



ORDINARY MEETING

Date of meeting: 11 July 2023
Location: Council Chambers
Time: 6:30 PM

BUSINESS PAPER

ORDINARY MEETING

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ORDINARY MEETING
PROCEDURAL MATTERS
Meeting Date: 11 July 2023

1. PROCEDURAL MATTERS

Welcome

The Mayor, Councillor Sarah McMahon will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

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

Attendance

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

Statement of Ethical Obligations

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

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

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

CONDOLENCES

1.1.1 Condolence for Henry James (Ted) Books OAM - (79353, 138879)

Submitted by: Mayor, Councillor McMahon

NOTICE OF MOTION

That Council:

1. Recognise the recent passing of former Hawkesbury City Councillor and Deputy Mayor Henry James (Ted) Books OAM.
 2. Note that the Mayor has expressed Council's condolences and gratitude for Ted's service, via letter, to the Books family; and
 3. Observe one minute silence in respect of Ted's contribution to the community.
-

BACKGROUND

It is with great sadness that I share with the Hawkesbury community, the passing of former Hawkesbury City Councillor and Deputy Mayor Henry James (Ted) Books OAM.

For anyone who knew Ted, you would know how passionate and committed he was to our beautiful Hawkesbury, having served as a Councillor from 1987-1999 and again from 2004-2008.

Born in Pitt Town, Ted had a deep love of our Hawkesbury River and campaigned endlessly for flood management and awareness. He was also very invested in local history, advocating and promoting the rich historical stories of local families in colonial times, of which he was a descendant. In fact, Ted was patron of the Hawkesbury Historical Society and chaired the Hawkesbury Pioneer Families Bicentennial Association.

For many years, Ted also held the role of Vice-President of the Hawkesbury National Servicemen's Association, which he helped establish in 2001.

For all of his invaluable efforts, Ted was initially awarded Hawkesbury's Citizen of the Year in 1998, however, a higher honour was later bestowed upon Ted, when he was awarded the Medal of the Order of Australia (OAM) in 2015, for 'service to local government, and to the community of the Hawkesbury', which he was very proud and humbled to receive.

In addition, Ted was also given the Paul Harris Fellowship from the Rotary Club of Windsor and spent time raising funds for charity, including cancer research.

Ted's loss will be felt deeply by his beautiful family, many friends and the wider Hawkesbury community. Our thoughts are with all who loved him at this very sad time.

To dear Ted, we appreciate all that you accomplished for the Hawkesbury, through a lifetime of selfless service. I have no doubt that your memory and legacy will live on forever.

From the bottom of our hearts, thank you. May you now rest in peace.

oooO END OF REPORT Oooo

ORDINARY MEETING

2. CONFIRMATION OF MINUTES

Meeting Date: 11 July 2023

2. CONFIRMATION OF MINUTES



ORDINARY MEETING

Date of meeting: 20 June 2023
Location: Council Chambers
Time: 6:30 PM

MINUTES

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ORDINARY MEETING

1. PROCEDURAL MATTERS

Meeting Date: 20 June 2023

1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 20 June 2023, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

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

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Corporate Planning and Performance Strategist - Miles Carter, Manager Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

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

An apology for absence was received from Councillor Amanda Kotlash.

The Mayor, Councillor Sarah McMahon advised that the General Manager received from Councillor Dogramaci, a written request to attend tonight's Ordinary Council meeting by audio-visual link, as he is overseas for work commitments.

95 RESOLUTION:

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

That:

1. The apology from Councillor Kotlash be accepted.
2. Approval be granted for Councillor Dogramaci to attend the Ordinary Council meeting on 20 June 2023 by audio-visual link, as he is overseas for work commitments.

Councillor Dogramaci left the meeting at 7:08pm

ORDINARY MEETING
1. PROCEDURAL MATTERS
Meeting Date: 20 June 2023

DECLARATIONS OF INTEREST

Councillor McMahon declared an interest on Item 4.3.1.

Councillor Wheeler declared an interest on Item 4.5.1.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

ORDINARY MEETING

2. CONFIRMATION OF MINUTES

Meeting Date: 20 June 2023

2. CONFIRMATION OF MINUTES

96 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Veigel that the Minutes of the Ordinary Meeting held on the 9 May 2023, be confirmed.

97 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 17 May 2023, be confirmed.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

4.1.1. CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge Crossing - (95498, 124414)

Previous Item: 004, Ordinary (31 January 2023)
200, Ordinary (22 November 2022)
152, Ordinary (13 September 2022)
123, Ordinary (19 July 2022)
152, Ordinary (10 August 2021)
11, Ordinary (11 February 2020)
294, Ordinary (11 December 2018)
124, Ordinary (29 May 2018)
118, Ordinary (27 June 2017)
99, Ordinary (24 June 2014 - deferred 1 July 2014)
54, Ordinary (25 March 2014)
223, Ordinary (12 November 2013)

Directorate: City Planning

Ms Marian Wilcox addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

That:

1. Council adopt the Redbank Voluntary Planning Agreement attached as Attachment 1 to the report.
2. When a Part 5 Application is lodged that Council offer affected land owners a meeting to answer any questions during the consultation period.

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

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

Against the Motion: Councillors Lyons-Buckett and Wheeler.

Absent: Councillor Kotlash.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.2. GENERAL MANAGER

4.2.1. GM - Request for Leave of Absence - Councillor Eddie Dogramaci - (79351, 155346)

Directorate: General Manager

The Mayor, Councillor Sarah McMahon advised that Item 4.2.1 is no longer required to be considered as Council has resolved to permit Councillor Dogramaci to attend tonight's meeting by audio-visual link.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.2.2. GM - 2023/2024 Operational Plan and 2023-2033 Long Term Financial Plan - (79351,96332,159586)

Previous Item: 4.2.2, Ordinary (18 April 2023)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

That:

1. The report regarding the exhibited Draft 2023/2024 Operational Plan and Draft 2023-2033 Long Term Financial Plan be noted.
2. The 2023/2024 Operational Plan, included the fees and charges, attached as Attachment 2, be adopted, incorporating the amendments as outlined in the report relating to the rates in the dollar for 2023/2024 to incorporate valuation changes up to the final Rating Resolution.
3. The 2023-2033 Long Term Financial Plan, attached as Attachment 3 be adopted.
4. Council make the following rates, charges and rebates:
 - a) In accordance with Sections 494 of the Local Government Act 1993, Ordinary Rates are made as shown in Table 1 in this report.
 - b) In accordance with Section 496 of the Local Government Act 1993, Domestic Waste Management Charges are made as shown in Table 2 in this report.
 - c) In accordance with Section 501 of the Local Government Act 1993, Commercial Waste Management Charges are made as shown in Table 3 in this report.
 - d) In accordance with Section 501 of the Local Government Act 1993, Sewerage Service Charges are made as shown in Table 4 in this report.
 - e) In accordance with Section 501 and Section 502 of the Local Government Act 1993, Sullage Pump-out Service Charges are made as shown in Table 5 in this report.
 - f) In accordance with Section 496A of the Local Government Act 1993, Stormwater Management Charges are made as shown in Table 6 in this report.
 - g) In accordance with Section 501 of the Local Government Act 1993, Drainage Management Charges are made as shown in Table 7 in this report.
 - h) In accordance with Sections 575 and 577 of the Local Government Act 1993, Pensioner Rebates are made as shown in Table 8 in this report.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

5. Council adopt an interest rate of 9.0% on overdue rates and charges, in accordance with Section 566(3) of the Local Government Act 1993.
6. The persons and/or organisations that made submissions in response to the exhibition of Council's Draft 2023/2024 Operational Plan and Draft 2023-2033 Long Term Financial Plan be advised of Council's decision in this regard and the relevant comments in the report.
7. The clearing of swamp land previously considered on Pitt Town Road be included in the 2023/2024 schedule of works.

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

Against the Motion: Councillors Lyons-Buckett and Wheeler.

Absent: Councillors Dogramaci and Kotlash.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.3. CITY PLANNING

4.3.1. CP - Koala Plan of Management Cost and Funding - (95498, 124414)

Previous Item: 6.1.1, Extraordinary (17 May 2023)

Directorate: City Planning

Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter due to the debate of discussion mentioning land that a family member is the selling agent for. She left the Chamber and did not take part in voting or discussion on the matter.

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

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

That Council:

1. Commence the undertaking of Fine Scale Vegetation Mapping for the purpose of contributing to the development of a Koala Plan of Management.
2. Contact the relevant NSW Department notifying them of Council's need to pause the use of the Rural Boundary Clearing Code until Council can carry out vegetation mapping and develop a Koala Plan of Management.

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

That Council commence the undertaking of Fine Scale Vegetation Mapping for the purpose of contributing to the development of a Koala Plan of Management.

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

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

Absent: Councillors McMahon, Dogramaci and Kotlash.

The Amendment was carried.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

MOTION:

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

Refer to RESOLUTION

100 RESOLUTION:

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

That Council commence the undertaking of Fine Scale Vegetation Mapping for the purpose of contributing to the development of a Koala Plan of Management.

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

Against the Motion: Nil.

Absent: Councillors McMahon, Dogramaci and Kotlash.

The Mayor, Councillor McMahon, resumed the Chair.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.3.2. CP - 2022/2023 Community Sponsorship Program - Round 3 - (95498, 96328)

Previous Item: 4.3.3, Ordinary (18 April 2023)
183, Ordinary (15 November 2023)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

101 RESOLUTION:

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

That Council:

1. Approve payments for Section 356 Financial Assistance to the individuals and organisations listed in this report and at the level of funding recommended in this report.
2. Approve the execution of Council's standard Sponsorship Agreement for those applications where the approved level of funding is over \$500.
3. Advise the five applicants, Ruff Track, Walk Every Day May, Galactic, Reknighted and Take a Bow, that their applications were not successful as listed in this report.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci and Kotlash.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.3.3. CP - Draft Urban Greening Strategy - (95498, 124414)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

102 RESOLUTION:

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

That Council:

1. Endorse the Draft Urban Greening Strategy, included as Attachment 1 to this report, for the purpose of public exhibition for a period of at least 28 days.
2. At the expiration of the public exhibition period, the following action should be taken:
 - a) Should any submissions be received regarding the proposed Draft Urban Greening Strategy, a further report be submitted to Council, or
 - b) Should no submission be received, Council adopt the Draft Urban Greening Strategy as shown as Attachment 1 to the report.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci and Kotlash.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.3.4. CP - Funding Agreement - Low Cost Loans Initiative for the Vineyard Release Area - (95498, 124414)

Previous Item: 149, Ordinary (26 June 2018)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

103 RESOLUTION:

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

That Council:

1. Endorse the Funding Agreement for the Low Cost Loans Initiative for the Vineyard Release Area with the Office of Local Government.
2. Authority be given for the Agreement to be executed under the Seal of Council.

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

Against the Motion: Nil.

Absent: Councillors Kotlash and Lyons-Buckett.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.4. CORPORATE SERVICES

4.4.1. CS - Investment Report - April 2023 - (95456, 96332)

Previous Item: 129, Ordinary (19 July 2022)
224, Ordinary (13 December 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

104 RESOLUTION:

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

That the Monthly Investment Report for April 2023 be received and noted.

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

Against the Motion: Nil.

Absent: Councillors Kotlash and Lyons-Buckett.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.4.2. CS - Review of Council's Investment Policy - (95456, 96332)

Previous Item: 130, Ordinary (19 July 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

105 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillors Kotlash and Lyons-Buckett.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.4.3. CS - 2023/2024 Remuneration for Mayor and Councillors - (95496, 79353, 105109)

Previous Item: 089, Ordinary (10 May 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

106 RESOLUTION:

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

That:

1. The annual fee for Councillors for 2023/2024 be set at \$26,070.
2. The additional annual fee for the Mayor be set at \$64,390, and the Deputy Mayor's additional annual fee be set at \$9,658.50, to be deducted from the Mayor's \$64,390 annual fee.

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

Against the Motion: Nil.

Absent: Councillors Kotlash and Lyons-Buckett.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 20 June 2023

4.5. INFRASTRUCTURE SERVICES

4.5.1. IS - Hosting Landcare - (95495, 159575)

Previous Item: 6.1.1, Ordinary (18 April 2023)

Directorate: Infrastructure Services

Councillor Wheeler declared a significant non-pecuniary conflict of interest in this matter as this matter may have a financial impact on Hawkesbury River County Council, which she is a Councillor representative on. 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 Zamprogno.

Refer to RESOLUTION

107 RESOLUTION:

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

That Council receive and note the report on the options of hosting Landcare.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci, Kotlash and Wheeler.

ORDINARY MEETING
5. REPORTS OF COMMITTEES
Meeting Date: 20 June 2023

5. REPORTS OF COMMITTEES

5.1.1. ROC - Local Traffic Committee - 8 May 2023 - (95495, 80245)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

108 RESOLUTION:

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

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 8 May 2023.

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

Against the Motion: Nil.

Absent: Councillors Kotlash and Lyons-Buckett.

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 20 June 2023

7. QUESTIONS FOR NEXT MEETING

7.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting - 9 May 2023

Responses to Questions Taken on Notice at the Council Meeting on 9 May 2023 were provided.

ORDINARY MEETING

8. CONFIDENTIAL REPORTS

Meeting Date: 20 June 2023

8. CONFIDENTIAL REPORTS

109 RESOLUTION:

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

That:

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

Item: 8.3.1. CS - Acquisition of Part of 302 Commercial Road, Vineyard - (112106, 95496, 161257)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates the purchase of property by the 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.*

Item: 8.3.2. CS - Acquisition of Part of 284a Commercial Road, Vineyard - (112106, 95496, 124752, 124753, 155169)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to the purchase of property by the 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.*

Item: 8.3.3. CS - Licence Agreement - NSW Wildlife Information Rescue and Education Service Inc. - Part of 10 Mulgrave Road, Mulgrave - (112106, 95496, 154074)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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.

110 RESOLUTION:

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

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 20 June 2023

8.3. CORPORATE SERVICES

8.3.1. CS - Acquisition of Part of 302 Commercial Road, Vineyard - (112106, 95496, 161257)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

That:

1. Council approve the acquisition of part of 302 Commercial Road, Vineyard, being Proposed Lot 6 in Deposited Plan 1286632, comprising an area of 50m², for the purposes of road widening, for the amount detailed in this Report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the acquisition process, which do not require the Seal of Council to be affixed.
4. Details of Council's resolution be conveyed to the affected landowner together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been executed.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci and Kotlash.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 20 June 2023

8.3.2. CS - Acquisition of Part of 284a Commercial Road, Vineyard - (112106, 95496, 124752, 124753, 155169)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That:

1. Council approve the acquisition of part of 284a Commercial Road, Vineyard, being Proposed Lot 1 in Deposited Plan 1286632, comprising an area of 5,000m², for the purposes of creating a drainage channel, for the amount detailed in this Report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the acquisition process, which do not require the Seal of Council to be affixed.
4. Details of Council's resolution be conveyed to the affected landowners together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been executed.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci and Kotlash.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 20 June 2023

8.3.3. CS - Licence Agreement - NSW Wildlife Information Rescue and Education Service Inc. - Part of 10 Mulgrave Road, Mulgrave - (112106, 95496, 154074)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That:

1. Council agree to enter into a new licence agreement with NSW Wildlife Information Rescue and Education Services Inc, in regard to Part of 10 Mulgrave Road, Mulgrave, in accordance with the proposal outlined in the report.
2. Authority be given for the licence agreement and any other necessary documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Licensee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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

Against the Motion: Nil.

Absent: Councillors Dogramaci and Kotlash.

The meeting terminated at 8:16pm.

Submitted to and confirmed at the Ordinary meeting held on 11 July 2023.

.....
Mayor

ORDINARY MEETING

3. MAYORAL MINUTES

Meeting Date: 11 July 2023

3. MAYORAL MINUTES

3.1.1. MM - Kangaroo and Driver Safety on The Driftway - (138879, 79353)

BACKGROUND

In recent weeks, I have been contacted by Ms Anne Marks, a local volunteer and Macropod Coordinator with WIRES (Wildlife, Information, Rescue and Education Service). Ms Marks is based in the Hawkesbury and has informed me that she is currently attending to an increased amount of car accidents involving kangaroos across the local government area, with specific reference to a section of The Driftway, between Londonderry Road and Castlereagh Road.

Ms Marks has detailed the significant trauma associated with these accidents; trauma for the kangaroo if it survives or for a joey, trauma for herself or any other volunteer who attends the scene, and trauma for the people inside the vehicle. The result of an accident usually means significant injuries to the kangaroo, the real potential of having to euthanise the animal if it is deemed that they will not recover from their injuries, and orphaned joeys, which is distressing for everyone. There is also of course, damage to the vehicles to contend with, as well as potential injuries to people in the accident.

Based on these devastating consequences for all, I have brought forward this Mayoral Minute to address the issue.

I have recently met with Anne Marks at Council, where discussions were had regarding possible safety or warning mechanisms, to alert drivers to the fact that there is an increase in numbers of kangaroos in that area. In addition, Ms Marks and I met on site to look at the area together, where it was obvious to see the specific kangaroo trails (and therefore the road crossing points).

It must be noted here that it is both the safety of the kangaroo AND the people in the vehicles that hit them, that are of importance here. Any safety measures that can take place to save the lives of kangaroos, have an obvious positive impact by limiting the danger and distress that people are put in, should they be involved in a car accident involving a kangaroo. However, I also recognise that we have a road network that continues to demand long-term funding to address its condition and specific black spots and accordingly wish to draw out what is possible, what is effective, what is up to Council to address, what is up to Transport for NSW to address and the opportunities to pursue alternative funding arrangements.

In respect of this, I understand that, following Ms Marks' contact with Council staff, our Officers have requested that Transport for NSW incorporate measures to reduce vehicle-wildlife conflicts and I wish for this to continue, by placing the support of Council behind this position.

I would like to thank Ms Marks for bringing this to my attention, along with thanking all WIRES volunteers for the time that they unselfishly give to rescuing injured wildlife and educating our community on these important issues.

ORDINARY MEETING
3. MAYORAL MINUTES
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Above: Anne Marks and Mayor McMahon at The Driftway.



Above: Evidence of a kangaroo trail on one side of The Driftway, which connects to another trail on the other side, meaning the road in between is where kangaroos are crossing and being hit by cars. This pink ribbon has been placed there by WIRES volunteers to identify this.

ORDINARY MEETING
3. MAYORAL MINUTES
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RECOMMENDATION

That:

1. Council receives a report in the next two months, detailing the effectiveness, costs, viability and process of implementing safety measures at specific points along The Driftway, between Londonderry Rd and Castlereagh Road (as identified by local WIRES volunteers) to limit the amount of car accidents involving kangaroos. This report is to consider efficacy, costs, viability and process of implementing:
 - a) Kangaroo warning signage;
 - b) Painted markings on the road surface (for example lines, crossing zones or wildlife markings);
 - c) Flashing signs that are activated at dusk and dawn;
 - d) Speed humps;
 - e) Reducing the speed limit from 80km/hr to 60km/hr;
 - f) Virtual fencing.
2. Council continue to request Transport for NSW to incorporate measures to reduce the risk of vehicle-wildlife conflicts on the New Richmond Bridge Stage 1; and
3. The Mayor submit a letter of support to Anne Marks' application for grant funding for 'virtual fencing', for which a grant is currently available through WIRES:
<https://www.wires.org.au/national-grants-program> and would look similar to:
<http://www.wildlifesafetysolutions.com.au/>

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

Nil Reports.

4.2. GENERAL MANAGER

4.2.1. GM - Councillor Numbers - (79351, 96333)

Previous Item: 125, Ordinary (19 July 2022)
NM1, Ordinary (14 June 2022)
146, Ordinary (13 August 2019)
133, Ordinary (30 July 2019)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is for Council to determine the number of Councillors it will have for the next Council term.

EXECUTIVE SUMMARY

Section 224(2) of the Local Government Act 1993 (the Act) says that Council has to determine the number of councillors it will have for the following term of office no less than twelve months before the next ordinary election.

The next ordinary election will be held on 14 September 2024.

In 2022, following a Notice of Motion, Council considered a report on options for a change in Councillor numbers, and the matter was subsequently discussed at a Councillor Briefing Session. The matter did not return to Council.

RECOMMENDATION

That Council determines the number of its Councillors be twelve for the following Council term from 2024 to 2028.

BACKGROUND

At its meeting on 14 June 2022, Council considered a Notice of Motion on the reduction of Councillors for the Council term from 2024 to 2028.

Council resolved:

"That Council:

1. *Consider changing the number of Councillors for the term following the 2024 NSW Local Government election from 12 to 7, 9, 11 or 13.*

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

2. *Receive a report outlining the impacts of changing Councillor numbers from 12 to 7, 9, 11 or 13 for a four-year period, including:*
 - *The process and timeline of how such a change could occur*
 - *Financial implications*
 - *Comparisons to other Councils regarding ratio of Councillors to population.”*

A further report was received by Council at its meeting on 19 July 2022. The report outlined the process for changing Councillor numbers as outlined in the Local Government Act 1993. This process included Council holding a constitutional referendum, prior to resolving any change in numbers subject to the result of the referendum. The report included indicative timelines for the process to change Councillor numbers, depending on when any proposed change was to take effect. It also included the financial implications for changing Councillor numbers, and comparisons with other councils.

At its meeting on 19 July 2022 Council resolved to refer the matter to a Councillor Briefing Session and this was held on 16 August 2022. The matter has not been brought back to Council since then.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

DISCUSSION

Section 224 of the Act says:

- “(1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).*
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.*
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.”*

Local government elections are held on the second Saturday in September every four years. The 2024 ordinary election will be held on 14 September 2024.

In accordance with Section 224(2) of the Act, Council must determine the number of Councillors it will have for the 2024 to 2028 Council term by September 2023.

Council most recently explored changing the number of Councillors in 2022, and following a report to Council and discussion at a Councillor Briefing Session, the matter did not return to Council and no resolutions have been passed which would trigger actions required to change Councillor numbers.

The report to Council in 2022 referred to timelines for the process to change Councillor numbers. For practical purposes, any referendum to change Councillor numbers would need to be held at or after the ordinary election in September 2024 to take effect for the ordinary election in 2028.

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 2022-2042

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

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.2.2. GM - Media Policy - (79351, 15988)

Previous Item: 087, Ordinary (28 May 2019)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to:

- Outline the process for review and adoption of Council's Media Policy
- Seek Council's endorsement to place the Media Policy on public exhibition.

EXECUTIVE SUMMARY

Council adopted its current Media Policy in 2019 to help inform and direct Council practices around media management and associated communication and engagement activities. The Media Policy has been reviewed and updated in line with best practice and the recently released Model Social Media Policy 2022 and Model Media Policy 2022 prepared by the Office of Local Government. A Draft Media Policy has been prepared and is attached as Attachment 1 to this report. The Draft Media Policy addresses media management for print, digital and broadcast media and Council's print and digital self-publishing activities.

RECOMMENDATION

That:

1. The Draft Media Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
 2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Media Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Media Policy, as attached as Attachment 1 to this report.
-

BACKGROUND

Council is committed to open and clear communication with the local community. Similarly, Council is committed to actively engaging with the media to maximise the reach and facilitate the efficient dissemination of relevant, accurate and timely information.

The overall purpose of the Draft Media Policy is to provide a framework for Council's communication with the media in order to keep the Hawkesbury community informed of its activities and to ensure

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that Council is transparent and connected to the community. Council's Draft Media Policy addresses the management of all media issues including social media.

In 2022 the Office of Local Government (OLG) released the Model Media Policy and the Model Social Media Policy. The adoption of these Model Policies is not compulsory however they provide a guide to best practice governance as Council increasingly uses social media for Council communication. Council has selected relevant clauses to be adapted for inclusion in Council's Draft Media Policy.

Model Social Media Policy 2022

The OLG's Model Social Media Policy has 10 parts:

1. Principles
2. Administrative framework for council's social platforms
3. Administrative framework for councillors' social media platforms
4. Standards of conduct on social media
5. Moderation of social media platforms
6. Use of social media during emergencies
7. Records management and privacy requirements
8. Private use of social media
9. Concerns or complaints
10. Definitions.

The Model Social Media Policy is intended to provide Councils with "*a robust framework for the administration and management of their social media platforms*".

The 10 Parts of the OLG's Model Social Media Policy are listed below with a comment on which Section they were incorporated into Council's Draft Media Policy:

OLG's Model Social Media Policy	Draft Hawkesbury Media Policy
Part	Section
1. Principles	Section 2
2. Administrative framework for council's social platforms	In Section 6 Council adopted the administrative framework whereby the General Manager appoints a suitably qualified member of staff who may delegate functions to authorised users. Social media platforms, authorised users and administrative tone, standards of conduct Sections 8.1 – 8.23
3. Administrative framework for councillors' social media platforms	Sections 8.45 – 8.59
4. Standards of conduct on social media	Section 7
5. Moderation of social media platforms	Section 8.24 – 8.34
6. Use of social media during emergencies	Section 9

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OLG's Model Social Media Policy	Draft Hawkesbury Media Policy
7. Records management and privacy requirements	Sections 11 and 14
8. Private use of social media	Sections 8.38 – 8.41
9. Concerns or complaints	Sections 8.42 – 8.44
10. Definitions	Section 15

Model Media Policy 2022

The OLG's Model Media Policy has eight parts:

1. Principles
2. Administrative framework for engagement with the media
3. Who can engage with the media
4. Standards of conduct when engaging with the media
5. Use of media during emergencies
6. Media engagement in the lead up to elections
7. Records management and privacy requirements
8. Definitions.

The eight Parts of the OLG's Model Media Policy are listed below with a comment on in which Section they were incorporated into Council's Draft Media Policy:

OLG's Model Media Policy	Section of Draft Hawkesbury Media Policy
Part	Section
1. Principles	Section 2
2. Administrative framework for engagement with the media	In Section 6 Council adopted the administrative framework whereby the General Manager appoints a suitably qualified member of staff to manage media functions
3. Who can engage with the media	Sections 6, 7, 8.49
4. Standards of conduct when engaging with the media	Section 7
5. Use of media during emergencies	Section 9
6. Media engagement in the lead up to elections	Section 10
7. Records management and privacy requirements	Sections 11 and 14
8. Definitions	Section 15

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A Draft Media Policy has been prepared and is attached as Attachment 1 to this report. The Media Policy will provide an overarching framework for managing media and media communication and link to the Communication and Engagement Strategy.

Relevant Legislation

For records management and access to information the State Acts and Regulations identify obligations about the management of records and how information is collected, used, stored, secured and disclosed.

The relevant clauses from the 2022 Office of Local Government's Model Media Policy and Model Social Media Policy also provide a guide to best practice governance for Council's media and social media communication and these have been included in the Draft Media Policy.

DISCUSSION

The media is one of Council's most important external stakeholders, however the media landscape is changing and evolving rapidly with digital media becoming one of the main ways people receive their news. Council is less able to rely on traditional media and platforms to inform the community reliably and accurately regarding Council's priorities, programs and activities.

Council seeks to strike an important balance between print, digital and broadcast media management and Council's print and digital self-publishing activities. Council has worked to adapt and tailor its media message and the way it disseminates information. Council has tailored its content for a range of specific audiences by creating a news online page on the Corporate website, creating social media posts and specific weekly Facebook news posts while continuing to prepare media releases, advertise with local newspapers and share information on local radio.

Council has created a robust Draft Media Policy for managing the clear dissemination of information to the community that ensures meaningful and genuine engagement which aims to be:

- Open
- Consistent
- Accurate
- Timely

The Draft Media Policy aspires to approach media activities in a manner that achieves a balance between these various objectives and also to:

- Ensure all communication with the media and wider community is coordinated, consistent, well informed, timely and appropriate.
- Clearly identify Council's authorised representative/spokesperson and ensure appropriate authorisation and responsibility for comments supplied.
- Identify media opportunities, to inform the community, to promote and celebrate the achievements of Council and the local community and provide a platform for community engagement.
- Mitigate risk and limit the possibility of miscommunication and the distribution of inaccurate information, or any other impacts on Council's reputation.
- Provide a framework regarding the management of engagement with the community and interest groups on social media, both proactive and reactive, and provide guidance around dealing with posts that are defamatory, derogatory, bullying, vulgar, abusive and/or misleading, and those who post them.

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The Draft Media Policy applies to all Council Officials, Councillors, members of staff and delegates of Council including members of committees, volunteers, contractors and service providers.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Reliable Council

- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.
- 4.6 Support the operation of the organisation through effective staff engagement.
- 4.7 Encourage informed planning, balanced growth and community engagement.

FINANCIAL IMPACT

Financial implications arising from engagement as identified in the Draft Media Policy are provided for in the Adopted 2023/2024 Operational Plan.

ATTACHMENTS

AT - 1 Draft Media Policy - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.2.3. GM - Code of Conduct and Procedures - (79351, 96333)

Previous Item: 062, Ordinary (29 March 2022)
168, Ordinary (8 September 2020)
037, Ordinary (12 March 2019)
128, Ordinary (25 July 2017)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to:

- Provide information about proposed changes to Council's Code of Conduct concerning child protection and safety, following legislative changes and findings made in an Internal Audit on Child Protection Compliance.
- Recommend the adoption by Council of the Code of Conduct incorporating the proposed changes, and the adoption by Council of Procedures for the Administration of the Code of Conduct.

EXECUTIVE SUMMARY

Council adopted its current Code of Conduct on 29 March 2022, based on the Model Code of Conduct 2020 (the Model Code) prescribed by the Office of Local Government.

Council is required to adopt a Code of Conduct under Section 440 of the Local Government Act 1993 (the Act).

The Children's Guardian Act was amended in November 2021 to introduce the requirements that certain organisations, including councils, become "child-safe" organisations by meeting ten Child Safe Standards.

A Child Protection Compliance Internal Audit was completed by Council's Internal Audit service provider, Centium Pty Ltd in January 2023, as part of Council's Internal Audit Program. The Internal Audit found that Council's Code of Conduct should be reviewed and amended to include more enhanced provisions regarding child protection and safety. An Internal Audit Management Action was developed by Council to amend the Code of Conduct. A Code of Conduct which includes amendments dealing with child protection and safety is attached as Attachment 1 to this report.

In addition to the Code of Conduct, Council is required to adopt a procedure that incorporates the provisions of the Procedures for the Administration of the Model Code of Conduct, prescribed under the Act. Council adopted its current Procedures for the Administration of the Code of Conduct on 29 March 2022.

For consistency, it is recommended that the Procedures also be adopted at the same time as the Code of Conduct. The Procedures for the Administration of the Code of Conduct are attached as Attachment 2 to this report.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

RECOMMENDATION

That Council:

1. Adopt the Code of Conduct attached as Attachment 1 to this report.
2. Adopt the Procedures for the Administration of the Code of Conduct attached as Attachment 2 to this report.

BACKGROUND

Council is required to adopt a Code of Conduct that incorporates the provisions of the Model Code under Section 440(3) of the Act.

Council's Code of Conduct, based on the Model Code, sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- Understand and comply with the minimum standards of conduct that are expected of them
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- Act in a way that enhances public confidence in local government.

The Code of Conduct applies to Council Officials who include Councillors, Council staff, Council committee members and delegates of Council.

Council is also required to adopt a procedure that incorporates the provisions of the Model Procedure prescribed by the Local Government (General) Regulation 2021 under Section 440AA(3) of the Act.

Council last reviewed and adopted the Code of Conduct and Procedures for the Administration of the Code of Conduct on 29 March 2022.

In 2022, a Child Protection Compliance Internal Audit (the Audit) was undertaken as part of Council's Internal Audit Program. The objective of the Audit was to determine whether:

- Council's child protection systems and procedures were compliant with relevant legislation
- Council's framework is aligned to the Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, and that it followed recommended better practice.

The Internal Audit made findings in relation to Council's Child Protection Framework, compliance with child protection legislation and the alignment with the Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Child Safe Standards apply to Council as a result of amendments to the Children's Guardian Act 2019.

One of the findings of the Internal Audit was that Council's current Code of Conduct, which is based on the Model Code, only briefly covers child protection and is not broad enough or specific. An agreed Management Action was developed by Council, in the following terms:

"Review and recommend amendments to Council's Code of Conduct to reflect standards of conduct required by the Child Safety Standards and relevant legislation."

ORDINARY MEETING

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Amendments have been made to Code of Conduct to reflect the Management Action agreed to by Council as a result of this finding.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Child Protection (Working with Children) Act 2012

The Children's Guardian Act 2019

DISCUSSION

Child Safe Standards

The Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

In reviewing the Code of Conduct to give effect to the Management Action identified from the Internal Audit, Council had regard to the Child Safe Standards and the Child Protection (Working with Children) Act 2012, noting that the Child Safe Standards refer broadly to some legislative requirements. Council also had regard to the Office of the Children's Guardian's 'Codes of Conduct: a guide to developing Child Safe Codes of Conduct.

The Code of Conduct attached as Attachment 1 to this report contains the following amendments:

- Under 'Definitions', include the following definition:

"children" – "refers to children and young people under the age of 18"

- Amend Clause 3.27 to say:

"As a council official you are bound by all relevant Australian and NSW legislation, obligations imposed by peak organisations, the NSW Child Safety Standards, Council's Child Safety Framework

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and Child Safety Policy, and other organisational and employment policies and procedures relating to child protection.”

- Add a Clause 3.28 to say:

“To demonstrate commitment to creating and maintaining an environment that promotes the safety of all children, you must:

- a) Act with integrity by raising concerns with management if risks to child safety are identified anywhere in Council*
- b) Report any concern, allegation, disclosure or witnessing of child abuse to the relevant person or authority in accordance with Council's Child Safety Policy*
- c) Take all reasonable steps to protect children from abuse*
- d) Respect the privacy of children and their families by keeping all information regarding child protection concerns confidential (outside of following Council's reporting processes)*
- e) Treat all children and young people with respect, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, health status, national, ethnic or social origin, culture, property, ability or other status*
- f) Actively promote cultural safety and inclusion*
- g) Work with children in an open and transparent way.”*

- Add a Clause 3.29 to say:

“To demonstrate commitment to creating and maintaining an environment that promotes the safety of all children, you must not:

- a) Condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming*
- b) Ignore or disregard any concerns, suspicions or disclosures of child abuse*
- c) Fail to report information of known child abuse in accordance with Council's Child Safety Policy*
- d) Engage in behaviours which may be of concern, such as being alone with a child when there is no professional reason for doing so or showing favour to one child over another.”*

Section 440AA(3) of the Act says:

“A council must adopt a procedure (the adopted procedure) that incorporates the provisions of the model procedure. The adopted procedure may include provisions that supplement the model procedure.”

Council's current Procedures are consistent with the Model Procedures. A review of Council's Procedures for the Administration of the Code of Conduct was undertaken and no amendments were required to be made.

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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 2022-2042

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

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

- AT - 1** Code of Conduct - (*Distributed under separate cover*).
- AT - 2** Procedures for the Administration of the Code of Conduct - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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4.3. CITY PLANNING

4.3.1. CP - Liveability Project - Windsor Town Centre - Stage 1 Updated Design, Material Schedule and Project Costings - (95498, 147666)

Previous Item: 4.3.4, Ordinary (18 April 2023)
6.15, Ordinary (14 March 2023)
167, Ordinary (13 September 2022)
172, Ordinary (8 September 2020)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to provide an update to Council on work that has been undertaken with regards to the Windsor Liveability Project following the Council Meeting of 18 April 2023. This report includes updated design plans, materials schedule and the preferred brick paving colour for Stage 1 of the Liveability Project, Windsor Town Centre and staff are now seeking Council's endorsement to proceed to tender to enable the project to commence.

EXECUTIVE SUMMARY

Council is a signatory to the Western Sydney City Deal, a 20-year agreement between the Australian and NSW Governments and eight councils.

A key commitment from the City Deal is the Western Parkland City Liveability Program which provided \$15M to each of the eight councils for capital projects that enhance liveability. To be eligible, councils were required to contribute \$3.75M to the project.

Council was successful in gaining funding under the Liveability Program to deliver a project that aimed to revitalise the town centres of Richmond, Windsor and South Windsor through public domain upgrades and place-making and activation initiatives.

At the Council Meeting of 18 April 2023, Council resolved to:-

- Proceed with the current scope for Stage 1 with some variations
- Submit a variation request for Stage 2
- Present new plans for public comment and adoption by Council.

Work has been undertaken to update plans for Stage 1 of the Liveability Project to include the variations that were requested at the Council Meeting. The updated design plans, project costs, materials schedule and brick paving for Stage 1 are now presented to Council to seek endorsement to proceed to tender to enable construction to commence.

RECOMMENDATION

That Council endorse the updated design plans, materials schedule and paving colour for Stage 1 of the Liveability Project, Windsor Town Centre to allow for the project to progress to Tender stage.

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BACKGROUND

A Council report was presented at the Ordinary Council Meeting of 18 April 2023 which outlined the overall project history, overview of key stages to date, and provided options to progress the project.

Council resolved as follows:

"That Council:

1. *Note the progress undertaken on the Liveability Program, Windsor Town Centre, to date.*
2. *Endorse Option3 in the report, as amended with further detail below, as Council's preferred option to progress the Liveability Program, Windsor Town Centre, noting that all works are to be sympathetic to the heritage landscape and values of Windsor and in line with Heritage NSW guidelines:*

Option 3:

STAGE 1 - Windsor Train Station to Fitzgerald Street, and Thompson Square:

- *Proceed with current scope for Stage 1 with the following variations:*
 - *Include in this scope, additional brick paving on the northside of George Street between Tebbutt Street and New Street, where there is currently bitumen*
 - *Street trees to be planted where appropriate (road and footpath)*
 - *Thompson Square shade structures to compliment the precinct and any changes to be in line with the Conservation Management Plan.*

STAGE 2 – Windsor Mall – Fitzgerald Street to Baker Street:

- *Submit a variation request for Stage 2 works as follows:*
 - *Existing pavers and sandstone in Windsor Mall to remain, with broken pavers and sandstone fixed and flattened*
 - *Gas lamps to remain in-situ as per existing Council resolution*
 - *Old and broken furniture such as stables and chairs, seats, bins, plant boxes, bike racks and bus shelters to be replaced, sympathetic to heritage themes*
 - *Remove in appropriate trees and replace with new trees befitting to public spaces. Once new trees are replanted, consider root barriers, laser cut steel root covers, soft fall or seating around trees*
 - *Improve safety and visual appearance of existing road crossings*
 - *Maintain the meandering attitude of the Mall.*
- *Be presented with the new plans for adoption at a future Council meeting, upon which members of the public can provide comment, which will include costs for the variation of Stages 1 and 2, as well as the costs and sources of funding for the ongoing operation of the gas lamps in the Mall."*

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DISCUSSION

The town centre works for Windsor have been subject to scope changes and work has not yet commenced. Council has submitted two variation and funding extension requests to date for the Windsor Town Centre project, both of which have been granted and the funding deadline for project delivery is now June 2024. The Grant Funding Authority advised the variations and extensions to funding were approved based on the extenuating circumstances that the Hawkesbury endured during the project which included bushfires, COVID19 and multiple floods.

Stage 1

Stage 1 redesign is not subject to a Grant Funding variation submission and therefore detailed design plans and materials schedule have now been updated to include:

- The paving change from granite to brick paving, and the inclusion of brick paving from Tebbutt Street to New Street.
- Street trees to be planted where appropriate (road and footpath)
- Thompson Square shade structure has been designed to complement the precinct and align with the Conservation Management Plan; this structure has been approved by Heritage NSW.

In accordance with Council's resolution, the only change to the Stage 1 schedule of works that was previously endorsed by Council is the replacement of granite paving with brick paving and the inclusion of additional footpath paving works between Tebbutt Street and New Street. The three colour options for the brick paving were made available to the community and businesses for comment by way of a poll. The community then voted to select the preferred colour option.

Sepia was voted as the preferred brick paver colour and as such, this is the brick paving that will be installed throughout Stage 1 of the project.

An image of this paver (as laid in Richmond Town Centre) is provided below.



Image: 'Sepia' coloured Brick Paver with 'Braham Granite' coloured Brick Border

Updated design and materials schedule can be found in the 'Stage 1 and 1A - Western Parkland City Liveability Project Design Plans' document, provided as Attachment 1 to this report.

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The additional footpath brick paving works between Tebbutt Street and New Street has been costed by a Quantity Surveyor to total \$650,000. As Stage 1 of the Project will proceed to tender following Council resolution, the overall cost of Stage 1 is subject to commercial confidence and therefore not included in this report to ensure the tender process remains competitive.

Stage 2 - Windsor Mall

The grant funding authority has requested detailed costings for the Stage 2 updated scope of work as per Council's resolution and investigations are underway to develop these costings. Once finalised, a request will be submitted to the grant funding authority to seek approval for the updated scope of work and an extension to the funding due date.

New plans will be developed to reflect the updated scope of work, based on the assumption that approval is received from the grant funding authority. Community engagement will be undertaken in partnership with Place Design Group to seek community input on the design.

The plans and outcome of community engagement will be shared with Councillors at a briefing then reported to a future Council meeting where final endorsement will be sought from Council to endorse the final design for Stage 2.

If the plans are endorsed, the tender process will commence to engage a construction contractor. Once the contractor has been engaged, construction dates and scheduling will be made available to residents and businesses in Windsor, Councillors and the broader community.

COMMUNITY ENGAGEMENT

The broad community and Councillor engagement that was undertaken to inform the scope of the Liveability Program town centre works in Richmond, South Windsor and Windsor was presented to the Council Meeting on 18 April 2023.

Following the submission of a variation request for Stage 2 to the funding authority for alternative works in Windsor Mall, further community engagement will be undertaken.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

Strong Economy

- 3.2 Increase the range of local industry opportunities and provide effective support to continued growth.
- 3.3 Promote our community as the place to visit, work and invest.
- 3.4 Support the revitalisation of our town centres and growth of our business community.
- 3.5 Celebrate our creativity and cultural expression.

Reliable Council

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4.4 Build strong relationships and shared responsibilities.

4.7 Encourage informed planning, balanced growth and community engagement.

FINANCIAL IMPACT

The project is funded using \$15 million Commonwealth and State Liveability Program funding. Council's 2020/2021 and 2021/2022 Budget allocated \$3.75 million to meet the eligibility requirement of the co-contribution of funding.

Grant funds were awarded to Council on the basis of the approved scope of works that align with the objectives of the Western Parkland City Liveability Program. Work must be completed by 30 June 2024 in order to be eligible for funding.

Funding is not flexible and cannot be reallocated to alternative work without approval from the Western Parkland City Authority. In order to utilise the grant funds for work not included in the original scope, a variation request must be submitted to and approved by the Western Parkland City Authority.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The agreed scope of works for the Liveability Program is aligned with the Long-Term Financial Plan. Should a revised program of works be agreed to, their alignment with the Long-Term Financial Plan will be considered and subsequently reported to Council.

ATTACHMENTS

AT - 1 Stage 1 and 1A Western Parkland City Liveability Project Design Plans - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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4.3.2. CP - Outcome of Public Exhibition - Draft Environmental Sustainability Strategy - (124414, 95498)

Previous Item: 4.3.2, Ordinary (18 April 2023)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with the outcome of the public exhibition of the Draft Environmental Sustainability Strategy (Draft Strategy) and to seek adoption of the Draft Strategy.

EXECUTIVE SUMMARY

Council at its Ordinary Meeting on 18 April 2023 resolved to place the Draft Environmental Sustainability Strategy on public exhibition for a period of at least 28 days.

The Draft Strategy was publicly exhibited for an extended period of 42 days between Wednesday, 3 May 2023 and Tuesday, 13 June 2023. A total of seven submissions were received during the exhibition period. This report provides details of the submissions received, and Council Officer's responses to these submissions.

Minor amendments have been made to the Draft Strategy in response to the submissions received, which are outlined in the Discussion section of this report.

RECOMMENDATION

That Council adopt the Environmental Sustainability Strategy, included as Attachment 1 to this report.

BACKGROUND

The Draft Environmental Sustainability Strategy outlines a plan to guide Council and the Hawkesbury community's capacity for living more sustainably, and protecting the natural and built environments of the region.

It consolidates existing knowledge, actions, and directions, providing a long-term foundation for progressing the sustainability of the Hawkesbury Local Government Area whilst aligning with relevant United Nations Sustainable Development Goals.

The implementation of this Draft Strategy will be guided by the principles of Caring for Country, the Statement from the Next Generation, and our community's desire to see a sustainable Hawkesbury.

The Draft Strategy will assist to deliver a more sustainable Hawkesbury where:

- Our programs, projects, and works will not compromise the ability of future generations to meet their needs, and
 - The environmental, economic, and social implications of our work will be considered with everything we do.
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A more sustainable Hawkesbury will be achieved through collaboration and coordination across Council, and stakeholders, including residents, businesses and state government agencies.

At its Ordinary Meeting held on 18 April 2023, Council considered a report regarding the Draft Strategy. Council resolved the following:

“That Council:

1. *Endorse the Draft Environmental Sustainability Strategy, included as Attachment 1 to this report, for the purpose of public exhibition for a period of at least 28 days.*
2. *Report the matter back to Council following public exhibition”.*

This report responds specifically to point 2 of the above resolution and recommends that Council adopts the Draft Strategy.

Location Plan

The Draft Environmental Sustainability Strategy if adopted will relate to the whole Hawkesbury Local Government Area.

Relevant Legislation

Local Government Act 1993

The Guiding Principles for councils within the Local Government Act 1993, Chapter 3, Section 8A, states that councils are obliged to consider the long term and cumulative effects of actions on future generations, and that they should consider the principles of ecologically sustainable development.

- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.

Hawkesbury Local Environmental Plan 2012 (LEP)

Part 1, section 1.2, Aims of Plan, (2) (c) and (d):

- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development.*

DISCUSSION

The Draft Strategy was publicly exhibited for a period of 42 days between Wednesday, 3 May 2023 and Tuesday, 13 June 2023. The public exhibition of the Draft Strategy was advertised through Council’s various communication channels, including:

- Digital media: social media posts on Councils Facebook, community e-newsletter, email contact to all who were engaged through the development of the draft Strategy and additional relevant stakeholders, notification to all who attended the recent Living Sustainably workshop, an email banner on the signature of all outgoing Council staff emails during the public exhibition, and a Media Release.

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- Print media: poster at the Council Administration Building and advertisement in Council Notices in the newspaper for 3 May 2023 and 31 May 2023.

A total of seven submissions were received during the public exhibition. Attachment 2 to this report provides a summary of submissions received and Council Officer's responses.

The primary matters raised across all submissions along with Council Officer's responses are summarised below:

Public Submission	Summarised Comments	Council Officer Response
1	The success of the strategy will be measured by how well Council implements the goals across the Hawkesbury Local Government Area	The Draft Strategy will be implemented as a core and integral component of Council's overall business planning and reporting. The Draft Strategy will be reviewed and updated in step with Council's four-year Delivery Program.
2	The term 'Hawkesbury County Council' should be amended to read 'Hawkesbury River County Council'	The term 'Hawkesbury County Council' has been amended throughout the Draft Strategy to read 'Hawkesbury River County Council'
	Throughout the Strategic Actions, in the 'Partnerships' column, it is suggested that Hawkesbury River County Council is listed against actions: 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 3.1, 3.2, 3.3, 3.4, and 3.5.	The term 'Hawkesbury County Council' has been amended throughout the Draft Strategy to read 'Hawkesbury River County Council', which in turn addresses the majority of these suggestions. Additionally, 'Hawkesbury River County Council' has been added in the partnership column for Strategic Actions 1.1 and 3.1.
3	A need to focus on building better roads. Specifically, in regards to the cost of natural resources being used for a short time and then land-filled.	This matter is addressed through the Strategic Action 3.12 within the Waste Minimisation and Resource Recovery sub-theme of the Draft Strategy: " <i>Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.</i> " Additionally, this matter is addressed as part of Council's Waste and Resource Recovery Strategy, Action 5: " <i>Council leads by example through waste reduction, recycling, and sustainable procurement.</i> "

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<p>4</p>	<p>For the Hawkesbury community and Council to preserve and enhance our natural environment as the vital resource that sustains lifestyles and provides huge opportunities for natural tourism development.</p>	<p>Council preserving and enhancing our natural environment is addressed under the Draft Strategy theme “The Natural Environment” and the sub-themes and strategic actions which fall under this theme. Additionally, this will be addressed in more detail under the implementation of Strategic Action 1.5 in the draft Strategy to: <i>“Establish a Conservation and Restoration Strategy to cover Land and Water.”</i></p> <p>The link to natural tourism development is addressed throughout Council’s adopted Destination Management Plan 2022-2024. Specifically, through the strength of ‘<i>Reconnect in Nature</i>’ for example, through Agritourism and National Parks. Additionally, the key experience pillars for the Hawkesbury as listed in Councils adopted Destination Management Plan 2022-2024 are: <i>“Agri & Artisan, Nature, Adventure and Heritage & Culture.”</i> Additionally, Hawkesbury Local Environmental Plan 2012 (LEP), Part 1, section 1.2 Aims of Plan, (g) states: <i>“to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.”</i></p> <p>The Hawkesbury Local Government Area has significant rural agricultural land, and through the adopted Hawkesbury Rural Land Strategy, agriculture has been identified as being a key driving force of the Hawkesbury’s economy. The inclusion of new agritourism provisions from the NSW Government Standard Instrument provided an opportunity through the Hawkesbury Local Environmental Plan 2012 (LEP) to help boost the economic viability of the Hawkesbury’s rural agricultural lands, and in doing so help to retain rural agricultural</p>
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Public Submission	Summarised Comments	Council Officer Response
		<p>lands for farming/primary production purposes. Such uses strengthen the economic viability of rural agricultural lands and provide farmers with additional sources of income while maintaining primary production as a principal use. Council has already nominated agritourism land use or subsets of farm experience premises and farm gate premises ancillary to farming/primary production as permissible land uses with consent in RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones.</p>
	<p>We can further develop the built environment in safe areas while maintaining our rural appeal. This would involve strong environment & sustainable planning. In doing this we should demonstrate best practice sustainable building methodologies such as passive orientation and design, lifecycle analysis of building materials, renewable energy requirements, water and waste recycling management. We have the opportunity to offer world class sustainable living here in the Hawkesbury. We have the space, there is a huge demand for housing and our proximity to the city positions us for an enviable growth future.</p>	<p>‘Sustainable Living’ is addressed throughout the Draft Strategy as one of the three themes; with three sub-themes identified within this theme, including:</p> <ul style="list-style-type: none"> “- <i>Energy Use</i> - <i>Water Use, and</i> - <i>Waste Minimisation & Resource Recovery.</i>” <p>Additionally, some of the key measures of success as highlighted in the Draft Strategy include development, adoption and implementation of:</p> <ul style="list-style-type: none"> “- <i>Conservation and Restoration Strategy</i> - <i>Urban Greening Strategy</i> - <i>Active Transport Plan</i> - <i>Waste and Resource Recovery Strategy.</i>” <p>Council has developed six strategies towards a more sustainable and resilient future within its adopted Net Zero</p>

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Public Submission	Summarised Comments	Council Officer Response
		<p>Emissions + Water Efficiency Strategy, including:</p> <p><i>“- A more resilient and renewable powered grid</i></p> <p><i>- Greener suburbs and better design</i></p> <p><i>- Low carbon and local transport</i></p> <p><i>- Towards a zero-waste community</i></p> <p><i>- Drought resilient, green centres, and</i></p> <p><i>- Council leading by example.”</i></p> <p>‘Waste recycling management’ is addressed in detail throughout Councils Waste and Resource Recovery Strategy, within the strategies three key themes of:</p> <p><i>“- Resource responsible citizens</i></p> <p><i>- Generational legacy, and</i></p> <p><i>- Environmental stewardship.”</i></p> <p>Further development of the built environment is outside the scope of the Draft Strategy. A clear plan to deliver the housing vision in the Hawkesbury Local Government Area is part of the endorsed Hawkesbury Local Housing Strategy. The Hawkesbury Local Housing Strategy has a vision for housing of: “Hawkesbury LGA will provide a diversity of housing to meet the future needs of the community without compromising safety, environmental quality and local character.”</p>
	<p>If we can envisage and invest in a long-term view of connecting infrastructure that brings our flood free suburbs west of the river to our existing transport corridors we will develop and prosper while championing sustainable living.</p>	<p>This is addressed broadly through the Draft Strategy’s Strategic Action 2.13 <i>“Investigate partnership opportunities and funding options for enabling active and/or electric transport</i></p>

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Public Submission	Summarised Comments	Council Officer Response
		<p><i>options and infrastructure throughout the LGA, and with a particular focus on ensuring safe mobility options for vulnerable groups in the community (such as seniors, children, and young people)."</i></p> <p>Additionally, 'connecting infrastructure' will be addressed in more detail under the implementation of Strategic Action 2.14 of the Draft Strategy to "<i>Prepare an Active Transport Plan for Hawkesbury.</i>" The development of an Active Transport Plan has already commenced.</p>
<p align="center">5</p>	<p>The words "environmentally sustainable" included in this draft strategy can be very broadly interpreted. Can we hear Council's interpretation?</p>	<p>Sustainability is understood as "<i>meeting the needs of the present without compromising the ability of future generations to meet their own needs</i>". Building upon this United Nations (UN) Brundtland Commission definition and based on input and feedback from the Draft Strategy engagement, Council's definition of sustainability is: "<i>Our programs, projects and works will not compromise the ability of future generations to meet their needs and, the environmental, economic, and social implication of our work will be considered in everything we do.</i>"</p>
	<p>The essence and ambience of the Hawkesbury area should be retained.</p>	<p>This will be continued in line with NSW Legislation, including Hawkesbury Local Environmental Plan 2012 (LEP).</p> <p>Part 1, section 1.2 Aims of Plan:</p> <p><i>"(2) The particular aims of this Plan are as follows—</i></p> <p><i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p>

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Public Submission	Summarised Comments	Council Officer Response
		<p><i>(a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury,</i></p> <p><i>(b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,</i></p> <p><i>(c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,</i></p> <p><i>(d) to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,</i></p> <p><i>(e) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,</i></p> <p><i>(f) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,</i></p> <p><i>(g) to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.”</i></p>
	<p>Towns such as Kurrajong, Bilpin and Glossodia lend themselves as cogs in wheels that radiate out into agricultural-producing areas. How big should this radius be? My suggestion is about one kilometre. The balance which is arable land should be retained, as agricultural zones of minimum 10 acres can be very productive e.g. vegetable growing, cellar door on vineyards and various animal interests are just some of potential rural activities. With sensible legislation much farmgate activity can be developed leading to profitable tourism.</p>	<p>This would be specifically addressed in detail through implementing Strategic Action 3.14 of the Draft Strategy, ‘Develop a Sustainable Food Systems Policy.’</p> <p>The link to natural tourism development is addressed throughout Council’s adopted Destination Management Plan 2022-2024. Specifically, through</p>

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Public Submission	Summarised Comments	Council Officer Response
		<p>the strength of <i>'Reconnect in Nature'</i> for example, through Agritourism and National Parks. Additionally, the key experience pillars for the Hawkesbury as listed in Councils adopted Destination Management Plan 2022-2024 are: <i>"Agri & Artisan, Nature, Adventure and Heritage & Culture."</i></p> <p>Additionally, Hawkesbury Local Environmental Plan 2012 (LEP), Part 1, section 1.2 Aims of Plan, (g) states: <i>"to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality."</i></p> <p>The Hawkesbury Local Government Area has significant rural agricultural land, and through the adopted Hawkesbury Rural Land Strategy, agriculture has been identified as being a key driving force of the Hawkesbury's economy. The inclusion of new agritourism provisions from the NSW Government Standard Instrument provided an opportunity through the Hawkesbury Local Environmental Plan 2012 (LEP) to help boost the economic viability of the Hawkesbury's rural agricultural lands, and in doing so help to retain rural agricultural lands for farming/primary production purposes. Such uses strengthen the economic viability of rural agricultural lands and provide farmers with additional sources of income while maintaining primary production as a principal use. Council has already nominated agritourism land use or subsets of farm experience premises and farm gate premises ancillary to farming/primary production as permissible land uses with consent in RU1 Primary</p>

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		Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones.
	<p>As far as the Hawkesbury is concerned, an important development is the Badgery's Creek Airport. The plan is to fly fresh agricultural produce into South East Asia. Whilst this area can play a part in this work, it would need to cooperate with the Central West which has a far greater potential for agricultural produce. With this potential in view, Council should seek common ground with towns such as Bathurst, Cowra, Orange and Mudgee.</p>	<p>This would be specifically addressed in detail through implementing Strategic Action 3.14 of the draft Strategy, <i>'Develop a Sustainable Food Systems Policy.'</i></p> <p>Agritourism is addressed specifically, through Council's Destination Management Plan 2022-2024, through the strength of <i>'Reconnect in Nature'</i> for example, through Agritourism and National Parks.</p> <p>Additionally, Hawkesbury Local Environmental Plan 2012 (LEP), Part 1, section 1.2 Aims of Plan, (g) states: <i>"to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality."</i></p> <p>The Hawkesbury Local Government Area has significant rural agricultural land, and through the adopted Hawkesbury Rural Land Strategy, agriculture has been identified as being a key driving force of the Hawkesbury's economy. The inclusion of new agritourism provisions from the NSW Government Standard Instrument provided an opportunity through the Hawkesbury Local Environmental Plan 2012 (LEP) to help boost the economic viability of the Hawkesbury's rural agricultural lands, and in doing so help to retain rural agricultural lands for farming/primary production purposes. Such uses strengthen the economic viability of rural agricultural lands and provide farmers with additional sources of income while maintaining primary production as a principal use. Council has</p>

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Public Submission	Summarised Comments	Council Officer Response
		<p>already nominated agritourism land use or subsets of farm experience premises and farm gate premises ancillary to farming/primary production as permissible land uses with consent in RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones.</p>
	<p>Any development around towns should reflect the ambience of the Hawkesbury. Developers should be restrained from squeezing permission from Council to build small anti-lifestyle blocks. Commercial development should be in keeping with the pervading ambience of the Hawkesbury. For example, retail facades are extremely important. Anything that clashes with this concept should be firmly rejected by Council.</p>	<p>There are three Strategic Actions in the Draft Strategy to review or add to the Development Control Plan (DCP) and Local Environmental Plan (LEP), including 1.9, 1.16, and 2.10.</p> <p>- 1.9 <i>“Review the Local Environmental Plan (LEP) and Development Control Plan (DCP) to strengthen provisions related to conserving and restoring land-bases ecosystems”</i></p> <p>- 1.16 <i>“Review the Local Environmental Plan (LEP) and Development Control Plan (DCP) to strengthen provisions related to conserving and restoring water-bases ecosystems”</i></p> <p>- 2.10 <i>“Review and revise the Hawkesbury Development Control Plan (DCP) 2002 and the Local Environmental Plan (LEP) to include a standalone provision on urban heat management (e.g., in alignment with WSROC urban heat toolkit or similar guidance).</i></p> <p>The above three dot points are included in Councils Local Environmental Plan 2012 (LEP) review.</p> <p>Further development of the built environment is outside the scope of this Draft Strategy. A clear plan to deliver the housing vision in the Hawkesbury Local Government Area is part of the endorsed Hawkesbury Local Housing Strategy. The endorsed Hawkesbury Local Housing</p>

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Public Submission	Summarised Comments	Council Officer Response
		<p>Strategy has a vision for housing of: <i>"Hawkesbury LGA will provide a diversity of housing to meet the future needs of the community without compromising safety, environmental quality and local character."</i></p>
	<p>If properly planned by Council, cooperating with State and even Federal governments, this area could be developed into an international tourist destination - "the Tuscany of the South Pacific".</p>	<p>Hawkesbury Tourism is addressed through Council's adopted Destination Management Plan 2022-2024.</p> <p>Additionally, Hawkesbury Local Environmental Plan 2012 (LEP), Part 1, section 1.2 Aims of Plan, (g) states: <i>"to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality."</i></p> <p>The Hawkesbury Local Government Area has significant rural agricultural land, and through the adopted Hawkesbury Rural Land Strategy, agriculture has been identified as being a key driving force of the Hawkesbury's economy. The inclusion of new agritourism provisions from the NSW Government Standard Instrument provided an opportunity through the Hawkesbury Local Environmental Plan 2012 (LEP) to help boost the economic viability of the Hawkesbury's rural agricultural lands, and in doing so help to retain rural agricultural lands for farming/primary production purposes. Such uses strengthen the economic viability of rural agricultural lands and provide farmers with additional sources of income while maintaining primary production as a principal use. Council has already nominated agritourism land use or subsets of farm experience premises and farm gate premises ancillary to farming/primary production as permissible land uses with</p>

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Public Submission	Summarised Comments	Council Officer Response
		consent in RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones.
6	That the large population of equestrians in the Hawkesbury could get a multi-use facility which was safe and open to all, similar to the one offered by Camden Council (The Bicentennial Equestrian Park), the more development that happens in the Hawkesbury the less safe places we have to ride or drive our horses. National Parks have closed many of the places we used to trail ride in around the area which also has limited the places we can ride and/or drive safely away from traffic. It would be appreciated if this could be something you could look at when deciding what to do with open spaces in the area, keeping the equines and their humans safe as a priority.	Specific usages of Open Space within the Hawkesbury Local Government Area is out of the scope of the Draft Strategy. Council is currently developing a Social Infrastructure Strategy that will guide future decisions about the planning, delivery, funding and management of open spaces, sporting and recreation facilities, and community and cultural facilities for the next ten years. The strategy will consider the communities' requirements now and in the future. It is expected that this will be reported to Council within the next three months.
7	Native Title Claim of " <i>The Guringau</i> " and how it has been spelt " <i>kuringai, Kuring-gai, Cooringay, Guringai, Gooreeggai, Goreenggai, Gourenggai, Gingai, Gringai, Corringorri, Guringay and Goringai.</i> "	Submission provided related to Native Title Claim outside of the Hawkesbury Local Government Area.

Front cover artwork of Draft Strategy

The Hawkesbury Region is home to the Darug and Darkinjung people. To Traditional Custodians, the natural environment is integral to culture, community and individual wellbeing and cannot be separated from human life. Traditional Custodians have been Caring for Country for thousands of years and continue to do so. The desired future state for the Hawkesbury is to have a well-established framework for engaging Traditional Custodians in land use management, environment protection and heritage conservation.

The artwork on the front cover of the Draft Strategy is "*Marri Badu Muru*" by Leanne Mulgo Watson Redpath, with appropriate permissions obtained to use this artwork.

COMMUNITY ENGAGEMENT

Community consultation has been undertaken during the public exhibition in line with Council's Community Engagement Policy and Community Participation Plan. The Draft Strategy was publicly exhibited for an extended period of 42 days between Wednesday, 3 May 2023 and Tuesday, 13 June 2023. A total of seven submissions were received during the public exhibition. A summary of the submissions received during the public exhibition, along with Council Officer's responses are included as Attachment 2 to this report. Additionally, the engagement which was undertaken during the development of the Draft Strategy is attached as Attachment 3 to this report – Engagement Summary Report.

ORDINARY MEETING

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.1 Enable a shared responsibility for community resilience, community safety and disaster management.
- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.3 Increase the range of local partnerships and plan for the future.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.
- 1.7 Encourage broad and rich celebration of our local culture and significant heritage.

Protected Environment and Valued History

- 2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.
- 2.2 Value, protect and enhance our natural land-based environment with an emphasis on using local resources and key partnerships.
- 2.3 Encourage and enable our community to embrace the waste management principles of reduce, reuse and recycle.
- 2.4 Encourage and enable our community to make more sustainable choices.
- 2.5 Value, protect and enhance our waterways and wetlands with an emphasis on using local resources and key partnerships.
- 2.6 Achieve net zero emissions targets.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

Costs associated with the preparation of draft Strategy have been budgeted for. If resolved for adoption, actions identified in the draft Strategy will be subject to further budgetary considerations and will depend on the availability of resourcing and adequate budget.

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4. REPORTS FOR DETERMINATION
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ATTACHMENTS

- AT – 1** Draft Environmental Sustainability Strategy – *(Distributed under separate cover).*
- AT – 2** Summary of Submissions Received and Council Officer Responses – *(Distributed under separate cover).*
- AT – 3** Engagement Summary Report – *(Distributed under separate cover).*

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.3. CP - Draft Child Safe Policy - (95498, 96328)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to present the Draft Child Safe Policy to Council for endorsement to enable the Draft Policy to be placed on public exhibition.

EXECUTIVE SUMMARY

New laws and reforms passed in the Parliament of NSW to help protect children and young people, based on recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Children's Guardian Act 2019 includes changes to the Reportable Conduct Scheme and the role of the Office of the Children's Guardian (OCG) in regulating Child Safe Organisations.

There is now a legislated requirement for councils to become Child Safe Organisations. Councils must address the safety and well-being of children and young people, including those with a disability, in all appropriate business areas.

An Internal Audit on Council's Child Protection Compliance was completed in January 2023 which included the action 'Develop a Child Safety Policy including Current Child Safe Standards and reference to current legislation'.

The Draft Child Safe Policy is a demonstration of Council's leadership in keeping children safe and assists Council meet current legislative requirements.

This report seeks Council's endorsement for the Draft Child Safe Council Policy to be placed on public exhibition.

RECOMMENDATION

That:

1. The Draft Child Safe Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
 2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Child Safe Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Child Safe Policy, as attached as Attachment 1 to this report.
-

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

BACKGROUND

The Royal Commission recommended ten Child Safe Standards to provide a framework for making organisations safer for children.

The Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

A key outcome of the reforms has been the adoption in NSW of the ten Child Safe Standards, and subsequent legislation. Changes made by The Children's Guardian Amendment (Child Safe Scheme) Act 2021 commenced on 18 November 2021, and triggered new responsibilities for all Council staff, volunteers and Councillors to protect and listen to their youngest residents and workers.

Essentially, it stipulates that certain organisations, including all councils, will be required to implement the ten child safe standards and become 'child-safe' organisations. The standards focus on education and training across the organisation, policies and processes, and engagement with children, young people and their families.

In 2022, a Child Protection Compliance Internal Audit (the Audit) was undertaken as part of Council's Internal Audit Program. The Internal Audit identified a range of actions that are required to be undertaken to make a Council a 'child safe organisation', starting with the development of a policy, process for reporting and risk assessment.

One of the other actions from the Internal Audit was to amend the provisions in Council's Code of Conduct concerning child protection and safety. A separate report in this Business Paper deals with those proposed amendments.

DISCUSSION

Following consultation with internal stakeholders and the Office of the Children's Guardian (OCG), the attached Draft Policy has been prepared to seek Council's endorsement to place the Draft Policy on public exhibition.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.1 Enable a shared responsibility for community resilience, community safety and disaster management.
- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.
- 4.5 Encourage a shared responsibility for effective compliance.
- 4.7 Encourage informed planning, balanced growth and community engagement.

FINANCIAL IMPACT

The matters raised in this report have indirect financial implications. Expenditure in the form of resources will be incurred in association with these matters.

ATTACHMENTS

AT - 1 Draft Child Safe Policy - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.4. CP - Draft Managing Conflict of Interest for Council Related Development Policy - (95498, 96329)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with the Draft Conflict of Interest Management Policy that seeks to manage potential conflict of interest for Council related development. The Draft Policy has been prepared in response to legislative requirements that require all Councils to adopt a policy that specifies how conflicts of interest in connection with Council related Development Applications are to be handled.

This report presents the Draft Policy to Council for consideration and proposes that it be placed on public exhibition for comment.

EXECUTIVE SUMMARY

Changes to the Environmental Planning and Assessment Regulation 2021 require that NSW councils implement a Conflict of Interest Policy for Council-related development. In response to this statutory requirement, a policy has been drafted that is generally in accordance with the Council-related Development Application Conflict of Interest Guidelines published by the NSW Department of Planning and Environment.

The Policy requires that all Council-related development be referred to Council's Manager Development Assessment for a conflict of interest risk assessment. Appropriate risk management strategies are to be identified and implemented during the assessment, certification, and compliance enforcement of the development. Some minor developments are exempt from risk management strategies which are identified in the draft policy. As the majority of these conflict of interest strategies have been historically implemented, it is unlikely that the Policy will result in the disruption of existing processes concerning Council-related Development Applications.

Whilst there is no statutory requirement that this Draft Policy be placed on public exhibition prior to adoption by Council, it is recommended that the Draft Policy be placed on public exhibition for 28 days.

RECOMMENDATION

That:

1. The Draft Managing Conflict of Interest for Council Related Development Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
 2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Managing Conflict of Interest for Council Related Development Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Managing Conflict of Interest for Council Related Development Policy, as attached as Attachment 1 to this report.
-

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4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

BACKGROUND

In response to concerns identified by the NSW Ombudsman in its report: An inherent conflict of interest councils as developer and regulator (December 2020), changes to the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2021 have been implemented to address the issue.

The changes Councils are required to adhere to are as follows:

1. Have a policy that sets out how they propose to manage any potential conflicts of interests that may arise in these circumstances,
2. Consider this policy before determining any development applications that are council-related,
3. Publicly communicate any management approach(es) that the council proposes to implement (if any) for each development by publishing a management statement, together with the development application when it is exhibited.
4. Council-related development applications need to be exhibited for at least 28 days.

The attached Draft Policy meets the statutory requirements.

DISCUSSION

A Draft Council-Related Development Conflict of Interest Management Strategy has been developed in accordance with statutory requirements. It is recommended that the policy be placed on public exhibition for 28 days for community feedback prior to adoption. Council's current conflict of interest management strategies are generally consistent with the proposed strategies, it is not envisaged that the policy will create any additional workload or disrupt existing Council processes for managing conflicts of interest for Council-related development applications.

Council-Related Development Definition

Council-related development to which this policy applies, is defined in point 3 in the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022:

Council-related development applications means a development application, for which a council is the consent authority, that is:-

- (a) Made by or on behalf of the council, or
- (b) For development on land---
 - (i) Of which the council is an owner, a lessee or a licensee, or
 - (ii) Otherwise vested in or under the control of the council.

Note—Land vested in or under the control of the council includes public land within the meaning of the Local Government Act 1993

Process for Managing Council-Related Development Applications

The Draft Policy requires that all Council-related development must be referred to Council's Manager Development Assessment for a conflict of interest risk assessment to determine whether a conflict of interest exists and the appropriate management strategies for the development. The management strategy used for any of these developments are to be in the form of a statement that is published on the NSW Planning Portal. Some minor developments are exempt from management strategies which are listed in the Policy itself for completeness. These types of development will still be required to have a decision on how risk has been managed by way of a statement published on the NSW Planning Portal.

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Conflict of Interest Management Strategies

The management controls proposed by the Draft Policy are generally consistent with current conflict of interest management controls. For example, Development Applications in which Council has a commercial interest are assessed by an external contractor. Many of the management strategies contained within in the Draft Policy are already subject to processes which address risk and manager probity. The option of entering into of a shared service agreement with neighbouring Councils for the enforcement of Council consents is new and provides an alternative to the engagement of a consultant.

Below is a list of the proposed management strategies for each stage of the development cycle:

1. The assessment of an application for Council-related development:
 - enter into a shared service agreement with a neighbouring council for the assessment of the application.
 - use an external consultant to complete the assessment of development applications.
 - use external certifiers to complete the assessment of complying development certificates.
2. The determination of an application for Council-related development:
 - local planning panel or a regional planning panel to determine applicable Development Applications;
 - engage a private certifier for certification activities such as the issuing of Complying Development Certificates, Construction Certificates and Occupation Certificates.
 - publish certificates issued under Part 6 of the EP&A Act on the NSW Planning Portal.
3. The regulation and enforcement of approved Council-related development:
 - enter into a shared service agreement with a neighbouring council for the compliance and enforcement of development consent.
 - Principal Certifying Authority to assist in the compliance and enforcement of conditions construction certificates and complying development certificates.
 - Report enforcement milestones or actions to Council.

As mentioned earlier these strategies are largely in force at the present time.

Minor Development to be Exempt from Management Strategies

Small scale, minor development is to be excluded from having management strategies applied. A list was developed in consultation with Development Services, Engineering Infrastructure, Assets, Parks and Reserves and Community Development teams at Council. The list includes the following types of development:

- a) Commercial fit outs and minor changes to the building façade
- b) Internal alterations or additions to buildings that are not a heritage item
- c) Signage which does not generate a commercial return
- d) Minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services), and
- e) Development where the Council might receive a small fee for the use of their land.
- f) Mandatory 28-Day Notification Period for Council-related development

Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process as per Schedule 1, Clause 9B of the Environmental

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Planning and Assessment Act 1979. This extra notification period is to be identified at the advertising stage of the development application process.

All notification correspondence for Council-related development is to state that the conflict of interest management statement is available on both Council's Applications Tracking site and the NSW Planning Portal.

Relevant Legislation

Environmental Planning and Assessment Act 1979

Local Government Act 1993

Environmental Planning and Assessment Regulation 2021

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

Reliable Council

4.1 Provide representative, responsive and accountable governance.

4.2 Encourage an informed community.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

AT - 1 Draft Managing Conflict of Interest for Council Related Development Policy - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.5. CP - Draft Local Approvals Policy - Caravan Parks - (95498, 124414)

Previous Item: 213, Ordinary (13 December 2022)
4.3.1, Ordinary (18 April 2023)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to advise Council of the outcome of public exhibition and consultation that was undertaken with regard to the Draft Local Approvals Policy - Caravan Parks. Having considered the feedback received, the Draft Local Approvals Policy - Caravan Parks has been amended and is now presented to Council with the recommendation to adopt the Policy with amendments.

EXECUTIVE SUMMARY

Council has prepared a Draft Local Approvals Policy - Caravan Parks, to support the re-establishment of caravan parks following the flooding events of 2021 and 2022 experienced in the Hawkesbury.

At its Ordinary Meeting on 13 December 2022, Council resolved to place the Draft Local Approvals Policy - Caravan Parks on public exhibition.

The purpose of the Draft Local Approvals Policy is to:

1. Provide guidance to applicants requiring an approval under the *Local Government Act 1993* to:
 - Operate a caravan park or camping ground
 - Install a manufactured home, moveable dwelling or associated structure on land
2. Specify the criteria that Council staff will take into consideration in determining applications for approval under the *Local Government Act 1993*, and
3. Support existing and future caravan parks to become more resilient to the impacts of flooding by minimising:
 - Risk to life
 - Economic losses
 - Social impacts
 - Impacts on downstream properties, and
 - Pollution of the natural environment, including waterways.

The Draft Policy was exhibited between 25 January 2023 and 10 March 2023. In support of the exhibition, an online information session was held for the owners/operators of caravan parks within the Local Government Area. During public exhibition, two submissions were received which are considered and discussed in this report.

Following public exhibition, the Draft Local Approvals Policy - Caravan Parks was reported to Council's Ordinary Meeting on 18 April 2023, where Council resolved to defer the matter to a Councillor Briefing Session that was held on 27 June 2023.

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Council Officers offered to meet with each caravan park owner/operator to discuss the Draft Policy, and any concerns or issues relevant to individual caravan park operations. Of the 14 operating caravan parks in the Local Government Area, eight caravan park owners and/or operators took up the opportunity to meet or discuss the Draft Policy with Council Officers.

Following consideration of the submissions and feedback from the meetings, the Draft Local Approvals Policy - Caravan Parks has been amended and is provided as Attachment 1 to this report.

RECOMMENDATION

That Council:

1. Note the outcome of public exhibition and consultation of the Draft Local Approvals Policy - Caravan Parks.
2. Adopt the Draft Local Approvals Policy - Caravan Parks included as Attachment 1 to the report.
3. Endorse a period of 12 months from the adoption of the Draft Local Approvals Policy - Caravan Parks in which existing unlawful structures are required to be removed, in accordance with Policy provisions.

BACKGROUND

Approval for the establishment of a caravan park is required under the Environmental Planning and Assessment Act 1979. In addition, further approval under the Local Government Act 1993 is required for the operation of a caravan park, and in certain circumstances the installation of structures on sites within a caravan park. These approvals, which are issued under Section 68 of the Local Government Act 1993, are time limited, usually five years, and therefore require periodic renewal.

Many of the caravan parks within the Hawkesbury have operated since the 1960's and 1970's based on older development consents, and of the 17 caravan parks located in the Hawkesbury, 16 are located on flood liable land. Consequently, existing caravan parks may have development that does not meet current best practice in relation to flood risk.

In these situations, risks to existing parks can be reduced by such actions as the gradual relocation of the most flood affected sites (if feasible), the enhancement of emergency response and community flood awareness, as well as through restricting the number and type of structures where warranted.

The Draft Local Approvals Policy – Caravan Parks provides the mechanism to provide criteria for approving the operation of a caravan park or the placement of structures. In this way, the impacts of flooding can be minimised, and the resilience and sustainability of caravan parks improved.

The Draft Local Approvals Policy- Caravan Parks was presented to Council's Ordinary Meeting of 13 December 2022, where it was resolved that the Policy be exhibited for a period of no less than 42 days, and that the matter be reported to Council following exhibition if any submissions are received.

The Draft Local Approvals Policy is supplementary to Council's Flood Policy 2020, which provides controls to meet the objectives and requirements of Clause 5.21 – *Flood planning of Hawkesbury Local Environmental Plan 2012*, but does not apply to approvals under the *Local Government Act 1993*.

It also supports Council's adopted framework for the re-establishment of caravan parks following flooding in that it provides guidance for caravan park owners/operators, and for individual site owners in respect to the management of the individual parks and individual sites within these parks.

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Relevant Legislation

Local Government Act 1993 and associated Regulations

Section 68 of the Local Government Act 1993 (the Act) requires approval for several activities, including to:

- Install a manufactured home, moveable dwelling or associated structure on land
- Operate a caravan park or camping ground

The Act further stipulates the matters that are to be considered in determining an application for approval under Section 68:

- (a) *must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and*
- (b) *must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and*
- (c) *must take into consideration the principles of ecologically sustainable development.*

Chapter 7, Part 3 of The Act provides the requirements for the preparation, format, content and notification of a Local Approvals Policy. In particular, a draft local approvals policy is to consist of three parts:

1. *Part 1 is to specify the circumstances (if any) in which (if the policy were to be adopted) a person would be exempt from the necessity to obtain a particular approval of the council.*
2. *Part 2 is to specify the criteria (if any) which (if the policy were to be adopted) the council must take into consideration in determining whether to give or refuse an approval of a particular kind.*
3. *Part 3 is to specify other matters relating to approvals.*

The Draft Local Approval Policy – Caravan Parks has been prepared in accordance with the Act and associated regulations.

DISCUSSION

A summary of consultation and engagement in relation to the Draft Local Approvals Policy – Caravan Parks is as follows:

- Invitation to all caravan park owners/operators to an information session held 23 February 2023; attended by five owners/operators
- Public exhibition of the Policy between 25 January 2023 to 10 March 2023; two submissions received. These submissions are provided as Attachments 2 and 3 to this report
- Invitation to attend Council's Ordinary Meeting on 18 April 2023: one submission to Councillors and representatives from three caravan parks spoke at the meeting
- Offer to owners/operators to meet individually with Council Officers to discuss the Draft Policy:
 - Representatives from six caravan parks attended individual meetings and

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- Representatives from two caravan parks phoned to discuss the Draft Policy (in lieu of attending a meeting).
- Of the eight caravan parks that responded to offer of an individual meeting:
 - Seven caravan park owners/operators were in support of the Draft Policy and the current operation of these parks were consistent with the requirements of the Draft Policy.
 - One caravan park (with multiple owners) was opposed to the Draft Policy and had previously lodged a submission in response to the exhibition of the Draft Policy. The main concern for owners of this park is that they have recently received development consent for a caravan park and despite the conditions of the consent have an expectation that existing relocatable homes, rigid annexures and other enclosed associated structures can remain on the land. This matter is discussed below.

The Table at Attachment 4 to this report summarises the response to public consultation, including the matters raised by caravan park owners/operators.

The matters raised by caravan park owners/operators are discussed in detail below:

1. Equity

Caravan park operators raised concerns in respect to the Policy being applied in an equitable manner, and another two state that each caravan park is managed individually and the Draft Policy introduces a 'one size fits all' approach that does not allow flexibility.

Whilst it is recognised that the operation and management of the caravan parks may differ, the fundamental constraints that may limit how the properties are used as caravan parks are the same. In this respect, all 16 flood liable caravan parks are located on the banks of the Hawkesbury River, within a high hazard (Hazard Category 6) and within a floodway.

The Draft Local Approvals Policy – Caravan Parks needs to support all caravan parks. Each criteria provided within the Policy is a means by which the purpose of the Policy can be achieved. Where it is considered that the objective of a criterion can be met in a different way, flexibility has been included within the Policy.

The Policy provides the means to ensure that all caravan parks are held to the same standards. It provides all the requirements in one document to assist all stakeholders in being aware, understanding and meeting all obligations for approvals under Section 68 of the Act.

2. Existing Structures

- (a) Two of the caravan park operators raised concern in respect to the replacement of rigid annexes within their parks following the flood events between 2021 and 2022. They were advised by Council Officers at the time that structures with approval could be replaced. Given the cost associated with these structures and the lack of time to enjoy these amenities since the last flood in 2022, the operators have requested that these site occupiers be able to retain these structures. However, there seems to be a lack of understanding with site occupiers that Approvals to Install a Structure have always been limited in time, and these were replaced without the correct authorisation.

In addition, there will be relocatable dwellings, annexes and other enclosed structures where the approval has expired located in caravan parks.

Given the above, it is considered reasonable to provide a transition period in which site occupiers can become aware of the requirements of the Policy and be given time to

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arrange for the removal of unauthorised structures. A transition period of 12 months is proposed.

- (b) Section 68 of the *Local Government Act 1993* requires approval to be obtained for the placement of a 'relocatable home' within a caravan park on flood liable land. Section 68 Approvals are time limited, and previous Section 68 Approvals issued by Council have been limited to five years, after which a new application needs to be made to retain the 'relocatable home' on site. In this respect, it is expected that any 'relocatable dwellings' located on flood liable land will need to be removed when the current Approval to Install expires or if they currently do not have an approval.

The Draft Policy only permits the issue of an approval to operate a caravan park or camping ground if all moveable dwellings (including relocatable dwellings) have a current approval (where applicable).

In the case where the relocatable dwellings may not have a current approval, but are otherwise lawful at the time of seeking an approval to operate, the issuing of an approval to operate is not prevented where it can be demonstrated that the relocatable dwelling is already lawful.

The following additional criteria has been included in the Policy to clarify this matter and ensure the protection of lawful structures:

Only relocatable homes, buildings or cabins which have lawfully been established will be recognised in an Approval to Operate a Caravan Park.

3. Approval time limits for associated structures

Under the Act, approvals issued under Section 68 are generally limited in time to five years, however Section 103 of the Act does allow Council to vary this.

Time limited approvals to install a manufactured home, moveable dwelling or associated structure allow for the periodic inspection of the adequacy of these structures, which may have declined in condition/structural integrity through time or because of natural disasters, such as flooding. For this reason, shorter time periods are considered appropriate for habitable structures within caravan parks.

However, it is considered reasonable that open associated structures such as carports, awnings and pergolas, which can more readily withstand the impacts of flooding, be able to obtain a longer approval. In this regard, such an approach would be based on engineering certification in respect to the life expectancy of the structure and that the structure can withstand the impacts of flooding. Such Approvals to Install could be extended in accordance with the predicted life of the structure.

Further, an additional criteria is proposed to require all associated structures on flood liable land located at or below the Flood Planning Level are engineered, suitably anchored and located so as not to interfere with the removal of caravans.

In this regard, the following additional criteria has been included:

All associated structures located on land at or below the flood planning level must be designed to withstand the impacts of flooding, suitably anchored and located so as not to interfere with the removal of caravans. Engineering certification is to be provided to demonstrate that structures are able to withstand forces from floodwater and impacts from debris.

Expiry timeframes for Approvals to install open structures such as carports, awnings or pergolas may be extended based on engineering certification that specifies the life expectancy of the structure.

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4. Inconsistent with Development Consent/consider structures on merit (specific to one caravan park).

Approval for the establishment of a caravan park, including the number and location of sites within the park, is required under the EP&A Act.

Chapter 3 Part 9, Clause 131 – Caravan Parks of State Environmental Planning Policy (Housing) 2021 stipulates that separate development consent is not required for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.

However, further approval under the Act is required.

Approval for the operation of a caravan park, and in certain circumstances the installation of structures on sites within a caravan park are required under Section 68 of the Act, and are time limited, usually five years, and therefore require periodic renewal.

In general, approval under Section 68 of the Act is not required to place a caravan on a site within a caravan park, whether the land is flood liable or not. However, the installation of a relocatable home, rigid annexe or associated structure on flood liable land requires the approval of Council under Section 68 of the Act. This is in recognition that not all caravan parks are suitable for relocatable homes based on the impacts of flooding.

The Draft Policy has considered the merit of allowing structures on flood liable land within the Hawkesbury Local Government Area and identified that relocatable homes and enclosed structures are not appropriate on land located below the Flood Planning Level (i.e. 1:100 Average Recurrence Interval flood event). In this way, damage to and loss of property can be reduced, thereby minimising economic losses, impacts on downstream properties, pollution of the environment and the creation of navigational hazards.

This caravan park considers that:

“It (the draft Policy) does not allow for the implementation of existing development consents (including DA0769/15 (court issued) and its conditions of consent) or any site-specific assessment framework to be considered.”

Condition 82 states that - any permanent habitable structures (which don't already have an approval) shall maintain a minimum floor level above the 5% AEP flood level. All permanent structures below the 1% AEP flood level shall be designed to withstand the full range of flood induced forces. No temporary structures are permitted below the 1% AEP flood level without the approval of Council.

This condition is not consistent with the requirement outlined in the Policy, which requires manufactured homes to be located above the 1 in 100 year flood level.”

It is not appropriate to include a provision which is capable of contradicting a condition of consent, which has been applied to the Caravan Park as a result of a 7-year rigorous assessment period.

In discussions with the owners/operators of this caravan park it was stated that a higher standard for the protection from the impacts of flooding was provided in the approval of the development, such as flood warning systems and evacuation.

Development Consent DA0769/15 approved use of the land as a caravan park and the number and location of caravan sites. Specifically, Condition 3 states that the consent does not authorise any existing structures within the caravan sites.

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Condition 82 of DA0769/15 specifies a minimum floor level at the 5% AEP flood level for any future habitable structures. This Condition gives a false impression that approval for structures such as relocatable homes will be given in the future. The Consent does not, and could not, authorise structures (existing or future) on sites within the caravan park because the approval pathway for structures on sites in caravan parks is via s68 of the Local Government Act 1993, not by Development Application. As discussed previously, separate s68 Approval is required for relocatable dwellings located on flood liable land because not all caravan parks are suitable for relocatable homes based on the impacts of flooding.

In discussion with the operators/owners of this caravan park, the following was provided by their legal representative for inclusion in the draft Policy to address the higher standard provided by the Development Consent:

1. *The criteria described in this clause 5.2.2 apply to an application for approval under section 68 of the Local Government Act 1993 for activities described in clause 2.1 of this Policy except to the extent the criteria are inconsistent with a development consent granted under the Environmental Planning and Assessment Act 1979 in relation to a caravan park (or the activity the subject of the application). In the event of an inconsistency, the criteria shall only be applied to the extent it is consistent with any such development consent.*
2. *For the avoidance of doubt, if a manufactured home, moveable dwelling or associated structure has been installed pursuant to:*
 - a. *a development consent that is in force; or*
 - b. *a building approval granted under the Local Government Act 1993 or the Local Government Act 191; or*
 - c. *an approval granted under Part 1 of Chapter 7 of the Local Government Act 993 to install a manufactured home, moveable dwelling or associated structure,**nothing in this Policy requires a further application to install the structure and the criteria described in this clause 5.2.2 do not apply.*

Paragraph 1 provides clarification that if there is any inconsistency between a development consent and the draft Policy, then the development consent prevails, noting that the Policy only applies to approvals under Section 68 of the Act. It does not apply to development approvals under the EP&A Act.

Paragraph 2 of this wording is not supported as it permits the retention of relocatable dwellings/ manufactured homes on sites without the need to obtain the required periodic approvals under the Act. It is expected that any 'relocatable dwellings' located on land at or below the 1:100 ARI will need to be removed when the current Approval to Install expires or if they currently do not have an approval.

Criteria 5

Criteria 5 of the Draft Policy is designed to ensure that caravans, campervans and the like are in a roadworthy condition at all times to encourage the relocation of vans to higher land during flood events. In some circumstances this may require removal from a property, or it could involve relocation within the property.

However, if a caravan park does not have a suitable area on site for flood storage, then all vans would have to be registered and in proper working order at all times to be able to be lawfully moved to safety via the road network.

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Given the above, it is proposed to amend Criteria 5 to read:

“In the case of a caravan park that is situated on flood liable land, the wheels, axles and/or drawbars of all caravans, other vans or other towable devices on wheels that are permanently located within the caravan park must remain installed and must be in proper working order. Caravans must be in a suitable condition for towing, including being fitted with appropriate load bearing wheels/tyres. Drawbars are to be perpendicular to and facing an internal road to facilitate the removal of moveable dwelling in a flood event.”

Criteria 9

The purpose of Criteria 9 is to:

- Prevent caravan park sites being used as storage areas, accumulating excess possessions and having these items loose to be swept away during a flood, as the loss of possessions in this manner contributes to the pollution and damage of downstream properties, natural areas and waterways, and introduces navigational hazards within waterways.
- Prevent outdoor items within caravan parks adversely impacting on the visual amenity of a locality, especially when viewed from public places such as the River.

It is considered reasonable to allow caravan park operators to demonstrate alternative ways in which to minimise the accumulation of possessions on sites and prevent the loss and damage of these possessions during a flood event.

In this regard, it is proposed to amend Criteria 9 of the Draft Policy to read:

“Whitegoods, furniture and all loose items (e.g. shade sales/canopies, umbrellas, fire pits, bar-b-ques and other belongings) must be stored within caravans upon departure or removed when the site is not being occupied. Alternatively, a caravan park operator/manager must demonstrate, to the satisfaction of Council Officers, that whitegoods, furniture and all loose items can be adequately secured or stored away prior to the impacts of flood waters during a flood event and that any external storage of items cannot be viewed from a public place, including when viewed from the River.”

COMMUNITY ENGAGEMENT

Community engagement/consultation was undertaken in accordance with Council’s Community Participation Plan 2012 and the Act, which requires the exhibition of the Draft Policy for 28 days. In addition to the stipulated exhibition period, the Act requires a period of not less than 42 days after the date on which the Draft Policy is placed on exhibition during which submissions may be made.

In this regard the Draft Local Approvals Policy - Caravan Parks was exhibited for the period 25 January 2023 to 10 March 2023.

Arrangements for consultation included:

- Public Notices in the Gazette on 25 January 2023, 8 February 2023, 22 February 2023 and 1 March 2023
- Exhibition documentation provided on Your Hawkesbury Your Say from 25 January 2023
- Details and links on Hawkesbury City Council website
- Social Media releases

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- Online information session for caravan park owners/operators held 23 February 2023. An invitation was sent to caravan park owners and operators on 25 January 2023 to attend the online session.
 - A total of five park operators attended the information session.
- Offer to owners/operators to meet individually with Council Officers to discuss the Draft Policy. Individual meetings were held in May and June as follows:
 - representatives from six caravan parks attended individual meetings and
 - representatives from two caravan parks phoned to discuss the draft Policy (in lieu of attending a meeting).

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.1 Enable a shared responsibility for community resilience, community safety and disaster management.

FINANCIAL IMPACT

The matters raised in this report have indirect financial implications. Expenditure in the form of resources will be incurred in association with these matters.

ATTACHMENTS

- AT - 1 Draft Local Approvals Policy - Caravan Parks - (*Distributed under separate cover*).
- AT - 2 Submission 1.
- AT - 3 Submission 2.
- AT - 4 Summary of Response to Consultation and Matters Raised - (*Distributed under separate cover*).

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AT - 2 – Submission 1

From: Your Hawkesbury Your Say <notifications@engagementhq.com>
Sent: Wednesday, March 1, 2023 8:49 AM
Subject: Anonymous User completed Submission - Draft Local Approvals Policy – Caravan Parks

Anonymous User just submitted the survey Submission - Draft Local Approvals Policy – Caravan Parks with the responses below.

Full Name

██████████

Email Address

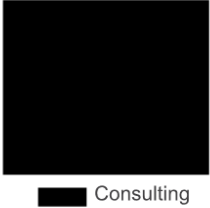
██

Submission

I participated in the zoom meeting 23rd Feb regarding the Draft council Policy for Caravan Parks. I manage ██████████ at Lower Portland, my family have owned the park since 1972. During this time we have endured many floods and have always had a flood evacuation plan to ensure our loss is minimal. We currently are licensed as a caravan park and part of that license is an evacuation plan in which we ensure our site holders suffer no loss. Vans are all moveable and removed to high ground (our land) when required. All outdoor items are also removed to either boat sheds or we open our personal machinery shed. We provide items to assist this process: trolleys, a tilting trailer and go jacks. Our site holders ensure all their items are on wheels for easy removal. (Our rules) The vans are not required to leave the property so many are not registered but are in good trailable condition. Due to our location our site holders are able to access the park in times of flood via Bells Line of Road even when Windsor Bridge and the ferries are out. We lost nothing in 3 floods. We ask consideration of not making a "Blanket Rule" for all caravan parks as we are all managed individually and feel it should be treated by these merits.

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AT - 3 Submission 2



24 March 2023

General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756
council@hawkesbury.nsw.nsw.gov.au

Attention: Andrew Kearns

RE: PUBLIC EXHIBITION – DRAFT LOCAL APPROVALS POLICY – CARAVAN PARKS

██████████ Consulting represents the ██████████ an existing caravan park located at ██████████ Lower Portland. This submission has been prepared on behalf of ██████████, in response to Council's "Draft Local Approvals Policy – Caravan Park", which is currently on public exhibition.

1. Summary of Submission

As outlined in this submission, the "Draft Local Approvals Policy – Caravan Park" (Draft Policy), largely reiterates the existing requirements and provisions of existing legislation and statutory requirements. In this respect, the Draft Policy is largely unnecessary, but we accept that Council can chose to incorporate such provisions into a Local Approval Policy if it so wishes.

We are, however, concerned that the Draft Policy introduces new 'one size fits all' criteria, which do not, if strictly applied, allow flexibility to recognise and accommodate the differing locational, operational and pre-existing approval characteristics of the many different caravan parks within the local government area.

As outlined in this submission, ██████████ is unique given its extensive historical approvals history, with consents for structures dating back to 1967. More recently, ██████████ was subject to development consent DA ██████████ which regularised the site's overall approval to be used as a caravan park. This Development Application (DA) was approved by the Land and Environment Court (LEC) on 14 July 2022.

Council and the LEC undertook a rigorous and thorough assessment process leading to this consent, which spanned over a 7-year period. This is evident by the number of stringent conditions of consent placed on the determination. These conditions were informed by a risk management approach and expert advice obtained during LEC process (from both Council's flood expert, ██████████ and also ██████████ which specifically relate to ██████████ unique topography and existing structures. The end result was a 'fit for purpose' Flood Emergency Response Plan (FERP) that was agreed by all experts (including Council) and approved by the LEC. The Draft Policy does not allow for this detailed work to be implemented.

It is only fair and reasonable that any future approvals to operate and to install structures should be consistent with a (Court approved) development consent that was based on such detailed and forensic examination.

As outlined in this submission, the Policy as currently drafted, is inconsistent with several of DA0 ██████████ conditions of consent, specifically:



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Table 1: Summary of Inconsistencies

#	Policy Criteria	Inconsistency
Approval to Operate a caravan park or camping ground		
5.2.2.2 (1)	Enclosed associated structures/rigid annexes are not to be erected on flood liable land (defined as being the PMF).	Inconsistent with Condition 83 of DA0 [redacted] which only restricts temporary structures below the 1 % AEP flood level. The PMF would apply to the whole [redacted] site.
5.2.2.2 (5)	Wheels, axles and/or draw bars of all moveable dwellings (on flood liable land) must remain installed and must be in proper working order.	This applies to moveable dwellings such as “manufactured homes” to have working wheels/axles/draw bars. [redacted] has many “manufactured homes” approved and installed on the site. These “manufactured homes” are more permanent structures, which do not necessarily have wheels/axles/draw bars. This criterion, therefore, has the potential to impact the site’s existing structures.
Approval to install a manufactured home, moveable dwelling or associated structure on land		
5.2.2.2 (2)	Relocatable homes on flood liable land to be located at or above 1 in 100-year flood level	Inconsistent with Condition 82 of DA0 [redacted] which requires existing unapproved habitable structures to have a minimum floor level above the 5% AEP floor level.

Additionally, The Hills Council is located opposite the site, on the eastern side of the Hawkesbury River. The Hills Council does not have any endorsed Policies, rather they have a factsheet outlining a number of flexible guidelines in relation to caravan parks. There is no logic that one side of the river (The Hills) has flexible guidelines, whilst the other side (Hawkesbury) has a strict set of provisions. Council should, therefore, work collaboratively with neighbouring Councils to ensure all caravan parks along the river are assessed against a standardised, consistent set of flexible guidelines.

We therefore request that the Policy is amended to allow for a risk management framework to be used rather than a ‘one size fits all’ criteria. In the case of [redacted], a flood risk management framework would require flood risks to be managed in accordance with DA0 [redacted] conditions of consent and the FERP. Additionally, the Policy should be amended to allow flexibility in its implementation, to ensure it does not impact [redacted] existing approvals and the operation and application of other legal instruments and determinations.

We elaborate on these points in the below submission.

2. The Site

The subject site is located at [redacted], Lower Portland and is legally described as Lot [redacted] DP [redacted] (refer to *Figure 1*).



Figure 1: The site, highlighted in yellow (Source: SixMaps)

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The site has been operating as a caravan park since the late 1960s and is divided into a total of 72 individual dwelling sites, mainly around the site's river frontage. Most of these dwelling sites contain a range of different structures, mainly moveable dwellings such as caravans but also other structures such as manufactured homes and holiday cabins, whilst others are vacant. A manager's residence, various storage sheds and a stone heritage cottage are located on the remainder of the site.

3. Recent Approval History

█ has been operating for holiday accommodation since approximately the 1960s. As the █ it has grown and expanded, numerous development consents and approvals have been issued for additional structures such as caravan sites and holiday cabins.

On 2 December 2015, a DA (DA █) was lodged to regularise the use of the site as a caravan park due to a hitherto unrecognised anomaly in the approval status of the site. The application was subsequently determined by the Land and Environment Court (LEC) on 14 July 2022, for the use of the site as a caravan park, with 71 of its lots as "short term sites" and 1 lot as a "long term site".

During this 7-year period, the application was subject to a rigorous assessment process. This is evident by the number of stringent conditions of consent placed on the determination, which were informed and drafted by flood specialists during the LEC process, including Council's expert, █ and also █. The conditions of consent require the following:

- Deferred Commencement Condition B – the preparation of a flood emergency response plan. As outlined in the conditions of consent, this plan requires significant infrastructure to be installed in the park, including but not limited to the flood level monitoring devices such as gauge boards and water level sensors, ancillary physical structures, power supply, backup power, visible and audible warning systems throughout the park.
- Condition 15E Flood Risk – the preparation and implementation of a flood warning system by a qualified engineer.
- Condition 81 – the flood emergency response plan is to be maintained in perpetuity. The required flood warning system shall be tested every 6-months and followed by any recent flood events.
- Condition 82 – any permanent habitable structures (which don't already have an approval) shall maintain a minimum floor level above the 5% AEP flood level. All permanent structures below the 1% AEP flood level shall be designed to withstand the full range of flood induced forces. No temporary structures are permitted below the 1 % AEP flood level without the approval of Council.
- Condition 83 – no loose material capable of being washed away by a flood is kept or stored below the 1% AEP flood level.

As outlined below, many of the requirements of Council's Draft Policy are inconsistent with DA █, which will ultimately cause confusion in the application of the Policy and the implementation of the conditions of consent.

As part that assessment, and despite the application not seeking an approval to operate under Section 68 of the Local Government Act in conjunction with the development application, Council required sufficient information to be submitted to demonstrate the capability of the caravan park to comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation*. It is only fair and reasonable that any future approvals to operate and to install structures should be consistent with a (Court approved) development consent that was based on such detailed and forensic examination.

4. Criteria of Policy

The table below summarises and provides a response to relevant criteria of the policy.

The Draft Policy, as currently drafted, provides a generic and strict set of provisions to be applied to all caravan parks within the local government area. It does not allow for the implementation of existing

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development consents (including DA0 [redacted] and its conditions of consent) or any a site-specific assessment framework to be considered.

Table 2: Response to criteria of policy

5.2.2.1 Approval to Operate a caravan park or camping ground	
Policy Criteria	Comment
(1) The caravan park must comply with the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.	Noted, this is a standard requirement under existing legislation. [redacted] will comply with this requirement, with any future "approval to operate" application.
(2) All moveable dwellings, annexes and associated structures must have a current approval (where applicable).	Noted, most dwelling sites have approvals for their existing structures. Individual owners will seek applicable approvals for any currently unauthorised or new structures.
(3) A Flood Evacuation Plan is to be submitted to Hawkesbury City Council for any caravan parks located on flood liable land.	Noted, in accordance with Deferred Commencement Condition "B" of DA [redacted] a FERP has been prepared by all experts involved in the LEC determination (including Council's expert). The plan is currently being updated to include details of the flood warning infrastructure to satisfy the deferred consent condition. It should be noted that the FERP prepared is much more detailed and thorough when compared to the FERP template provided as part of the Draft Policy documentation.
(4) A Bushfire Evacuation Plan is to be submitted to Hawkesbury City Council.	Noted, with any future "approval to operate application" a Bushfire Evacuation Plan will be prepared.
(5) In the case of a caravan park that is situated on flood liable land, the wheels, axles and/or draw bars of all moveable dwellings permanently located within the caravan park must remain installed and must be in proper working order. Draw bars are to be perpendicular to and facing and internal road to facilitate the removal of moveable dwelling in a flood event.	As currently drafted, this requirement applies to all "moveable dwellings" as defined by the policy, which includes both "caravans" and "manufactured dwellings". [redacted] currently comprises a mix of structures, including "caravans", "manufactured homes" and more permanent buildings such as holiday cabins. It is acknowledged that this provision is appropriate for caravans, given they are motorised structures, which have wheels and can easily be moved, if required. We do not, however, believe that this provision is appropriate for "manufactured homes" or "holiday cabins", given these are more permanent structures, which do not include any wheels, axles or draw bars (refer to Figure 2 and Figure 3). We therefore request that the wording of this provision be amended to only apply to structures which are genuinely "moveable", limited to only "caravans".

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Figure 2: Manufactured dwelling on Lot 27



Figure 3: Manufactured dwelling on Lot 37

This requirement, as currently drafted, is of significant concern as it will be near impossible for [REDACTED] to obtain an approval to operate a caravan park. [REDACTED] has already spent a considerable amount of money implementing DA [REDACTED] conditions of consent. It is therefore considered unfair that additional provisions are now being recommended after [REDACTED] has undertaken significant effort to comply with the current policy settings and consent conditions.

5.2.2.2 Approval to install a manufactured home, moveable dwelling or associated structure on land

Policy Criteria	Comment
(1) Relocatable homes will only be considered on flood liable land where the land level is at or above the flood planning level (1 in 100 year flood level). Undercroft areas cannot exceed 1m above existing ground level.	As outlined in Section 3, the site is subject to strict conditions of consent from the recently approved DA [REDACTED] Condition 82 states that – any permanent habitable structures (which don't already have an approval) shall maintain a minimum floor level above the 5% AEP flood level. All permanent structures below the 1% AEP flood level shall be designed to withstand the full range of flood induced forces. No temporary structures are permitted below the 1 % AEP flood level without the approval of

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	<p>Council.</p> <p>This condition is not consistent with the requirement outlined in the Policy, which requires manufactured homes to be located above the 1 in 100-year flood level.</p> <p>It is not appropriate to include a provision which is capable of contradicting a condition of consent, which has been applied to [REDACTED] as a result of a 7-year rigorous assessment period.</p> <p>Whilst there may be some general rationale behind the Draft Policy provision in certain circumstances, the conditions of Consent DA0 [REDACTED], as described above, are quite onerous and have been designed to ensure flood and general safety and amenity for occupiers of the caravan park based on its specific circumstances. This therefore provides justification for why the 'one size fits all' provision of the Draft Policy should not be applied in all circumstances, and particularly not to the [REDACTED]</p> <p>It is therefore recommended to amend this provision to allow for flexibility based on the specific circumstances of each caravan park in the LGA. This is required to ensure there are no inconsistencies between future policy requirements and lawfully operating consents.</p>
<p>(2) Enclosed associated structures (such as sheds and garages) and rigid annexes are not to be erected on a site in a caravan park that is situated on flood liable land.</p>	<p>The criteria applies to "flood liable land", which is defined by the policy as being "susceptible to flooding by the Probably Maximum Flood (PMF) event".</p> <p>As outlined in Section 3, the site is subject to strict conditions of consent from the recently approved DA0 [REDACTED].</p> <p>Conditions 82 and 83 contemplate structures, in the specified circumstances below the PMF level.</p> <p>The proposed criteria is therefore inconsistent with Conditions 82 and 83 of DA [REDACTED].</p> <p>For the same reasons as described in relation to paragraph (2) above, it is therefore recommended to amend this provision to allow for a degree of flexibility.</p>
<p>(3) Flexible annexes associated with holiday vans are required to be removed and stored within the caravan with the caravan is not being occupied.</p>	<p>Noted, this is an operational matter which will be enforced, when seeking approval for any new structures which do not currently have any existing approvals.</p>
<p>(4) Whitegoods, furniture and all loose items (e.g. shade sales/canopies, umbrellas, fire pits, bar-b-ques and other belongings) must be stored within caravans upon departure or removed when the site is not being occupied.</p>	<p>Noted, this is an operational matter which will be enforced, when seeking approval for any new structures which do not currently have any existing approvals.</p>

5. Consistency with Other Councils

In addition to the inconsistencies outline in Section 4, the Draft Policy is also inconsistent with The Hills

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Council's requirements for caravan parks.

The Hills Council is located opposite the site, on the eastern side of the Hawkesbury River. The Hills Council does not have any endorsed Policies in relation to caravan parks. It does, however, have a factsheet titled "Application Requirements for Caravan Installation" Factsheet, which outlines a number of requirements for the installation and approval of caravan parks and its structures.

As outlined in the table below, The Hills Council has flexible guidelines in relation to the installation of associated structures such as sheds and only requires wheels/axles for caravan, rather than manufactured homes.

Table 3: Comparison with Other Council Policies

Council	The Hills Factsheet	Hawkesbury Draft Policy
The Hills Council	Installation of associated structures	
	Factsheet Requirement - prior approval of Council is required for the installation of an Associated Structure on an approved dwelling site (that is a designated site in accordance with a Development Approval) in a caravan park within this Shire because the parks are located on flood liable land.	Draft Policy Requirement - enclosed associated structures (such as sheds and garages) and rigid annexes are not to be erected on a site in a caravan park that is situated on flood liable land.
	Requirements of wheels and axles	
	Factsheet Requirement - wheels, axles and tow bar of <u>caravans only</u> must not be removed but must be maintained in proper working order.	Draft Policy Requirement - wheels, axles and/or draw bars of all moveable dwellings (which includes <u>both caravans and manufactured homes</u>) must remain installed and must be in proper working order.

Given there are a number of caravan parks along the Hawkesbury River, which spans over a number of different local government areas, one consistent approach and set of guidelines should ideally be adopted, rather than having a series of inconsistent requirements applying to the same waterbody.

Council should, therefore, work collaboratively with neighbouring Councils to ensure all caravan parks along the river are assessed against a standardised, consistent set of guidelines. However, this does not detract from our previous recommendation that any such guidance documents/Policies should allow for flexibility in their future application to ensure consistency with existing approvals for sites.

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Thank you for the opportunity to comment on Council's "Draft Local Approvals Policy – Caravan Park". We trust that this submission assists in the finalisation of the policy to ensure a consistent and equitable outcome for all caravan parks is achieved within the local government area and along the Hawkesbury River generally.

Should you require any further information on this submission, please do not hesitate to contact the undersigned on [REDACTED]

Yours sincerely



[REDACTED]
Executive Director

oooO END OF REPORT Oooo

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4.4. CORPORATE SERVICES

4.4.1. CS - Investment Report - May 2023 - (95496, 96332)

Previous Item: 130, Ordinary (19 July 2022)

Directorate: Corporate 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 \$89.8 million in investments as at 31 May 2023 and outlines that all investments were made in accordance with the Act and the Regulation.

RECOMMENDATION

That the Monthly Investment Report for May 2023 be received and noted.

BACKGROUND

Council held \$89.8 million in investments as at 31 May 2023. 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 \$89.8 million in investments as at 31 May 2023.

Table 1 – Summary of Council's Investment Portfolio as at 31 May 2023

Product Type	Face Value	% of Total
At Call Deposits	\$6,800,000	8%
Term Deposits - Fixed Rate	\$82,000,000	91%
NSW TCorp Long Term Growth Fund	\$958,303	1%
Grand Total	\$89,758,303	

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

Long Term Credit Rating	Face Value	% of Total
AA	\$73,000,000	88%
BBB	\$9,000,000	11%
NSW TCorp Managed Funds	\$958,303	1%
Grand Total	\$82,958,303	

Table 3 – Fixed Term Deposits

Financial Institution	Long Term Rating	Rating S&P	Maturity Date	Interest Rate	Face Value
Bank of Queensland	BBB+	A-2	25-Oct-23	4.80%	\$2,000,000
			6-Dec-23	4.80%	\$3,000,000
			6-Dec-23	4.90%	\$1,000,000
			4-Mar-24	1.70%	\$2,000,000
			30-Mar-28	4.80%	\$1,000,000
Commonwealth Bank	AA-	A-1+	8-Jun-23	3.68%	\$1,500,000
			7-Jul-23	4.50%	\$2,000,000
			20-Nov-23	0.65%	\$1,000,000
			13-Dec-23	4.96%	\$5,000,000
			12-Feb-24	4.95%	\$2,000,000
			10-Apr-24	3.01%	\$2,000,000
			21-Feb-24	4.99%	\$2,000,000
National Australia Bank	AA-	A1+	9-Aug-23	4.45%	\$3,000,000
			8-Sep-23	0.60%	\$1,000,000
			13-Sep-23	4.50%	\$5,000,000
			26-Sep-23	4.50%	\$3,000,000
			11-Oct-23	4.65%	\$4,000,000
			25-Oct-23	4.45%	\$1,000,000
			25-Oct-23	4.55%	\$2,000,000
			10-Nov-23	4.50%	\$3,000,000
			10-Nov-23	4.77%	\$1,000,000
			20-Nov-23	4.70%	\$2,000,000
			6-Dec-23	4.85%	\$2,000,000
			6-Mar-24	4.95%	\$2,000,000
			19-Aug-24	0.75%	\$3,000,000
			10-Sep-24	0.80%	\$1,000,000
			19-Nov-24	0.75%	\$1,000,000
			15-Jan-25	0.80%	\$ 500,000
5-Mar-25	1.05%	\$1,500,000			

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Financial Institution	Long Term Rating	Rating S&P	Maturity Date	Interest Rate	Face Value
			3-Nov-25	0.95%	\$ 500,000
			19-Nov-25	0.90%	\$ 500,000
			13-Jan-26	1.00%	\$ 500,000
			4-Mar-26	1.30%	\$1,500,000
Westpac	AA-	A1+	9-Jun-23	0.90%	\$1,000,000
			27-Jun-23	3.81%	\$3,500,000
			5-Jul-23	4.32%	\$7,000,000
			7-Jul-23	4.43%	\$2,000,000
			10-Nov-23	1.11%	\$1,000,000
			25-Jan-24	4.36%	\$2,000,000
			20-Feb-25	4.97%	\$2,000,000
Grand Total					\$ 82,000,000

Environmental, Social and Governance (ESG) Investments

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

Table 4 – ESG Investments

Institution	Maturity	Rate	Face Value
Westpac	09-Jun-23	0.90%	\$1,000,000
	10-Nov-23	1.11%	\$1,000,000
	25-Jan-24	4.36%	\$2,000,000
Grand Total			\$4,000,000

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

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$4,000,000	5%
Other	\$78,958,303	95%
Grand Total	\$82,958,303	100%

3. Compliance to Investment Policy

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

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Table 6 – Exposure Limits to credit ratings bands

Long-Term Credit Rating	% of Portfolio	Policy Maximum	Compliant with Policy
AAA to AA- or Major Bank and below	88%	100%	Yes
A+ to A- and below	0%	50%	Yes
BBB+ to BBB and below	11%	40%	Yes
BBB- and below	0%	10%	Yes
NSW TCorp Funds	1%	20%	Yes

Table 7 – Term to Maturity

Long -Term Credit Rating	Policy Maximum	Compliant with Policy
AA+, AA, AA- (and Major Banks)	5 years	Yes
A+, A, A-	3 years	Yes
BBB+, BBB, BBB-	3 years	No
Non-rated ADIs	1 year	Yes

4. Portfolio Return

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

Table 8 – Portfolio Return

31 May 2023	Monthly Return (Annualised)	Financial Year to Date (Annualised)
Hawkesbury City Council – Investment Portfolio	3.66%	2.50%
Benchmark – Bloomberg Ausbond Bank Bill Index	3.53%	2.82%
Performance Relative to Benchmark	0.13%	-0.32%

Relevant Legislation

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

DISCUSSION

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor, Prudential Investment Services Corp has reviewed Council's investments as at 31 May 2023 and has advised of the following:

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"Council's investment portfolio, excluding the transactional cash account, returned 3.66%pa for the month on a marked-to-market basis versus the bank bill index benchmark's 3.53%pa return. For the financial year to date, the investment portfolio has returned 2.50%pa versus the bank bill index benchmark's 2.82%pa.

The rise in interest rates during the month caused valuations of long dated fixed rate bonds, both directly held and within the TCorp Growth Fund to retreat slightly. Meanwhile shares had mixed results both home and abroad. While the All Ords retreated overall, the IT sector surged by over 10% aided by AI enthusiasm. The fall in metal prices and drop in consumer confidence led to losses in the Materials/mining, Consumer Discretionary and Consumer Staples sectors.

The NSW TCorpLM Long Term Growth Fund, returning -0.30% (actual), fared well considering the headwinds in the market.

Without marked-to-market influences, Council's investment portfolio yielded 3.74%pa for the month, up from 3.61%pa in April. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp Growth Fund.

During May, Council had \$19m among six TDs with maturities ranging between 2 to 12 months with an average yield of 3.88%pa. Given the sharp rise in interest rates over the past year, the 12 month deposit that matured had the lowest rate among the group giving Council an opportunity to replace the exposure with higher yielding options. Council invested \$18m across seven deposits in the 5-7 month range at an average rate of 4.80%pa.

Looking forward, Council has a total of \$6m in term deposits maturing in June. The following is recommended for consideration over the coming month:

- Most banks' term deposit rates are now peaking in the 9-12 month area then declining out to 5 year terms as the market is pricing in a flat to falling interest rate environment, even after the rate hike at the start of June.*
- Look for bank specials in the 9-12 month area if cashflow allows. Some bank specials are proving quite competitive even with the likelihood of at least one more RBA rate hike over the coming months.*
- Bank of Queensland has been looking for funds in the 9-12 month area and offering attractive yields in that range but offers from higher rated CBA have been inline with the lower rated Bank of Queensland. Give preference to the higher rated institution in these situations.*

It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection and holding the securities for the recommended time horizons of their asset classes."

Restriction of Funds

Council's total investment portfolio as at 31 May 2023 included funds that are restricted as to what they can be expended on.

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Table 9 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$19,752,352	22%
External Restrictions - Western Parkland City Liveability Program	\$971,488	1%
External Restrictions - Bushfire and Flood Grants	\$9,094,311	10%
External Restrictions - Local & Regional Roads Repair Program	\$9,707,362	11%
External Restrictions - Other (e.g. domestic waste, sewerage, loans)	\$21,802,083	24%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$21,492,179	24%
Unrestricted	\$6,938,528	8%
Total	\$89,758,303	100%

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

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

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

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Reliable Council

4.3 Build strong financial sustainability for now and future generations.

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FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable was provided for in the Adopted 2023/2024 Operational Plan.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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4.5. INFRASTRUCTURE SERVICES

4.5.1. IS - Macquarie Park Aquatic Safety Assessment - (95495, 159575)

Previous Item: 001, Ordinary (17 January 2023)

Directorate: Infrastructure Service

PURPOSE OF THE REPORT

The purpose of this report is to outline the findings of the Macquarie Park Aquatic Safety Assessment (the Assessment) that was undertaken by Royal Life Saving NSW and consider the endorsement of a number of recommended actions arising from the Assessment.

EXECUTIVE SUMMARY

Following a number of tragic drownings in late 2022, Council engaged Royal Life Saving NSW (RLS NSW) to undertake a new Aquatic Safety Assessment (the Assessment) for Macquarie Park which has now been completed.

The Assessment contains a range of recommendations specific to current standards and best practice regarding risk management and signage pertinent to the characteristics and function of Macquarie Park. A summary of the recommendations and advice with respect to the resourcing and level of support is summarised in Table 1.

Prior to an examination of the principal risk treatments, a key discernment must be made, which is the question of whether Council wishes to pursue a total prohibition of swimming at Macquarie Park, or whether it adopts a safe systems approach - similar to the principle in road safety - accepting that, while swimming is not endorsed, there will be individuals who may make poor choices or outright mistakes and choose to swim, but that those decisions should not result in loss of life. It is through the intent of the latter that this report has been written.

Table 1 - Summary of Principal risk treatment options

Principal risk treatment	Within current resourcing?	Supported?	Timeframe if adopted
Develop a Public Water Safety Strategy	Yes - no cost to Council	Yes	Medium term 1-3 years
Establishment of an Emergency Response Plan	Yes	Yes	Short term <1 year
Establishment of Emergency Response Systems and Equipment	No - would require commitment of funds/resources	Further investigation required to determine feasibility	Medium term 1-3 years
Designated Swimming Area	No - would require commitment of funds/resources	Further investigation required to determine feasibility	Medium term 1-3 years

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Principal risk treatment	Within current resourcing?	Supported?	Timeframe if adopted
Targeted Public Awareness and Education Strategy	Yes if within existing communication channels	Yes	Short term <1 year
Water Quality Monitoring	In part	Further investigation required	Short term < 1 year
Systems of Safety Signage	Yes	Yes	Short term < 1 year

Many of the principal risk treatments require further investigation or understanding before they can be supported or not supported, for example the establishment of emergency response systems and equipment would need to be examined against the risk of placing critical infrastructure within a high hazard floodway. And further, while this report focuses on Macquarie Park, there are many locations accessed by the public for swimming, with similar and different risks.

Accordingly, the primary recommendation of this report is for Council to undertake a Hawkesbury Public Water Safety Strategy, which will explore the recommendations of the report in further detail. The Royal Life Saving NSW have offered to undertake this Strategy at no cost to Council.

RECOMMENDATION

That Council:

1. Note the Macquarie Park Aquatic Safety Assessment Report.
2. Adopt a safe systems approach to swimming at Macquarie Park, and
3. Undertake the development of a Hawkesbury Public Water Safety Strategy.

BACKGROUND

Late in 2022, two tragic drownings occurred at Macquarie Park, on the Hawkesbury River. In response to these, Council undertook several immediate actions, including a review and installation of additional signage, and held an Extraordinary Meeting on 17 January 2023, where it resolved:

"That Council:

1. *Notes that Council has engaged Royal Life Saving in 2018 and 2021 and has done so again in 2023 to undertake a new safety assessment of the site.*
2. *As a matter of urgency, erects clear and concise warning signs at several locations in Macquarie Park, including on the sandbank at the river. Signs should plainly state that it can be dangerous to swim at the site and include languages other than English and international symbols for risk of drowning. Additional warning about strong currents, shifting sands, debris, pollution and lack of supervision should be included but must not detract from the main message that swimming at this site is extremely dangerous.*
3. *Requests the Mayor contact other relevant agencies, including Sydney Water and Tourism NSW, and mapping sites like Google Maps, informing them of the dangers at*

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this site and asking them not to promote it as a swimming spot or use the term 'Windsor Beach'.

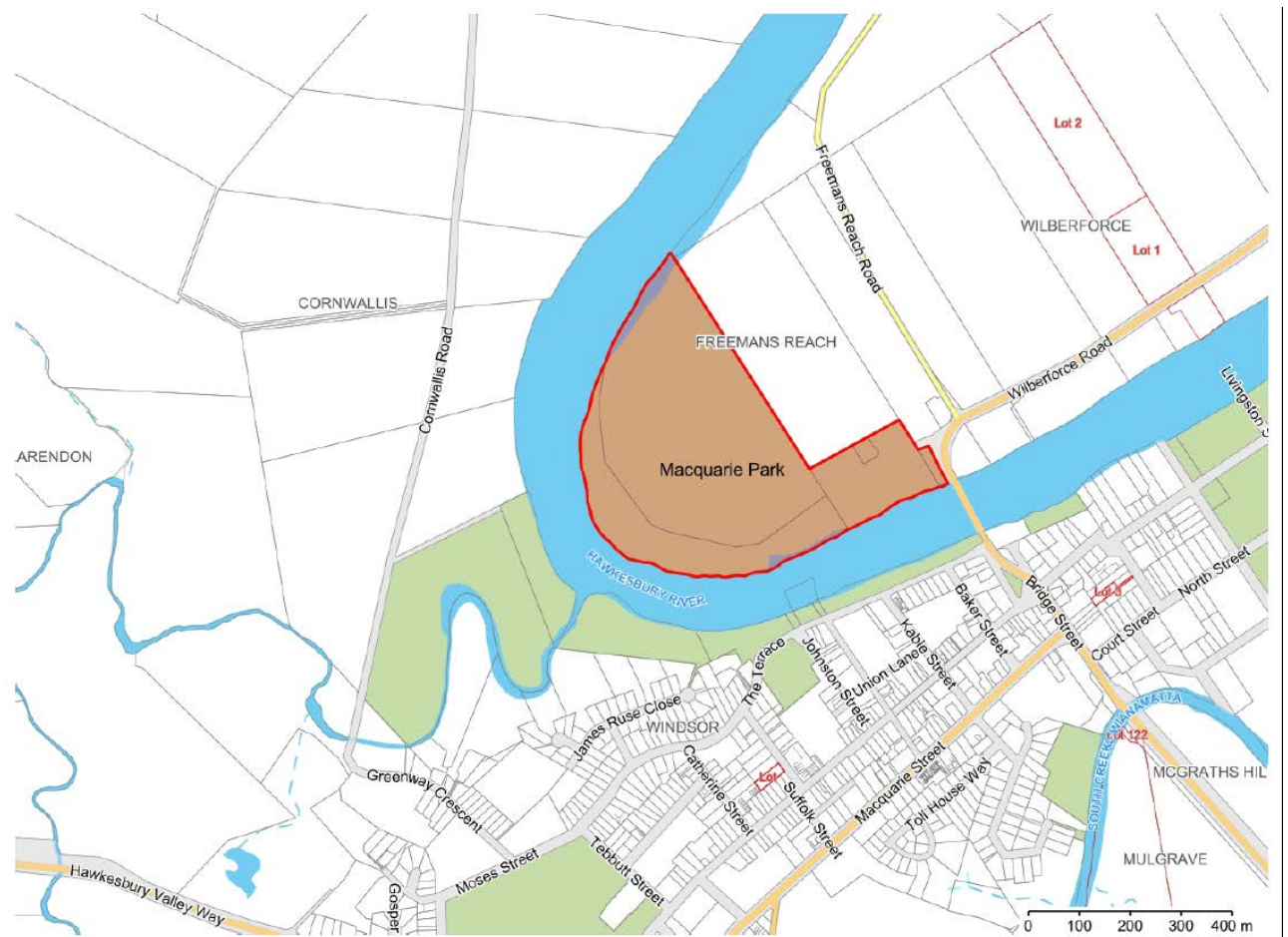
4. *Refer the matter to a Councillor Workshop to be held in February 2023 for further action."*

In due course Royal Lifesaving NSW (RLSNSW) were engaged to undertake a new Aquatic Safety Assessment for Macquarie Park with a view to reviewing the site and providing recommendations specific to current standards and best practice regarding risk management and signage pertinent to the characteristics and function of Macquarie Park. Council discussed the matter at the Councillor Workshop on 21 February 2023 and was briefed again on the draft findings from the RLSNSW Aquatic Safety Assessment (the Assessment) at its Briefing on 30 May 2023.

Additionally, Council installed further signage and wrote to the abovementioned entities pursuant to Parts 2 and 3 in the resolution as adopted at the 17 January 2023 Extraordinary Meeting.

By way of additional background, RLSNSW had previously undertaken Aquatic Safety assessments for Macquarie Park, Navua Reserve, Yarramundi Reserve, Colo Park and Upper Colo Reserve. Following these assessments, safety signage was installed at these sites.

Location Plan



Relevant Legislation

Local Government Act 1993

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Crown Lands Act 2016

DISCUSSION

The discussion that follows focuses predominantly on the findings and principal risk treatments from the Assessment. Additionally, and of particular relevance, is Council's successful application to the Places to Swim grant fund which seeks to deliver updated signage, improved facilities for users at Macquarie Park and improved access to the river's foreshore.

Prior to an examination of the principle risk treatments, a key discernment must be made, which is the question of whether Council wishes to pursue a total prohibition of swimming at Macquarie Park, or whether it adopts a safe systems approach - similar to the principal in road safety - accepting that, while swimming is not endorsed or recommended, there will be individuals who may make poor or uninformed decisions, or outright mistakes and choose to swim, but that those decisions should not result in loss of life. It is through the intent of the latter that this report has been written.

The Assessment for Macquarie Park identifies, analyses, and evaluates the current risks associated with recreational swimming and other aquatic activities at the site; it is not simply limited to the risk of drowning and the Assessment, this report and the principal risk treatments should be read in that context. In identifying principal risk treatments, there has been little to no consideration of whether or not there are resourcing implications or any assessment of the detailed feasibility of the treatments. The principal risk treatments have been generated from current standards as well as best practice management of risks associated with swimming in natural waterways.

To develop the principal risk treatments, RLSNSW:

- Held a roundtable with Council staff and representatives from the Hawkesbury Police Area Command,
- Undertook several site inspections to observe behaviours and typical use of Macquarie Park by visitors, and
- Consulted again with Council staff and Hawkesbury PAC to validate observations and test the principal risk treatments developed

Principal Risk Treatments

Develop a Hawkesbury Public Water Safety Strategy

A Public Water Safety Strategy can provide clear guidance for the effective short and long-term management of public safety around waterways throughout the Hawkesbury. The plan would be developed through broad consultation with all relevant stakeholders such as regional agencies, state government, emergency services and community representatives.

The RLSNSW have offered to undertake a Hawkesbury Public Water Safety Strategy Plan as part of their Inland Funding Initiative for 2023/2024. By undertaking this risk assessment and treatment plan, Council would be taking a proactive approach to determining appropriate risk mitigation actions to help prevent foreseeable loss of life and injury to visitors recreating at Macquarie Park as well as all other sites across the Hawkesbury. The development of this Plan will also explore the remaining recommendations in more detail.

This principal risk treatment is **supported**.

This principal risk treatment is **within Council's current resourcing**.

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Establishment of an Emergency Response Plan

Hazards will always exist when individuals interact with the natural environment and particularly inland waterways. In accepting this, reactive measures, such as a well-planned and rehearsed Emergency Response Plan, can significantly minimise the consequence of a hazard on the occasion that it arises, minimising the consequence and the damage incurred if an incident should occur.

It has been recommended that Hawkesbury City Council prepare an emergency response plan in conjunction with key stakeholders and local emergency services. The emergency plan should be comprehensive and adaptable to the range of events and visitor numbers.

It should be noted that the development of such a plan would be heavily reliant on the participation of emergency services which cannot be guaranteed at this time.

This principal risk treatment is **supported**.

This principal risk treatment is **within Council's current resourcing**.

Emergency Response Systems and Equipment

This principal risk treatment considers technological solutions to address fatal and non-fatal drownings and other public incidents that may occur at Macquarie Park. Examples of Emergency Response Systems are:

- Smart Technology - for example could include smart poles that have CCTV, microphone technologies and artificial intelligence.
- Publicly Accessible Defibrillators and Monitoring Cabinets
- Emergency Services Smart Phone Application - such an application uses a mobile phone's GPS functionality so callers can provide emergency call takers with their exact location information.
- Geofencing - Geofencing is a location based service which uses GPS, Wi-Fi and cellular data to trigger a pre-programmed action such as sending an SMS to a mobile phone when it enters a site such as Macquarie Park. It can be used in an emergency situation, to promote a safety message or other educational information.

This principal risk treatment **requires further investigation to determine feasibility**.

This principal risk treatment is **not within Council's resourcing**.

Designated Swimming Area

Should Council wish to endorse/promote swimming at Macquarie Park, as opposed to an outright prohibition or a safe systems approach, the RLSNSW recommend that Council, through the process of developing the Hawkesbury Public Swimming Safety Strategy, determines the most suitable location/area for recreational swimming. If this were an option ultimately adopted, such an area should then be considered for a range of measures including site specific safety signage, demarcation of the swimming area and emergency response equipment such as rescue equipment, for the purpose of better hazard identification and management by swimmers and containing swimmers to a smaller area.

This principal risk treatment **requires further investigation to determine feasibility**.

This principal risk treatment is **not within Council's resourcing**.

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Targeted Public Awareness and Education Strategy

Many visitors to Macquarie Park are from outside of the Local Government Area and of the 11 drownings in the past five years, nine were from outside of the LGA. Accordingly, many visitors to Macquarie Park would not be aware of the drownings that have taken place at this location nor the hazards present. Public awareness and behaviour change, via a public water safety education strategy, are thus vital if drowning prevention methods are to be successful.

Key factors pertaining to effective education and awareness strategies include:

- Consistency in safety messaging (elimination of confusing/unclear or disparate information).
- Consistency in the method of provision (ongoing information provided at regular locations/times).
- Longevity in the provision of information (ongoing, not a one-off).

Community groups may benefit from the delivery of a range of structure and/or informal educational programs.

Council already works closely with RLSNSW and has to date carried out the following works:

- In December 2022-January 2023, Council on-shared the summer water safety messaging from Royal Life Saving NSW on social media
- Royal Life Saving NSW were in attendance at Council's School Leadership and Awareness Program in March 2023 and presented water safety advice, including advice regarding the Hawkesbury River, to 393 year 7-8 students from across the Hawkesbury
- Royal Life Saving NSW have been invited to be in attendance also at Hawkesbury Fest on 6 August 2023 and are unable to attend.
- Inclusion of highly visible water safety and river advice in the Spring and Summer Council Newsletters.

Corporate Communications is investigating a social media advertising blitz in the upcoming 2023 spring and summer, targeting English, Arabic, simplified Chinese and Punjabi languages in the Hawkesbury, Penrith, Blacktown and Hills LGAs to advise the public against swimming in the Hawkesbury River, and highlighting other far more suitable activities instead.

This principal risk treatment is **supported**.

This principal risk treatment is **within Council's resourcing**.

Water Quality

Water quality is of prime importance and must be factored in when recreational swimming is permitted within an inland waterway.

Water quality should also be at safe levels to ensure swimmers' health by reducing waterborne illness.

As part of a broader approach to swimming in waterways, via the Hawkesbury Public Water Safety Strategy, Council will review the feasibility and scope of development of a communication process to ensure that visitors are made aware of the water conditions, especially after heavy rain, flood events or when there is known water pollution.

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This principal risk treatment **requires further investigation to determine feasibility.**

This principal risk treatment is **in part, within Council's resourcing.**

Provision of Supervision

Various supervision systems can assist in minimising aquatic risk however must be balanced against various constraints including financial and Work Health and Safety, as well as a measure of their efficacy. Options for supervision may include:

- Full-time comprehensive lifesaving/lifeguard service
- Seasonal lifesaving/lifeguard service
- A flexible demand-based service (on a case-by-case basis, such as events, public holidays etc.)
- Surveillance cameras
- No supervision service, but the provision of remote supervision safety signs (detailed further below).

A parental supervision strategy should also form part of the overall treatment strategy for public safety Children need to be actively supervised by a parent or guardian when in and around water.

This principal risk treatment **requires further investigation to determine feasibility.**

This principal risk treatment is **not within Council's resourcing.**

Systems of Safety Signage

The Assessment recommends a review of the current water safety signage at Macquarie Park. Appropriate signage should allow a person to make an informed decision before undertaking aquatic recreational activity at that location. Whilst the new signs installed recently are compliant, they are too small in places and contradict the older 'Warning signage' which are outdated and will be removed.

To effectively manage signs, the plan recommends that Council should establish a management system that includes regular inspections and funding for repairs and replacements in an organised cyclical manner.

This principal risk treatment **is supported.**

This principal risk treatment **is within Council's resources.**

Places to Swim Grant

In 2022, Council applied for a grant to deliver various works at Macquarie Park, under the NSW Government's Places to Swim Program. The works included upgrading of picnic and shade facilities, upgraded signage and a path and trail network to improve accessibility across the site and down to the River's foreshore. These enhancements are consistent with and in many cases contribute to the management of risks identified by the Assessment.

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Summary

The Aquatic Safety Assessment identifies a number of actions for Council to consider. Many of these require further detailed investigation which can be undertaken through the completion of the Hawkesbury Public Water Safety Strategy. Additionally, this body of work will have a wider scope, considering public swimming across the LGA, and not just be limited to Macquarie Park.

The Royal Life Saving NSW have been looking for a Project to complete as part of their Inland Funding Initiative for 2023/24. They have offered to put this funding towards the Hawkesbury Public Water Safety Strategy Plan which would provide Council with an overall Strategy for its public waterways in line with the recommendation of the Assessment. For the Safety Strategy Plan to be undertaken effectively, it needs to be undertaken over the spring and summer swimming period. Initial set up for these work will commence during September/October 2023. It is recommended that Council accept this offer.

In the interim signage at Macquarie Park will be updated in accordance with the recommendations of the Aquatic Safety Assessment prior to December 2023 and as part of the Places to Swim Grant.

COMMUNITY ENGAGEMENT

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

Community engagement will be incorporated into the development of the Hawkesbury Public Water Safety Strategy, in line with Council's Community Engagement Policy and any specific engagement actions identified.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.3 Increase the range of local partnerships and plan for the future.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

Protected Environment and Valued History

- 2.5 Value, protect and enhance our waterways and wetlands with an emphasis on using local resources and key partnerships.

Reliable Council

- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

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ATTACHMENTS

AT - 1 Macquarie Park - Aquatic Safety Assessment - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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4.5.2. IS - Western Sydney Regional Waste and Sustainable Materials Strategy - (95495, 159578)

Directorate: Infrastructure Service

PURPOSE OF THE REPORT

The purpose of this report is to provide a summary of the issues relating to the Western Sydney Regional Waste and Sustainable Materials Strategy 2022-2027 (the Strategy) for Council's consideration and endorsement.

EXECUTIVE SUMMARY

The NSW Environment Protection Authority (EPA) provides regional waste program funding for the regional groupings of councils. A Regional Waste Strategy requires adoption by councils to access EPA funding. To achieve this Western Sydney Regional Organisation of Councils (WSROC) has coordinated the preparation of a Regional Waste Strategy for WSROC member councils as well as The Hills Shire Council.

This Strategy enables the opportunity to apply for funding for regional programs for projects to address the NSW Government's priorities in the NSW Waste and Sustainable Materials Strategy 2041. The Regional Strategy follows an earlier strategy, the "Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021.

RECOMMENDATION

That Council endorse the Western Sydney Regional Waste and Sustainable Materials Strategy 2022-2027, attached as Attachment 1 to the report.

BACKGROUND

In 2021, the NSW Government released its Waste and Sustainable Materials Strategy 2041 which outlined how NSW will transition to a circular economy over the next 20 years. This Strategy includes \$356 million in funding over a six year period to deliver priority programs and policy reforms. This strategy had the following key reforms:

- Mandating the separation of food and garden organics for households and selected businesses
- Phasing out problematic single-use plastic items
- Financial incentives for manufacturers and producers to design out problematic plastics
- Having government agencies prefer recycled content
- Incentivising biogas generation from waste materials.

Following the release of the NSW Government's Waste and Sustainable Materials Strategy 2041, WSROC working with member councils has developed the Regional Waste Strategy. This new Regional Waste Strategy is a five-year document that will guide regional waste programs. It has been

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developed in line with the NSW Government Strategy to meet their key reforms and priority areas and is required to be adopted by councils in order to have the opportunity to apply for Environment Protection Authority funding.

Relevant Legislation

The Waste Avoidance and Resource Recovery Act 2001

DISCUSSION

The Regional Waste Strategy builds on the success of the Western Sydney Regional Waste Strategy 2017-2021 which had seven key themes

- Promote waste avoidance
- Increase recycling
- Divert more waste from landfill
- Reduce litter
- Tackle illegal dumping
- Manage problem wastes better
- Improve regional governance.

WSROC working with Hawkesbury City Council and the other member councils was able to receive EPA funding to deliver key waste and resource recovery projects through the 2017-2022 Strategy. The following are some key achievements:

- Assessments of ownership options, procurement models and land zoning for development of waste and resource recovery infrastructure in the region
- Delivery of the Western Sydney Regional Litter Plan
- Development of multiple guidance and template documents to support councils in evidence-based decision making and improvement to planning documentation, infrastructure provision and contract negotiation
- Professional forums for capacity building and networks for council officers to enable knowledge sharing on key waste policy topics
- Delivery of a range of education projects and campaigns for councils and the community
- Training of council staff in a range of skill areas where councils themselves do not have enough staff to warrant delivering the training
- Significant advocacy to state government and industry on behalf of councils, highlighting waste and resource recovery considerations to ensure sustainability, reliability and affordability of waste service provision for the community.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

The new Regional Waste Strategy address the key challenges and changes occurring in waste and resource recovery within local government:

"Substantial changes have occurred in recent years to waste management and resource recovery with significant changes to regulation and policy in NSW and export bans impacting international markets for recyclables.

Transitioning to circular economy is the central aspiration in all national and state government waste strategies. It involves systems change, from designing out waste, to recovering materials at their highest value use, including reuse and repair. There is commitment from all Australian state and territory environment ministers to work with the private sector to design out waste and pollution, keep materials in use and foster markets to achieve a circular economy by 2030.

The Western Sydney Regional Waste and Sustainable Materials Strategy 2022-27 was developed by eight councils in the region. It outlines a 20-year vision with a detailed 5-year focus on how the region will work collectively to deliver waste services that recover more resources and reduce carbon emissions."

Hawkesbury City Council will again work with WSROC and other member councils to deliver the new Regional Waste Strategy which has the following seven key priority areas:

- Meeting waste infrastructure needs by 2030 and beyond
- Implementing household organic waste collection services
- Building resilience to climate change impacts on waste services
- Updating waste planning controls in new building to address new policy directives
- Facilitating the transition from a linear to circular economy
- Protecting the region from waste pollution
- Exploring joint procurement of waste services and/or infrastructure.

The new Regional Waste Strategy has the following focus areas as selected by councils:

- Supporting the delivery of new Food Organics and Garden Organics (FOGO) services in councils
- Waste avoidance and reduction initiatives
- Engagement and advocacy to improve waste infrastructure opportunities
- Investigation of joint procurement and waste service delivery efficiencies in FOGO delivery
- Domestic waste service and circular economy improvements to planning instruments
- Disaster responsiveness and emergency waste management initiatives
- Regional education efforts to further engage with hard to reach communities
- Initiatives to address litter, illegal dumping, and problem wastes including asbestos; and
- Facilitating sharing of information and resources between councils and NSW EPA.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

The Regional Waste Strategy will complement Council's Waste and Resource Recovery Strategy 2032 as adopted by Council in 2022.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

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

Great Place to Live

- 1.4 Facilitate the delivery of infrastructure through relevant agencies for Council's own works.

Protected Environment and Valued History

- 2.2 Value, protect and enhance our natural land-based environment with an emphasis on using local resources and key partnerships.
- 2.3 Encourage and enable our community to embrace the waste management principles of reduce, reuse and recycle.
- 2.4 Encourage and enable our community to make more sustainable choices.
- 2.5 Value, protect and enhance our waterways and wetlands with an emphasis on using local resources and key partnerships.
- 2.6 Achieve net zero emissions targets.

FINANCIAL IMPACT

The matters raised in this report have indirect financial implications. Expenditure in the form of works-in-kind will be incurred in association with these matters.

ATTACHMENTS

- AT - 1** Western Sydney Regional Waste and Sustainable Materials Strategy 2022-2027 - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING
5.1 REPORTS OF COMMITTEES
Meeting Date: 11 July 2023

5.1 REPORTS OF COMMITTEES

Nil reports.

ORDINARY MEETING
6.1 NOTICES OF MOTION
Meeting Date: 11 July 2023

6.1 NOTICES OF MOTION

Nil reports.

ORDINARY MEETING
7.1 QUESTIONS FOR NEXT MEETING
Meeting Date: 11 July 2023

7.1 QUESTIONS FOR NEXT MEETING

7.1.1. Question with Notice – Hawkesbury River County Council

Questions - 11 July 2023

#	Councillor	Question
1	Kotlash	Can I get confirmation that the \$471,000 worth of value, that has been brought up on several occasions, that we purportedly get from our \$200,000 annual payment to Hawkesbury River County Council (HRCC) is based on inflated figures?

oooO END OF REPORT Oooo

ORDINARY MEETING**7.1 QUESTIONS FOR NEXT MEETING****Meeting Date:** 11 July 2023**7.1.2. Responses to Councillor Questions Taken on Notice at the Council Meeting - 20 June 2023**

The following questions were raised from Councillors regarding matters on the Council Meeting Business Paper of 20 June 2023. These questions were taken on notice and the responses are provided below:

#	Councillor	Question	Response
1	Wheeler	What are Council's plans and criteria for the selection of the replacement hot water pump and heater system renewal at the Oasis Aquatic and Fitness Centre. Are we looking at them being fully electric or gas.	No decision has yet been made. The design process will consider a variety of factors including forecast future cost/price fluctuations, Council's Net Zero strategic goal and operational requirements. These will be determined during the coming financial year 2023/2024.
2	Lyons-Buckett	The submission received about the clean up of the Police Military site in Windsor. Can Council please clarify if that was the exterior of that location which Council controls or was it for the entire site.	The submission refers to the remains of the Guardhouse which although positioned on the outside of the main compound, form part of the heritage listed site owned and controlled by NSW Police. Council is looking into the history of the site and possible options for remediation.
3	Sheather	Were Council staff aware of the three blocks of land cleared in Bowen Mountain under the Rural Boundary Clearing Code.	Council staff are aware of and investigate clearing occurring across sites in the Hawkesbury, including sites that property owners state have been cleared in accordance with the Rural Boundary Clearing Code. Whilst staff are unable to determine if the three blocks of land cleared in Bowen Mountain under the Rural Boundary Clearing Code that were discussed at the meeting include sites that have already been investigated by staff, should site specific information be provided this can be confirmed.
4	Lyons-Buckett	Why hasn't Council had a representative on the Hawkesbury-Nepean Landcare Steering Committee for the past two years.	Council historically held the Chair position of the Hawkesbury Landcare Network. Upon the expansion of the Landcare Network to incorporate the wider Hawkesbury-Nepean (that is the LGAs of Hawkesbury, Penrith, The Hills and Blacktown), it appears that Council surrendered its position to permit representation from the expanded geographic areas whilst maintaining a workable Committee with respect to number of members.

ORDINARY MEETING
7.1 QUESTIONS FOR NEXT MEETING

Meeting Date: 11 July 2023

#	Councillor	Question	Response
			Council staff have previously requested to rejoin the Committee, however have not been invited to meetings. Council staff continue to pursue representation.

oooO END OF REPORT Oooo

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

8. CONFIDENTIAL REPORTS

8.1. GENERAL MANAGER

Nil reports.

8.2. CITY PLANNING

Nil reports.

8.3. CORPORATE SERVICES

8.3.1. CS - Code of Conduct Complaints and Investigation - (95496)

Directorate: Corporate Services

REASON FOR CONFIDENTIALITY

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

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

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

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

8.4. INFRASTRUCTURE SERVICES

Nil reports.



Ordinary Meeting

End of Business Paper

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