due to pre-existing work commitment can be used as reason to attend meetings by audio-visual link no more than three times in a year.
- The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.
- The council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.
- Councillors will need to continue to adhere to requirements to disclose and manage conflicts of interest and protect the confidentiality of information considered during closed sessions when attending meetings by audio-visual link.

Council's draft submission in response to the Consultation Paper takes into account feedback provided by Councillors at the Councillor Briefing Session, and is attached as Attachment 4 to this report.

The draft submission refers to Council's agreement with amendments to the Model Meeting Code to enable Councillors to attend meetings by audio-video link. It also suggests amendments to the proposed changes so that:

- The reasons for which remote attendance can be requested should include where it would take more than 1 hour to travel to the meeting

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- The reasons for which remote attendance can be requested include where a councillor is affected by circumstances which create a high risk of severe illness if they were to contract COVID-19
- There is flexibility as to the period of notice required to be given by Councillors of a request to attend by audio-visual link. Council should have discretion to approve requests by councillors to attend remotely where those requests are made less than five business days before the meeting, which is the period recommended in the Consultation Paper.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

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

FINANCIAL IMPACT

There are no financial implications applicable to this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

- AT - 1** Office of Local Government Circular 21-02 Temporary exemption from the requirement for councillors to attend meetings in person.
- AT - 2** Hawkesbury City Council draft Procedures for attendance by councillors at meetings by audio-visual link.
- AT - 3** Office of Local Government Consultation Paper: Remote Attendance by Councillors at Council Meetings.
- AT - 4** Draft Submission in response to Office of Local Government Consultation Paper: Remote Attendance by Councillors at Council Meetings.

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AT - 1 Office of Local Government Circular 21-02 Temporary exemption from the requirement for councillors to attend meetings in person



Office of
Local Government

Circular to Councils

Circular Details	21-02 / 1 April 2021 / A765862
Previous Circular	21-01 <i>Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Temporary exemption from the requirement for councillors to attend meetings in person

What's new or changing

- The Office of Local Government (OLG) is currently consulting with councils and others on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) allowing councillors to attend meetings remotely using audio-visual links. A [discussion paper](#) has been issued and submissions are due on **3 May 2021**.
- The *Local Government (General) Regulation 2005* (the Regulation) has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on **31 December 2021**.
- The Regulation amendment will operate to allow councils to permit councillors to attend meetings remotely by audio-visual link while OLG consults on the new provisions of the Model Meeting Code and until such time as councils are able to adopt them.

What this will mean for your council

- As of **26 March 2021**, councils are now required under section 10 of the *Local Government Act 1993* to hold meetings of the council and committees comprising only of councillors in physical venues and to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements.
- The Regulation amendment operates to exempt councils from the requirement under clause 5.2 of the Model Meeting Code for councillors to be personally present at a meeting in order to participate in it.
- For the period in which the Regulation amendment is in force, councils have the option to permit councillors to attend and participate in meetings remotely by audio-visual link should councils choose to do so.
- Councils are not required to amend their codes of meeting practice to allow councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice. Suggested procedures are attached to this circular.

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Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

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- The Regulation amendment does not apply to joint organisations of councils or county councils. The regulation making power under which the Regulation has been amended only allows exemptions to be made for “areas” constituted under Part 1 of Chapter 9 of the Act. These provisions do not apply to joint organisations of councils or county councils.
- Joint organisations are already permitted to meet by telephone or other electronic means under clause 397G of the Regulation and the Model Meeting Code. However, it is not possible to exempt county councils by regulation and members of county councils will need to continue to attend meetings in person to participate in them until amendments are made to the Model Meeting Code permitting attendance at meetings by audio-visual link.
- In dealing with requests by councillors to attend meetings by audio-visual link on grounds of illness, disability or caring responsibilities, councils must ensure they comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002*.

Where to go for further information

- Suggested procedures for attendance by councillors at meetings using audio-visual link are attached to this circular.
- The *Remote Attendance by Councillors at Council Meetings* consultation paper is available on OLG's website [here](#).
- Guidance on the Health Privacy Principles is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

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ATTACHMENT

Procedures for attendance by councillors at meetings by audio-visual link

What is an “audio visual link”

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

Approval for councillors to attend meetings by audio visual link

- The council and committees of the council comprising wholly of councillors may, in response to a request made by a councillor, resolve to permit the councillor to attend one or more meetings of the council or committee remotely by audio visual link where it is satisfied that the councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.
- Requests by councillors to attend meetings remotely by audio-visual link must be made in writing to the General Manager at least *[council to specify a timeframe that is consistent with the timeframe for lodging notices of motion]* business days before a meeting, and must provide information about the meetings the councillor will be prevented from attending in person and the reason why the councillor will be prevented from attending the meeting/s in person.
- A resolution by the council or a committee of the council permitting a councillor to attend one or more meetings by audio-visual link must provide the following information:
 - the grounds on which the councillor is being permitted to attend meetings remotely by audio visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
 - details of the meetings the resolution applies to.
- The council or committee of the council may permit more than one councillor to attend a meeting by audio-visual link but must not permit all councillors to attend a meeting by audio-visual link.
- A decision to permit a councillor to attend a meeting remotely by audio-visual link is at the council's or the committee's discretion. The council and its committees must act reasonably when considering requests by councillors to attend meetings remotely by audio-visual link.
- The council and its committees are under no obligation to permit a councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the councillor to attend a meeting by these means.
- The council and its committees may refuse a councillor's request to attend a meeting remotely by audio-visual link where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting of the council or its committees by audio-visual link.

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Attendance by councillors at meetings by audio visual link

- Where a councillor attends a meeting by audio-visual link with the approval of the council or a committee of the council they are to be taken as attending the meeting in person for the purposes of the council's code of meeting practice and will have the same voting rights as if they were attending the meeting in person.
- The council's code of meeting practice will apply to a councillor attending a meeting remotely by audio-visual link, in the same way it would if the councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.
- Where a councillor attends a meeting of the council or a committee of the council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

Conflicts of interest

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.
- Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Confidentiality

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

Maintenance of order

- Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.
- If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

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AT - 2 Hawkesbury City Council draft Procedures for attendance by councillors at meetings by audio-visual link

**Procedures for attendance by Councillors
at meetings by audio-visual link**



What is an “audio visual link”

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

Approval for Councillors to attend meetings by audio visual link

- The Council and Committees of the Council comprising wholly of Councillors may, in response to a request made by a Councillor, resolve to permit the Councillor to attend one or more meetings of the Council or Committee remotely by audio visual link where it is satisfied that the Councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.
- Requests by Councillors to attend meetings remotely by audio-visual link must be made in writing to the General Manager at least seven days business days before a meeting, and must provide information about the meetings the Councillor will be prevented from attending in person and the reason why the Councillor will be prevented from attending the meeting/s in person.
- A resolution by the Council or a Committee of the Council permitting a Councillor to attend one or more meetings by audio-visual link must provide the following information:
 - the grounds on which the Councillor is being permitted to attend meetings remotely by audio visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
 - details of the meetings the resolution applies to.
- The Council or Committee of the council may permit more than one Councillor to attend a meeting by audio-visual link but must not permit all Councillors to attend a meeting by audio-visual link.
- A decision to permit a Councillor to attend a meeting remotely by audio-visual link is at the Council's or the Committee's discretion. The council and its Committees must act reasonably when considering requests by Councillors to attend meetings remotely by audio-visual link.
- The Council and its Committees are under no obligation to permit a Councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the Councillor to attend a meeting by these means.
- The Council and its Committees may refuse a Councillor's request to attend a meeting remotely by audio-visual link where the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the Council's Code of Meeting Practice on one or more previous occasions when they have attended a meeting of the Council or its Committees by audio-visual link.

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Attendance by Councillors at meetings by audio visual link

- Where a Councillor attends a meeting by audio-visual link with the approval of the Council or a Committee of the Council they are to be taken as attending the meeting in person for the purposes of the Council's Code of Meeting Practice and will have the same voting rights as if they were attending the meeting in person.
- The Council's Code of Meeting Practice will apply to a Councillor attending a meeting remotely by audio-visual link, in the same way it would if the Councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the Committee into disrepute.
- Where a Councillor attends a meeting of the Council or a Committee of the Council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

Conflicts of interest

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct.
- Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or Committee, or at any time during which the Council or Committee is voting on the matter.

Confidentiality

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

Maintenance of order

- Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with the Council's Code of Meeting Practice.
- If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Compliance with the Health Privacy Principles

- The Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting remotely by audio-visual link.

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Meeting Date: 27 April 2021

AT - 3 Office of Local Government Consultation Paper: Remote Attendance by Councillors at Council Meetings



ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 27 April 2021

Office of Local Government, Department of Planning, Industry and Environment
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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

➤ **The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.**

“Audio-visual” link will be defined as “a facility that enables audio and visual communication between persons at different places”.

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

➤ **As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.**

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

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➤ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

➤ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

➤ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

➤ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted to terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes?
What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by
COB 3 May 2021 to the following addresses.

Further information

For more information, please contact
Office of Local Government's Council
Governance Team on **(02) 4428 4100** or via
email at olg@olg.nsw.gov.au.

POST:

Locked Bag 3015
NOWRA NSW 2541



EMAIL:

olg@olg.nsw.gov.au

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.

ORDINARY MEETING

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Meeting Date: 27 April 2021



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AT - 4 Draft Submission in response to Office of Local Government Consultation Paper: Remote Attendance by Councillors at Council Meetings



April 2021

Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Attn: Council Governance Team

E-mail: olg@olg.nsw.gov.au

Dear Sir/Madam

Hawkesbury City Council Submission - Remote attendance at council and committee meetings

I refer to the Office of Local Government's Circular 21-02 - Temporary exemption from the requirement for councillors to attend meetings in person, in relation to consultation with councils on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) issued on 1 April 2021 (the Circular).

Reference is also made to the Consultation Paper: Remote Attendance by Councillors at Council Meetings referred to in the Circular.

Following consideration of this matter at Council's Ordinary Meeting held on 27 April 2021, Council resolved to make this submission in response to the Consultation Paper.

Council's meeting practices since March 2020

Following the onset of the COVID-19 Pandemic and the insertion of Section 747A into the Local Government Act 1993 in relation to attendance of councillors at meetings, in March 2020 Councillors commenced Council Meetings by audio-visual link. Council also provides a webcast (livestream) of Council Meetings.

From April to September 2021 all Councillors attended Council Meetings by audio-visual link and from that time until 25 March 2021 some Councillors have attended in the Council Chambers and some by audio-visual link. The Council Chambers are located at Council's main administration building in Windsor.

Since the repeal of Section 747A of the Local Government Act 1993 and the amendment of the Local Government (General) Regulation 2005, Council has received and resolved to approve one request for attendance at specified Council Meetings by audio-visual link.

At its Ordinary Meeting on 27 April 2021 Council resolved to adopt 'Procedures for attendance by councillors at meetings by audio-visual link' suggested by the Office of Local Government and attached to the Circular.

366 George Street (PO Box 146) WINDSOR NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 WINDSOR
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



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Council refers to the key questions for consideration in the Consultation Paper and addresses each as follows:

Does Council Support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

Council is supportive of councillors being able to attend council meetings remotely by audio visual link, and generally supports the proposed amendments to the Model Meeting Code in the consultation paper.

Council notes that the Consultation Paper proposes that councillors could be permitted to attend meetings by audio visual link with the approval of Council or a committee for the following reasons:

- ill health
- disability
- carer responsibilities
- natural disaster
- being absent from the local area due to a pre-existing work commitment.

These reasons are supported, however Council suggests that the reasons also include:

- Where a Councillor lives a significant distance from the Council Chambers and/or the required travel time is significant. This is dealt with in further detail below
- Where a Councillor is at greater risk of more serious illness caused by contracting COVID-19.

Does Council have any concerns about the proposed changes? What are the concerns?

Reasons for requesting attendance by audio-visual link

The overview to the Consultation Paper contains the following:

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

Council is concerned that the reasons for requesting attendance at meetings by audio-visual link are too limited, and will not operate to achieve the aspiration of removing impediments to prevent underrepresented groups from serving on local councils.

The Hawkesbury Local Government Area covers approximately 2800 square kilometres and is the largest Local Government Area in the Sydney basin.

While the majority of the population is centred in or around Windsor and Richmond, and surrounding towns and suburbs, there are communities based in more remote rural areas. For example, St Albans is approximately 64 kilometres from Windsor, and travel to Council Chambers involves crossing the Hawkesbury River by ferry, and travel time of approximately 1.5 hours each

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way. There are other population centres throughout the Local Government Area that are more than 35 kilometres from the Council Chambers.

The requirement to attend Council meetings in person potentially acts as an impediment to representation for those people who live in more remote locations.

Council anticipates that other councils, particularly those with large areas in remote rural and semi-rural locations would have examples of populations living a significant distance from the main town centres where those councils are based.

Council submits that the amendments to the Model Meeting Code should include, among the reasons for which remote attendance can be requested, where councillors are required to travel for more than an hour from their place of residence to the location of the meeting.

In relation risks to health associated with COVID-19, the Australian Government Website lists a number of circumstances in persons are at high risk of severe illness if they were to contract COVID-19. These include being over the age of 70.

The amendments to the Model Meeting Code should include, among the reasons for which remote attendance can be requested, where a Councillor is affected by circumstances which create a high risk of severe illness if they were to contract COVID-19.

Notice

The overview to the Consultation Paper contains the following:

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Council submits that the Model Meeting Code should contain some flexibility as to the period of notice required to be given by Councillors of a request to attend by audio-visual link.

Council has in recent times along with many other councils been severely affected by the natural disasters of fire and flood. In the recent flood event all road access to Windsor from west of the Hawkesbury River was cut. In addition, once flood waters receded, some roads remained impassable due to damage.

Extreme weather events can escalate quickly, and a Councillor could become prevented from attending a meeting due to natural disaster inside the 5 working days' notice period, including on the day of the meeting.

Any amendment to the Model Meeting Code should enable councils in their discretion to approve requests by Councillors to attend remotely where those requests are made inside 5 business days before the meeting.

Does Council have any suggestions on how the new provisions could be improved?

Council relies upon the submissions made above in relation to its concerns, in terms of how the new provisions could be improved.

Should you have any questions in relation to this matter please contact Council's Manager Corporate Services and Governance Charles McElroy on 02 4560 4426.

Yours faithfully

Charles McElroy | Manager Corporate Services and Governance | Hawkesbury City Council
☎ (02) 4560 4483 | 📠 (02) 4587 7740 | 🌐 www.hawkesbury.nsw.gov.au

oooO END OF REPORT Oooo

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Item: 083 **SS - Hawkesbury Indoor Stadium - (95496)**

Previous Item: 121, Ordinary (8 May 2018)
 199, Ordinary (14 August 2018)
 015, Ordinary (12 February 2019)
 083, Ordinary (14 May 2019)
 119, Ordinary (30 June 2020)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide an update on the establishment of a PCYC in the Hawkesbury Indoor Stadium, and PCYC NSW taking over management of the Hawkesbury Indoor Stadium on 1 July 2020.
- Provide an update on the progress of the negotiation of the Development Agreement and Agreement for Lease between Council and Police Citizens Youths Clubs NSW Limited (PCYC NSW)
- Note the Concept Design for the development of the Hawkesbury Indoor Stadium by PCYC NSW, the leased area and for the execution of the Development Agreement and Agreement for Lease.

EXECUTIVE SUMMARY:

In May 2019 Council executed a Memorandum of Understanding with PCYC NSW for the establishment of a PCYC in the Hawkesbury Indoor Stadium.

The Memorandum of Understanding included provision for formalising the commitments of the parties by entering into a Development Agreement and Agreement for Lease. It also contained a target date of 1 July 2020 for the handover to PCYC NSW of access to the land on which the Hawkesbury Indoor Stadium and area subject to proposed development is located.

Subsequently, Council and PCYC NSW commenced negotiating the Development Agreement and Agreement for Lease.

While those negotiations continued, arrangements were made for the handover of access to the site and management of the facility to be taken over by the PCYC NSW from YMCA effective from 1 July 2020.

Due to complications partly resulting from the COVID-19 Pandemic, consultations and negotiations and the necessary legal requirements were not completed by 1 July 2020. In addition, agreement was required to be reached on the area proposed to be subject to the lease between Council and PCYC NSW. While negotiations continued, Council and PCYC NSW entered into a management agreement for the occupation and management of the Stadium by PCYC NSW on 1 July 2020 pending the finalisation of the Development Agreement and Agreement for Lease.

PCYC NSW presented their concept design for the development of Hawkesbury Indoor Stadium to Councillors at a Briefing Session on 1 December 2020.

In March 2021 the parties reached agreement on the proposed leased area, which will be the basis for the creation of a plan of subdivision.

Attached as Attachment 1 to this report is a letter from PCYC NSW to Council dated 19 April 2021, which provides information concerning the history of the development of a PCYC in the Hawkesbury Local Government Area, the PCYC NSW proposal for the development of the Stadium and the intention to enter into a Development Agreement and Agreement for Lease.

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RECOMMENDATION:

That:

1. Information provided by PCYC NSW by letter dated 19 April 2021, attached as Attachment 1 to the report, as to the history of the development of a PCYC in the Hawkesbury, Memorandum of Understanding between PCYC NSW and Council, the negotiation of the Development Agreement and Agreement for Lease, community consultation and the proposed development of the Hawkesbury PCYC, be received and noted.
2. Council note the Concept Design for the PCYC Hawkesbury Stadium, included in the Concept Design Presentation to Hawkesbury City Council on 1 December 2020, attached as Attachment 2 to this report.
3. Council agree to enter into a Development Agreement and Agreement for Lease as outlined in this report including the proposed leased area as outlined in Attachment 3 for the operation and development of the Hawkesbury Indoor Stadium.
4. Authority be given for the Development Agreement and Agreement for Lease and any documentation in association with this matter to be executed under the Seal of Council.
5. 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.

BACKGROUND

In May 2019 Council executed a Memorandum of Understanding with PCYC NSW for the establishment of a PCYC in the Hawkesbury Indoor Stadium, based on the resolution of Council at its Ordinary Meeting held on 14 May 2019.

The Memorandum of Understanding:

- Reflected the agreement of the parties to collaborate on the management and development of the facility by PCYC NSW.
- Contained a target handover date of 1 July 2020 for PCYC NSW to commence occupation and management of the facility.
- Provided for the parties to negotiate a Development Agreement relating to the management and development of the facility by the PCYC NSW, and for an agreement to lease the site.
- Contained an initial lease term of 20 years with two 10 year options.

Councillors have received a number of briefings in relation to the project prior to the release of the concept design, including on 19 May 2020 from representatives from PCYC NSW and on 23 June 2020.

Council and PCYC NSW have been negotiating the Development Agreement and Agreement for Lease. The Memorandum of Understanding contemplated that the Development Agreement and Agreement for Lease would be finalised by the target handover date, with the Lease commencing on that day (1 July 2020).

The Development Agreement and Agreement for Lease contain provisions for the Lease to be executed but held in escrow (held pending the completion of other requirements to give effect to Lease). In this case, those requirements would include the preparation and registration of a plan of subdivision, prior to which agreement would be required to be reached on the area the subject of the Lease.

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Hawkesbury Indoor Stadium is contained within Lot 4 in Deposited Plan 816809, however, Lot 4 also includes land adjacent to the east of the existing Stadium, some of which PCYC NSW has indicated it does not intend to use. Following ongoing discussions concerning the proposed leased area, the parties have recently agreed on the scope of that area, as depicted in the plan attached as Attachment 2 to this report.

This means that there is now an area which can be identified for the purpose of the subdivision of the land which will be subject to the development, that land being the area subject to the Lease. Ultimately the lease will be required to be registered with NSW Land Registry Services. This will require a plan of subdivision to be prepared and registered, showing the subdivided parcel that is proposed to be the subject of the Lease. Council has been assisted where necessary by its legal representatives throughout the process of the negotiation of the Development Agreement and Agreement for Lease. Council has received advice concerning the mechanism for identifying the leased area for the purpose of entering into the Development Agreement and Agreement for Lease.

Council obtained legal advice that it was possible for Council and PCYC NSW to enter into a management agreement for PCYC NSW to operate the Stadium from 1 July 2020 to allow a reasonable time for the Development Agreement and Agreement for Lease to be finalised.

At its Ordinary Meeting held on 30 June 2020 Council resolved as follows:

- “1. Council enter into a management agreement with PCYC NSW NSW for the management of the Hawkesbury Indoor Stadium from 1 July 2020 as outlined in the report.*
- 2. The term of the agreement be for 12 months with two options in favour of Council of three months’ each.*
- 3. The General Manager be given delegated authority to execute any documentation associated with the management agreement with PCYC NSW.*
- 4. Council continue negotiations with PCYC NSW and take necessary steps to finalise the Development Agreement and Agreement for Lease.”*

Council entered into a management agreement with PCYC NSW on 1 July 2020. That agreement has a term of 12 months with two options of three months each, exercisable at the discretion of Council.

The agreement has provisions for the management of the Stadium and what activities and works PCYC NSW can carry out before finalisation of the Development Agreement and Agreement for Lease. It also refers to a plan of the area which the parties agree will be the subject of the agreement, and includes the stadium and adjacent carpark.

Representatives of PCYC NSW briefed Councillors on 1 December 2020 on the concept design for the Hawkesbury Indoor Stadium. The Concept Design Presentation is attached as Attachment 2 to this report. It contains the following aspirations as described by PCYC NSW:

- To support the ongoing operation for current stakeholders, and provide opportunities for expansion, to facilitate the mental and physical development of young people and the greater Hawkesbury community
- For the extension to unify and rationalise the centre to make it a more accessible, logical and efficient building
- Improve wayfinding and presence with a more elegant architectural expression and recognisable point of entry
- Deliver an agile design that can lend itself to future changes in use
- Create a building that is inviting and pleasant to be in, provides a safer environment within and contributes to the improvement of its broader surroundings.

The concept design includes:

- Proposed entry to the site from Stewart Street, with a new street facing reception, youth hub, and multi-use extension

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- Conversion of the existing sports hall to a gymnastics hall
- A new proposed sports stadium adjacent to and to the north of the existing sports hall, meeting the basketball court size regulations of the International Basketball Federation (FIBA).
- Workshop and additional storage.

DISCUSSION

It was initially intended that the Development Agreement and Agreement for Lease be executed by 1 July 2020 when PCYC NSW took over management of the Stadium. This would necessarily have meant the Lease itself being executed by the same date. There are legal requirements relating to the preparation and registration of a plan of subdivision for the premises or building which will be leased and these could not be completed by 1 July 2020.

Discussions with PCYC NSW resulted in an in-principle agreement for the parties to enter into a management agreement which allowed PCYC NSW to manage the Stadium from 1 July 2020.

The management agreement contains provisions dealing with the following matters:

- The management of the facility by PCYC NSW, with PCYC NSW to retain income from patronage.
- PCYC NSW to pay outgoings and maintenance costs.
- Insurance and fire safety.
- What asset management and maintenance works PCYC NSW can carry out during the term of agreement, with the consent of Council. Shortly after taking over management of the Stadium, PCYC NSW undertook works including refurbishment of the foyer and kiosk, and reinstating the gymnasium on the mezzanine level.
- Activities and programs provided by PCYC NSW and accommodation for existing users, including the Hawkesbury District Basketball Association.
- Ongoing meetings of the Project Control Group which was established under the Memorandum of Understanding.

The Development Agreement and Agreement for Lease sets out the rights and obligations of PCYC NSW and Council for the development, the entering into of the lease, the ongoing operation of the facility and other related matters.

The Development Agreement and Agreement for Lease includes provisions dealing with the following:

- The establishment of a Joint Project Group to monitor the development of the facility
- The lodging by PCYC of an application for Development Consent, and the obligations of the parties with respect to that application
- The registration of a Plan of Subdivision
- The carrying out of the works permitted by the Development Consent, and specific provisions concerning construction
- Notification and rectification of defects
- The granting of the lease by Council
- PCYC's obligations with respect to operation, management and maintenance of the facility
- Consultation between PCYC and Council concerning rights of access and use of the facility by community and sporting organisations
- Insurance
- Default by PCYC and termination
- Dispute resolution
- Warranties and indemnities, including in relation to environmental issues.

The Lease itself is contained in a proposed annexure to the Development Agreement and Agreement for Lease. It contains standard lease agreement terms and particular provisions dealing with:

- The term of 20 years with two further terms of 10 years each
- The leased area

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- The rent of \$1 for the entire term of the Lease
- Use of the facility and its surrounds and restrictions on use
- Maintenance and repair
- Licence arrangements for community and sporting groups
- Termination and obligations concerning the condition of the facility.

Although the letter from PCYC attached as Attachment 1 to this report refers to the terms of the Development Agreement and Agreement for Lease and Lease being agreed, final agreement is required to be reached on the wording of a small number of clauses and the documents will also be expected to receive a final legal vetting by the parties' lawyers.

The letter from PCYC NSW attached as Attachment 1 to this report refers to the development application prepared by PCYC. That application has been lodged through the Planning Portal in accordance with the requirements of the Environmental Planning and Assessment Act 1979. The draft Development Agreement and Agreement for Lease contains provisions dealing with Council providing consent to the application as the owner of the land to which the application relates, noting that Council is not the consent authority for the purpose of the determination of the development application.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, in light of the nature of the project Council has actively engaged with PCYC NSW in relation to consultation undertaken by PCYC NSW as part of the establishment of a PCYC NSW in the Hawkesbury Indoor Stadium.

Consultation has also been undertaken through a community engagement process by PCYC NSW and by Council with neighbouring facilities. It is noted that the Development Application detailing the proposed development will be subject to the applicable notification as part of the assessment of the application.

During 2019 and 2020 PCYC carried out community consultation in relation to the needs of the Hawkesbury Community and young people in particular.

In 2020 PCYC NSW briefed Council on its Engagement Outcomes Report from Stage 1 of community engagement for the Hawkesbury PCYC project, which reflected a strong and urgent need for youth places and programs which could build the connection and resilience of young people in the area and boost their life skills.

The consultation by PCYC NSW during 2019 and 2020 included consultation with the following:

- The general community at community events and formal community meetings
- Schools
- Sporting associations and groups
- Sporting associations and groups
- Local Police Area Command
- Police Youth and Crime Prevention Command
- Council management at month meetings.

The ongoing engagement of PCYC NSW with the local community has been the subject of the monthly Project Control Group meetings attended by representatives of PCYC NSW and Council.

PCYC NSW has also engaged in consultation with surrounding businesses concerning the impact of the development.

Council has carried out consultation with the stakeholders and user groups of facilities surrounding the proposed leased area of the PCYC proposal, including Hawkesbury Early Childhood Intervention Service, Greenhills Child Care Centre and Peppercorn Services Inc (South Windsor Family Centre), and no issues have been identified.

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

1.3 Financial Sustainability – Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

FINANCIAL IMPACT

There are no financial implications arising from this report. However the transfer of responsibility as contained in the Development Agreement and Agreement for Lease and the Lease will require Council's Long-Term Financial Plan to be amended accordingly.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The subject of this report is aligned with Council's long-term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks.

ATTACHMENTS:

AT - 1 Letter to Council from PCYC NSW dated 19 April 2021.

AT - 2 PCYC Hawkesbury Stadium - Concept Design Presentation to Hawkesbury City Council 1 December 2020 - *(Distributed under separate cover)*.

AT - 3 Architectural Site Plan of proposed lease area - *(Distributed under separate cover)*.

ORDINARY MEETING
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Meeting Date: 27 April 2021

AT - 1 Letter to Council from PCYC dated 19 April 2021



Monday 19 April 2021

CEO202100179

Laurie Mifsud
Acting General Manager
Hawkesbury Shire Council
PO Box 146
DX 8601 Windsor

Email: laurie.mifsud@hawkesbury.nsw.gov.au

Dear Laurie *Laurie*

RE: PCYC Status of Negotiations and Development

Please find below PCYC current status of the establishment and development of PCYC

- In 2018 the NSW Government granted PCYC NSW \$13 Million to establish a PCYC in the Hawkesbury LGA, resulting in a MOU between council and PCYC to undertake investigation and establish key objectives to locate a PCYC club within the LGA.
- The investigation resulted in Council and PCYC agreeing to take on operations of the South Windsor Sports Centre at the cessation of the current lease agreement with the YMCA, and invest the grant to make the facility fit for purpose for PCYC
- It was then agreed that Council and PCYC would enter into a lease and development agreement. PCYC would operate and develop the facility using the existing grant and an additional \$2.0m to the capital budget.
- PCYC has undertaken substantial community consultation during 2019 and 2020 to establish community need and preference for programs, activities and services to be provided by PCYC, consultation has included the following.
 - General community events
 - Formal community meetings
 - Schools
 - Sporting Association and Groups
 - Local Police Area Command
 - Police Youth and Crime Prevention Command
 - Monthly meetings with council management
- PCYC commenced operations at the South Windsor Sports Centre in July 2020 after a successful transition with YMCA. Despite the Covid pandemic PCYC has been able to successfully commence operations and continue to grow in service delivery and participation. Sound and effective relationships have been established with the incumbent users and sporting groups at the centre including the Hawkesbury District Basketball Association.
- PCYC has prepared a Development Application for the capital project in line with council consultation meetings and presentations. The new development works includes extensions and upgrades of existing facilities. The extensions will include two new show courts, with seating with new amenities, events and meetings rooms, youth hub and new foyer/reception with a carpark upgrade all in accordance with planning regulations, codes, and standards. The application is awaiting owners' consent from council.
- The proposed leased area encapsulates the existing carpark, existing building and new extensions.
- The Lease and development agreement terms and conditions have been agreed with council management. PCYC is awaiting council approval and subsequent execution.
- Council are required to provide owners consent to the development application for commencement of the assessment and determination by the Joint Regional Planning Panel (JRPP)

Police Citizens Youth Clubs NSW ABN 89 491 152 271 State Office 12, 68 Legrove Drive Hornsby NSW 2127 Phone 02 9625 9111 Email headoffice@pcycnsw.org.au www.pcycnsw.org.au

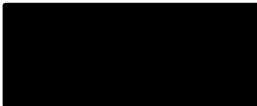
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The PCYC development program has targeted the works to be complete by September 2022 in time for the 2022 FIBA Women's Basketball World Cup. PCYC will lobby the organising committee for the centre to be involved in this event in some capacity, perhaps as a training venue for competing countries. To achieve this opportunity, PCYC requires the development planning processes to commence without further delay.

PCYC recognises and appreciates the support and effort from council to see the establishment of PCYC to Hawkesbury community. PCYC is delivering on its commitment for services, programs and participation at the centre and forecast further growth in the short and medium term.

PCYC will continue to convene the PCYC Project Control Group with council staff and our operations/development team ensuring successful delivery of the project.

Yours sincerely,



Dominic Teakle
PCYC NSW CEO

oooO END OF REPORT Oooo

ORDINARY MEETING
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Item: 084 **SS - Submission to the Review of the Rate Peg to Include Population Growth by the Independent Pricing and Regulatory Tribunal - (95496)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement of the proposed submission to the Review of the Rate Peg to Include Population Growth Issue Paper by the Independent Pricing and Regulatory Tribunal (IPART) released on 25 March 2021.

EXECUTIVE SUMMARY:

The Minister of Local Government has asked IPART to recommend a rate peg methodology that allows the general income of councils to be varied annually in a way that accounts for population growth. The objective of this review is to determine the impact population growth has on council costs and amend the rate peg methodology in order to enable councils to be able to continue to provide quality services to their communities.

Following an Issues Paper released on 25 March 2021, submissions by councils have been sought by IPART and are due 3 May 2021. The Final Report is due to be released in September 2021.

The request for submissions is in the form of specific questions within the Issues Paper and seeks to explore the following key issues:

- The different types of income councils can source to cover the costs of population growth and the role of the rate peg;
- Varying population growth between councils in NSW, including how to define population growth; and
- The impact of population growth on council costs.

The objective of the review to be conducted by IPART is to develop recommendations to provide some nexus between costs associated with population growth and income collection from general rates by amending the current rates peg methodology.

Council staff have viewed the questions within the Issues Paper and prepared responses for a submission. The proposed submission is attached as Attachment 1 to this report.

Council generally supports the concept of including the impact of growth in the rate peg calculation, however the following concerns are raised:

- Continuation of the rate-pegging system does not support the long-term financial sustainability of Local Government, nor recognises the uniqueness of each council's community;
- The use of Unimproved Land Value does not have enough nexus to the cost of servicing the land use or population of each parcel of land;
- Adjusting for population growth does not provide a mechanism to recover costs associated with services expectations of constituents, increased cost of compliance and reporting; nor additional costs associated with increased demand outside of population growth.

ORDINARY MEETING
SECTION 3 – Reports for Determination
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RECOMMENDATION:

That the information contained within this report is received and noted, and that the proposed submission attached as Attachment 1 to this report be endorsed to be forwarded to IPART.

BACKGROUND

The Minister of Local Government has asked IPART to recommend a rate peg methodology that allows the general income of councils to be varied annually in a way that accounts for population growth. The objective of this review is to determine the impact population growth has on council costs and amend the rate peg methodology in order to enable councils to be able to continue to provide quality services to their communities.

Following an Issues Paper released on 25 March 2021, submissions by councils have been sought by IPART and are due on 3 May 2021. The Issues Paper can be accessed by the following link:

<https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/investigation-section-9-review-of-rate-peg-to-include-population-growth/publications/issues-paper-review-of-the-rate-peg-to-include-population-growth-march-2021.pdf>

The request for submissions is in the form of specific questions within the Issues Paper and seeks to explore the following key issues:

- The different types of income councils can source to cover the costs of population growth and the role of the rate peg;
- Varying population growth between councils in NSW, including how to define population growth; and
- The impact of population growth on council costs.

After the receipt of submission, IPART will consider these submissions and prepare a Draft Report due for release in June 2021. A Public Hearing on the findings and recommendations of the Draft Report will be held in August 2021, with the Final Report due in September 2021.

DISCUSSION

Currently, councils raise rates income to fund services to their communities based on applying a levy in the form of general rates to the unimproved land value of each rateable assessment in the local government area. There is limited connection between the demand and cost of council services provided and unimproved land values.

Each year, the total amount of general rates permitted to be collected by councils, is increased by a rate peg amount, which is determined by IPART annually. The current methodology, while accounting for increases in general costs, it does not account for any increase in the volume of services required to be provided, as a result of new residents.

The objective of the review to be conducted by IPART is to develop recommendations to provide some nexus between costs associated with population growth and income collection from general rates by amending the current rates peg methodology.

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As mentioned earlier in this report, submissions are sought from councils regarding the following questions:

1. What council costs increase as a result of population growth? How much do these costs increase with additional population growth?
2. How do council costs change with different types of population growth?
3. What costs of population growth are not currently funded through the rate peg or developer contributions? How are they currently recovered?
4. Do you have any views on the use of the supplementary valuation process to increase income for growth, and whether this needs to be accounted for when incorporating population growth in the rate peg?
5. Are there sources of population data we should consider, other than ABS historical growth and DPIE projected growth data?
6. Is population data the best way to measure population growth councils are experiencing, or are better alternatives (number of rateable properties or development applications, or other)?
7. Do you think the population growth factor should be set for each council, or for a group of councils with similar characteristics? How should these groups be defined?
8. Should we set a minimum threshold for including population growth in the rate peg?
9. What is your view on the calculation of the growth factor – should we consider historical, projected, projected with true-up, a blended factor or another options?
10. How should the population growth factor account for council costs?
11. Do you have any other comments on how population growth should be accounted for?
12. Do you have any comments on our proposed review process and timeline?

Council staff have viewed the above questions and have prepared responses for a submission. The proposed submission is attached as Attachment 1 to this report.

Council agrees in principle that an amended methodology to incorporate population growth in the rate peg calculation is a positive premise. It is to be noted however, that Council's preferred stance in relation to the rate peg is that rate-pegging should be discontinued, in line with submissions made in relation to the Review of the Local Government Rating System.

It is Council's view that the determination of the appropriate annual rates increase should be made by each Council with the objective of ensuring that the community's expectations are met in a financially sustainable manner, over the long term. Increases would be in line with the required amount as identified in Council's Integrated Planning and Reporting (IP&R) documentation, developed through community consultation.

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Council also believes that there is an inherent shortfall in adequate funding for current populations (residential, commercial and tourist), as a result of the rate-pegging system that will not be addressed by an amendment to the rates peg to incorporate population growth. There are several inputs to this shortfall, including:

- Increases in rate pegging based on a state-wide average of a predetermined set of council costs, is not reflective of each council's individual circumstances;
- Increases in the rating base resulting from supplementary rates has a poor reflection of the additional costs associated with the additional demand generated;
- The expectations of the constituents of each council differ and are always increasing in relation both to the quantity of service, the range of services and the speed at which services are provided; and
- The costs of compliance, changes in legislation and reporting requirements (e.g. swimming pool regulations, enhanced asset accounting requirements, external audits conducted by the NSW Audit Office) have increased substantially over the previous 5 to 10 years and continues to increase, without any increase in the income base.

The application of a state-wide rate peg, based on the average costs of predetermined set of council costs, does not reflect the costs and expectations of each individual council's community. Because of this, it does not enable councils to provide appropriate service levels in a financially sustainable manner.

Additionally, the current use of Unimproved Land Value does not apportion the rates burden to reflect the likely consumption of council services. This valuation basis provides a poor linkage between use of services, affordability to pay and the rates paid. Council supports the recommendation to transition to a Capital Improved Value mechanism to apportion rates, as outlined within the Review of the Local Government Rating System.

As submitted to the Review of the Local Government Rating System, it is Council's stance that a property should be rated regardless of ownership. Irrespective of ownership, the users of these properties create a demand on council services that are currently not covered by rates income.

The submission also outlines that the adjustment for increases in population should be greater for lower growth councils. Higher growth councils have higher population density, therefore the costs of service provision are lower per capita are lower, as a result of economies of scale.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

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FINANCIAL IMPACT

There are no financial implications arising from this report. At this stage of the Review of the Rate Peg to Include Population Growth, it is difficult to determine what the financial implications. The implementation, or otherwise, of any recommendations within the Final Report due in September 2021 may provide further information regarding any financial implications for Council.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The current recommendation to make a submission to IPART's Final Report the Review of the Local Government Rating System has no resourcing implications, outside of Council's adopted Long Term Financial Plan. The implementation, or otherwise, of any recommendations within the Final Report will dictate whether there is a financial impact, positive or negative, on Council's Long Term Financial Plan.

ATTACHMENTS:

AT - 1 Hawkesbury City Council Submission to the Review of the Rate Peg to Include Population Growth - Issues Paper dated 25 March 2021.

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AT - 1 Hawkesbury City Council Submission to the Review of the Rate Peg to Include Population Growth - Issues Paper dated 25 March 2021

Submission to IPART – Review of Rate Peg to Include Population Growth

Council agrees in principle that an amended methodology to incorporate population growth in the rate peg calculation is a positive premise. It is to be noted however, that Council's preferred stance in relation to the Rate Peg is that rate-pegging should be discontinued, in line with submissions made in relation to the Review of the Local Government Rating System.

It is Council's view that the determination of the appropriate annual rates increase should be made by each Council with the objective of ensuring that the community's expectations are met in a financially sustainable manner, over the long term. Increases would be in line with the required amount as identified in Council's Integrated Planning and Reporting (IP&R) documentation, developed through community consultation.

Council also believes that there is an inherent shortfall in adequate funding for current populations (residential, commercial and tourist), as a result of the rate-pegging system that will not be addressed by an amendment to the rates peg to incorporate population growth. There are several inputs to this shortfall, including:

- Increases in rate pegging based on a state-wide average of a predetermined set of council costs, is not reflective of each council's individual circumstances;
- Increases in the rating base resulting from supplementary rates has a poor reflection of the additional costs associated with the additional demand generated;
- The expectations of the constituents of each council differ and are always increasing in relation both to the quantity of service, the range of services and the speed at which services are provided; and
- The costs of compliance, changes in legislation and reporting requirements (e.g. swimming pool regulations, enhanced asset accounting requirements, external audits conducted by the NSW Audit Office) have increased substantially over the previous 5-10 years and continues to increase, without any increase in the income base.

The application of a state-wide rate peg, based on the average costs of predetermined set of council costs, does not reflect the costs and expectations of each individual council's community. Because of this, it does not enable councils to provide appropriate service levels in a financially sustainable manner.

Additionally, the current use of Unimproved Land Value does not apportion the rates burden to reflect the likely consumption of council services. This valuation basis provides a poor linkage between use of services, affordability to pay and the rates paid. Council supports the recommendation to transition to a Capital Improved Value mechanism to apportion rates, as outlined within the Review of the Local Government Rating System.

As submitted to the Review of the Local Government Rating System, it is Council's stance that a property should be rated regardless of ownership. Irrespective of ownership, the users of these properties create a demand on council services that are currently not covered by rates income.

The responses to the specific questions posed within the Issues Paper are provided in the following section.

1. What council costs increase as a result of population growth? How much do these costs increase with additional population growth?

Comment: *The costs that increase as a result of population growth depends upon what segment of the population has grown, both in terms of demography; and in terms of what development type has occurred (residential, commercial or tourism).*

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The increase in the demand on Council services and infrastructure (and therefore additional costs incurred) can arise outside increases in residential population growth and development. For example, a business that restructures its operations may not be accompanied by a development approval, but can increase the burden on Council services, with increased employees and increased customers.

As each cause of an increase in population is unique, the services and infrastructure used by that population is unique, therefore the actual increase in council costs vary for each circumstance.

2. How do council costs change with different types of population growth?

Comment: *With all changes in population growth, whether it be relating to residents, businesses and their associated employees, customers or tourists, there are additional costs incurred by Council. The increase of these costs depends on what category of population is increased and what the applicable changes in land use are.*

Most services provided by Council have a portion of costs that are variable, meaning an increase in demand, increases the cost. Some costs may be fixed, but only up to a point, after which generally a substantial increase in costs is incurred.

Hawkesbury City Council has low-density population, therefore the increase in the variable component of costs is generally higher than councils where development is more in-fill or where their population is of a higher density. Hawkesbury City Council does not benefit from the economies of scale that larger growth, high population density councils experience.

Council has used the categories included within the Special Schedule 1 – Net Cost of Services, that was previously reported annually within the Financial Statements to consider what costs change with population growth.

The category of cost that is most significantly impacted through all types of population growth is the Transport and Communication category. As per Council's Demographics Study, Hawkesbury has a high car dependency due to limited public transport services and the large area covered within the Local Government Area (LGA).

Categories that are also impacted by all types of population growth are Public Order and Safety, Health, some components of Environment, and Economic Affairs.

While both Solid Waste management and Sewerage services are also strongly impacted by all types of population growth, these increased costs are covered by the levying of additional annual charges.

Categories that experience increased costs predominantly as a result of increased residential population include Recreation and Culture and Community Services and Education.

The rise of secondary dwellings creates the greatest net increase in costs, as this development does not result in an increase in general income to cover the additional costs.

3. What costs of population growth are not currently funded through the rate peg or developer contributions? How are they currently recovered?

Comment: *As outlined in the Issues Paper on pages 5 and 6, it was noted that increases in population arising from development are not fully covered by Developer Contributions and Supplementary Valuations, meaning that there is a general shortfall in the costs associated with population growth in previous years.*

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Some of these costs can be recovered by a Special Rates Variation (SRV), however the process involved in the completion of an SRV, particularly for smaller councils results in significant costs and the diversion of staff away from core activities. The result of the current SRV process is that councils look for other methods to recover these costs.

The recovery of the additional costs of this past population growth, outside of the SRV process, are funded through limiting the scope of services provided, resulting in a service gap between what the community expects and what councils can afford to deliver. Additionally, councils also discontinue or reduce service levels, to bring expenditure in line with income. This is not an ideal solution and leads to the development of both service and infrastructure backlogs.

Costs that are not able to be funded are generally related to the maintenance of infrastructure and the provision of services, as outlined in the response to question 2. The exception of this is services that are recovered through annual charges and user fees.

4. Do you have any views on the use of the supplementary valuation process to increase income for growth, and whether this needs to be accounted for when incorporating population growth in the rate peg?

Comment: *The use of the supplementary valuation process is a useful mechanism to provide some alleviation to the additional costs of population growth. However, as outlined in the Issues Paper on page 6, does result in less general rates from new residents compared to existing residents. There is a poor correlation between the change in unimproved land value and the additional costs incurred by councils, due to subdivisions.*

There is no adjustment mechanism to account for the increased number of residents / employees / customers that may use the subdivided land. There is also no adjustment for secondary dwellings, even though this may lead to a doubling of the residents within that parcel of land.

Council therefore believes that the use of Capital Improved Value, or an adjustment to account for the change in the number of users of that land (whether they be residents, tourists, employees or business owners) to overcome the inherent shortfall that exists between the current supplementary valuation process and the costs incurred from changes in land use.

As outlined earlier in this submission, Council believes that the rate peg should be removed and the increase in rates should be determined via the IP&R process, as it is directly informed by community consultation.

5. Are there sources of population data we should consider, other than ABS historical growth and DPIE projected growth data?

Comment: *These population data sources are used by Council in its planning documents and therefore are considered appropriate sources for population data. It is important to ensure that population growth outside of resident population is considered.*

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6. Is population data the best way to measure population growth councils are experiencing, or are better alternatives (number of rateable properties or development applications, or other)?

Comment: *There are alternative ways to measure population growth that will provide an enhanced level of accuracy specific to each LGA, including:*

- *Primary and High School Education registrations*
- *Occupation Certificates issued*
- *Additional domestic and commercial waste services*
- *Tourism visitation numbers*
- *Business registrations, including number of employees*

7. Do you think the population growth factor should be set for each council, or for a group of councils with similar characteristics? How should these groups be defined?

Comment: *In order to most appropriately account for population growth specific to each LGA, the population growth factor should be set for each council, taking into consideration the alternative ways outlined in the questions above.*

8. Should we set a minimum threshold for including population growth in the rate peg?

Comment: *Council supports the proposal included on page 11 of the Issues Paper of the minimum of zero so that councils with declining population growth are not negatively impacted. There should be no other threshold applied in relation to population growth.*

9. What is your view on the calculation of the growth factor – should we consider historical, projected, projected with true-up, a blended factor or another options?

Comment: *Council supports a blended growth factor, taking into considerations the pros and cons as outlined in Table 2 of the Issues Paper on page 10.*

10. How should the population growth factor account for council costs?

Comment: **Economies of Scale:** *As outlined earlier in this submission, councils have differing economies of scale and experience different rates of increased costs driven by population growth. Councils with higher population density can access economies of scale that are not available to councils with lower population densities.*

Geographic Area: *Additionally, the geographic area of the LGA is also important. This is due to the higher costs per resident to provide most council services than it does for councils with a smaller geographic area to service. The smaller the rating base compared to the serviceable geographic area is an important consideration when determining how the population growth factor should be applied to cover costs of population growth.*

Demographics: *The demography of each LGA should also be considered when determining the growth factor applied to account for costs. As outlined in Hawkesbury City Council's Demographics Study, Hawkesbury has an ageing population, which results in a higher proportion of rebates offered to ratepayers than those councils that are not experiencing an ageing population.*

Other: *Finally, there are other mechanisms outside the rating system and developer contributions system that provide higher growth councils with more funding accessibility than lower growth councils. For instance, many grant allocations are based on population and population growth changes, including the Financial Assistance Grant (which is generally the greatest source of recurring grant funding) for councils.*

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Several high growth Metropolitan councils were also provided with funding under the Accelerated Growth Scheme, which was not extended to Hawkesbury City Council (which is a low growth area) despite the Vineyard Precinct being included in the North-West Growth Area.

Therefore, the weighting applied to increase income based on growth factors should be higher for low growth councils, than those for high growth councils. For instance, if \$1 of income per head of population is added to the rate peg for high growth councils, an amount greater than \$1 of income should be added for low growth councils.

This would not only cover the increased cost incurred to service the additional population experienced by councils with a low rate base and large service area, it would also address the disproportionate allocation of grant funding to high growth, metropolitan councils.

11. Do you have any other comments on how population growth should be accounted for?

Comment: *As outlined earlier in the submission, changing the basis of the apportionment of the notional yield from Unimproved Land Value to Capital Improved Value will result in a fairer distribution. Generally, a higher the Capital Improved Value represents a greater number of population or increased use in relation to employees, customers and tourists (which in turn reflects a closer correlation to the cost of servicing that parcel of land), but also provides a nexus to the capacity to pay.*

An increase in the Capital Improved Value due to subdivisions, changes in land use and other development would provide a mechanism to increase the rates base to recover the costs associated with these changes.

12. Do you have any comments on our proposed review process and timeline?

Comment: *The timeline for the submission for the Issues Paper, while in line with submission periods for previous reviews, does not permit flexibility considering the recent flood impacts across the State. Much of Council's resources have been diverted to supporting the community both in response to the natural disaster and to be the community's recovery. The result of this timeline is that in-depth research has not been able to be conducted prior to meeting the associated timeframe to ensure inclusion of the submission to a Council Meeting, thereby ensuring appropriate consultation of both Councillors and the community.*

Additionally, the release of the Final Report in September coincides with the Local Government Elections, which is concerning in that the consideration of the Report may not receive the appropriate attention that would be merited.

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 27 April 2021

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section 4

reports
of committees

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 27 April 2021

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

Item: 085 **ROC - Local Traffic Committee - 12 April 2021 - (80245, 95495)**

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 12 April 2021. The Local Traffic Committee is not a Committee of Council but a Statutory Committee.

EXECUTIVE SUMMARY:

The Local Traffic Committee considered one items contained within the Minutes of the Local Traffic Committee. As this item has no policy or financial implications to Council, they are presented for information only.

RECOMMENDATION:

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 12 April 2021.

DISCUSSION

The Committee considered a staff report as shown in the attached Minutes (Attachment 1).

- General Traffic Matter - Proposed Signposting and Linemarking for the Development at 396 Bells Line of Road, Kurmond as part of DA0332/16

ATTACHMENTS:

AT - 1 Minutes of the Local Traffic Committee held on 12 April 2021.

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SECTION 4 – Reports of Committees
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AT - 1 Minutes of the Local Traffic Committee held on 12 April 2021.

Minutes of the Meeting of the Local Traffic Committee held remotely on Monday, 12 April 2021, commencing at 3pm.

ATTENDANCE

Present: Councillor Peter Reynolds, Hawkesbury City Council
Mr David Osborne, Transport for NSW
Mr Mark Rusev, representing Ms Robyn Preston, MP (Hawkesbury)

Apologies: Mr Steve Grady, Busways
Senior Constable Damien Mitchell, NSW Police

In Attendance: Mr Christopher Amit, Hawkesbury City Council, (Chair)

Mr Christopher Amit advised the Committee that the position of Chair is to be undertaken in accordance with RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting as agreed to with Councillor Reynolds.

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of Councillor Peter Reynolds, seconded by Mr David Osborne, that the Minutes from the previous meeting held on Monday, 8 March 2021 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 - Proposed Signposting and Linemarking for the Development at 396 Bells Line of Road, Kurmond as part of DA0332/16 - (Hawkesbury) - (80245, 73621, 123265)

REPORT:

Background:

Development Consent No. DA0332/16 approved a subdivision at 396 Bells Line of Road and 2 Inverary Road, Kurmond. The subdivision consists of approved earthworks, the filling of dams, the construction of roads, the installation of a sewer main and the creation of 33 residential lots.

The subject land comprises of 396 Bells Line of Road which is legally described as Lot 2 in DP 607906 and 2 Inverary Drive which is legally described as Lot 2 in DP 600414. The land is located on the eastern side of Bells Line of Road and is bound by Kurmond Road to the north, Silks Road to the northeast, Slopes Road to the east and Bells Lane to the west. The subject land is located within the Kurmond Kurrajong Investigation Area.

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Figure 1: Site of proposed Development

The consent approved the construction of a new intersection to Bells Line of Road (State Road). The intersection design was referred to Transport for NSW who provided their concurrence under Section 138 of the Road Act 1993. The approved roadworks are wholly located within the subject property and the existing road reserve.

Condition 32 of the consent requires a Signposting and Linemarking Plan to be submitted to Council for referral to the Local Traffic Committee:

Traffic Committee – Sign posting and Line Marking Plan

A Sign posting and Line Marking Plan is required for this development which clearly denotes priorities at all intersections and clearly signposts 'No Through' roads. Prior to the implementation of the Signposting and Line Marking Plan, the Plan must be lodged with Councils Traffic Committee for written approval. This Plan must detail all facilities, signage and line marking required within and surrounding the development.

Proposed Works:

The construction of three local roads identified as Roads 1, 2 and 3 have been approved to service the subdivision. Naming of these roads has resulted in five road names being allocated due to the nature of the road layout and conformance with the road naming guidelines. The road names corresponding to the road numbers are:

- Road 1: Amara Drive
- Road 2: Prunina Place and Angophora Place
- Road 3: Villosa Place and Olearia Place.

The five allocated road names are outlined in Figure 2.

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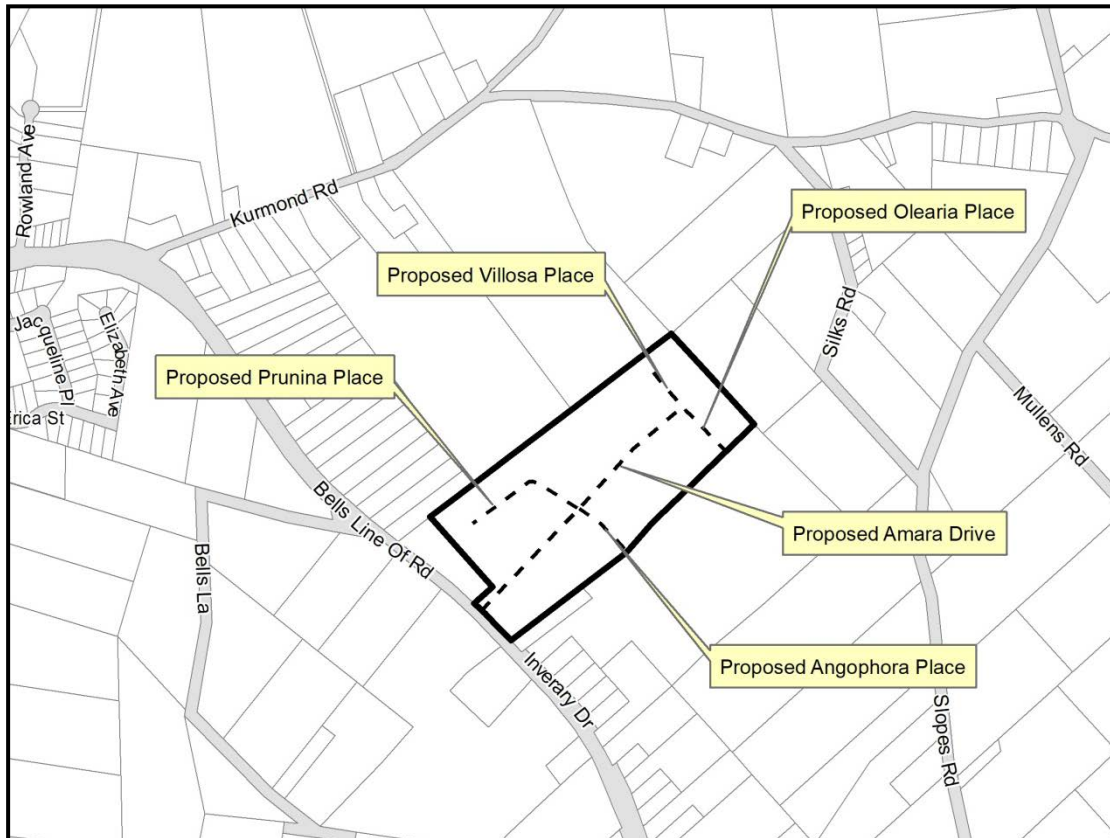


Figure 2: Road Names

The following road widths are to be provided:

- Road No. 1 = 11 metres with Kerb and Gutter on both sides.
- Road No. 2 and 3 = 8 metres with Kerb and Gutter on both sides.

Road No. 1 intersects with Bells Line of Road (BLOR) as a T-Junction and will be controlled with a Give Way control as well as a concrete raised central median island (Island) at the intersection. As indicated in the Road Safety Audit report prepared by TSA Reference 12-025-2, the Island will supplement vehicle access between Road No. 1 and BLOR segregating entry and exit movements to and from BLOR. The Island will also provide a refuge for pedestrians and cyclists crossing Road No. 1, linking the shared path on the eastern side of BLOR. The road safety audit concurs that the Island (2.0 metres wide) has been designed in accordance with the Austroads guidelines.

Line marking along Road No. 1 will consist of a centre line (BB) and Edge Lines (E1) for its majority length creating 3metre travelling lanes and 2.5metre parking lanes. Intersection line marking with BB will be provided where road Nos 2 and 3 intersect with Road No. 1. Intersection No Stopping signage as outlined in Attachments 1 and 2 will be provided for all road intersections. The intersection of Road No. 1 at Road No. 3 and the intersections of Road No.2 at Road No. 1 will be controlled with Give Way controls.

Due to the locality of the development, road design compliance is also required to satisfy firefighting conditions. This includes access to fire hydrants and the size of the culdesacs for manoeuvring. To access the fire hydrants along the new roads, No Parking zones (as outlined in Attachments 1 and 2) are required along Road Nos 2 and 3, being 8 metres wide, on the side of the road which contains the water main and hydrants and extending around the culdesac head. This will allow firefighting trucks and emergency vehicles to stand in this area to access the fire hydrants and allow other vehicles to manoeuvre past. This requirement is not applicable to Road No. 1 as it is 11 metres wide, with sufficient room to access the hydrants. The No Parking signs are to be supplemented with “emergency vehicles excepted”.

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The size of the culdesacs need to meet the requirements for emergency vehicles to manoeuvre and turn around unimpeded. This is in relation to firefighting vehicles that are Heavy Rigid vehicles and 12.5 metres in length. The permanent culdesacs are to have a radius of 12metres (face of kerb to face of kerb). The temporary culdesacs, located outside the development footprint, have a radius of 8.5 metres with the hard stand area increased to provide a radius of 12metres.

Details of the Signposting and Linemarking Plan are provided in Attachments 1 and 2.

Summary:

The traffic control measures for Road Nos 1, 2 and 3 as outlined in the Signposting and Linemarking plan prepared by North Western Survey (Project Reference 14820 Sheets 193 and 194 – Revision S) in conjunction with the Road Safety audit undertaken by TSA (Reference 12-025-2) and associated with the Development Application DA0332/16 be implemented.

RECOMMENDATION TO COMMITTEE:

That the traffic control measures for Road Nos 1, 2 and 3 as outlined in the Signposting and Linemarking plan prepared by North Western Survey (Project Reference 14820 Sheets 193 and 194 – Revision S) in conjunction with the Road Safety audit undertaken by TSA (Reference 12-025-2) and associated with the Development Application DA0332/16 be implemented.

APPENDICES:

AT – 1 Linemarking Plan – North Western Survey – Project reference 14820 – Sheet 193 Revision S

AT – 2 Linemarking Plan – North Western Survey – Project reference 14820 – Sheet 194 Revision S

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SECTION 4 – Reports of Committees

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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That the traffic control measures for Road Nos 1, 2 and 3 as outlined in the Signposting and Linemarking plan prepared by North Western Survey (Project Reference 14820 Sheets 193 and 194 – Revision S) in conjunction with the Road Safety audit undertaken by TSA (Reference 12-025-2) and associated with the Development Application DA0332/16 be implemented.

SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

There was no General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 10 May 2021 at 3pm in the Large Committee Room.

The meeting terminated at 3:30pm.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING
SECTION 5 – Notices of Motion
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ORDINARY MEETING
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SECTION 5 – Notices of Motion

Item: 086 **NM - Works In Environmentally Sensitive Areas - (79351, 125612)**

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That:

1. Council commit to ensuring that best practice in protecting wildlife occurs when their habitat is being impacted or removed.
2. In cases where consent is required, particularly new release areas, Councillors receive a briefing on existing conditions, policies and practice notes addressing works in environmentally sensitive areas. This includes the felling of trees (particularly those containing hollows), work in sensitive areas such as wetlands and riparian zones, and drainage of dams.
3. Following the briefing Council be advised what action can be undertaken to ensure best practice in protecting wildlife occurs.

BACKGROUND

It is imperative that as representatives of our community, we advocate for the best outcomes for our people and our environment. We have suffered such enormous losses of flora and fauna, that every effort must be made to protect what remains. Being proactive in ensuring systems are in place to satisfy best practice behaviours should and must be our priority.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
Questions for Next Meeting
Meeting Date: 27 April 2021

QUESTIONS FOR NEXT MEETING

Item: 087 **Responses to Councillor Questions Taken On Notice at the Council Meeting - 20 April 2021 - (79351)**

The following questions were received from Councillors regarding matters on the Council Meeting Business Paper of 20 April 2021. Those questions were taken on notice and the responses are provided below.

Item	Councillor	Question	Response
1	Ross	Requested details related to the provision in the Infrastructure State Environmental Policy which exempts Council from the requirement to lodge a Development Application for the toilet block Bona Vista Park Pitt Town.	The Director Infrastructure Services advised that this development falls within the provisions of "development permitted without consent" of the State Environmental Planning Policy (SEPP) (Infrastructure) 2007, specifically referenced under clause 65(3)(a)(vi). Bona Vista Park is a Public Reserve vested in Council and the SEPP permits development on this land to be undertaken without consent for the purpose of "...amenities for people using the reserve, including toilets and change rooms."
2	Lyons-Buckett	Enquired as to whether there is a reason, why there is no hazard reduction scheduled in the Hawkesbury Local Government Area.	The Director Infrastructure Services advised that the Bushfire Management Committee has endorsed a program of hazard reduction from fire agencies and land managers. A number of hazard reduction burns have already been undertaken since the Gospers Mountain fire including burns totalling 1100ha at East Kurrajong, Kurrajong Heights, Bowen Mountain. Recent weather conditions and air quality constraints have not been suitable for further activities and the program will continue as conditions permit. A total area of over 6,000ha has been listed for hazard reduction subject to suitable conditions.

oooO END OF REPORT Oooo

ORDINARY MEETING
Confidential Reports
Meeting Date: 27 April 2021

CONFIDENTIAL REPORTS

Item: 088 **SS - Property Matter Investigation - (95496)**

Previous Item: 259, Ordinary (8 December 2020)

Directorate: Support Services

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning quotes for the supply of investigation services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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



ordinary
meeting

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