



Hawkesbury City Council

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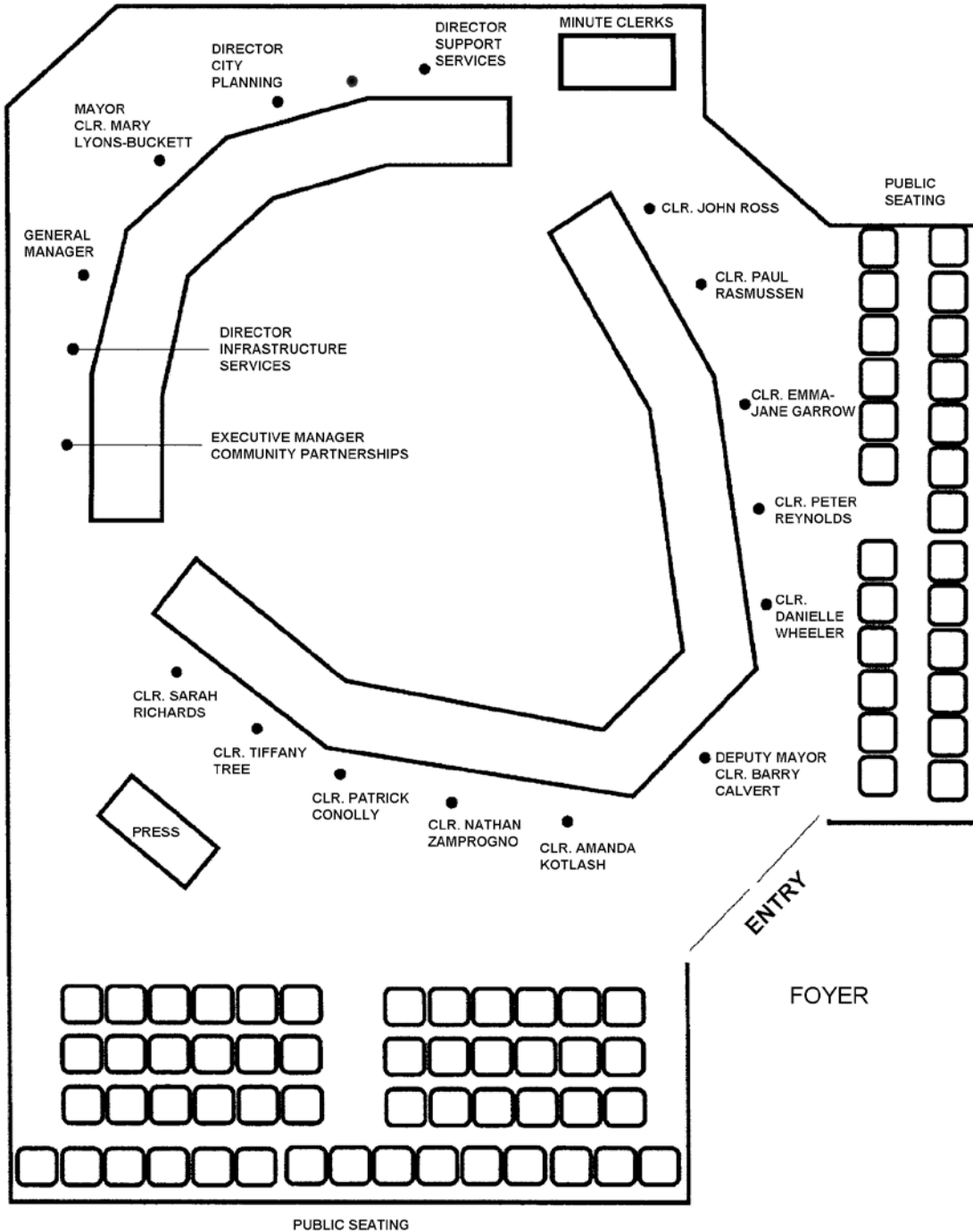
date of meeting: 13 February 2018
location: council chambers
time: 6:30 p.m.



mission statement

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

Hawkesbury City Council



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Procedural Matters
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PROCEDURAL MATTERS

Welcome

The General Manager will address the Council meeting, mentioning:

- Acknowledgement of Indigenous Heritage
- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

Attendance

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

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

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section 1

confirmation of minutes

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ordinary

section 2

mayoral minutes

ORDINARY MEETING

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SECTION 2 – Mayoral Minutes

No Mayoral Minutes.

ordinary

section 3

reports
for determination

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 023 **CP - DA0603/16 - 507 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 32 DP 830830 - Dwelling House - Alterations and Additions - (95498, 100090)**

Previous Item: 004, Ordinary (30 January 2018)

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0603/16
Property Address: 507 Pitt Town Bottoms Road, Pitt Town Bottoms
Applicant: Mrs L Murphy
Owner: Mrs L Murphy
Proposal Details: Dwelling House - Alterations and additions to existing dwelling
Estimated Cost: \$120,000
Zone: RU2 Rural Landscape
Date Received: 24 August 2016
Advertising: Not required

Key Issues: ♦ Existing dwelling relying on existing use rights
 ♦ Flooding
 ♦ Easement

Recommendation: Refusal

REPORT:

Executive Summary

This development application seeks consent for alterations and additions to an existing dwelling at 507 Pitt Town Bottoms Road, Pitt Town Bottoms. The existing dwelling was constructed as a result of a previous unauthorised 'dwelling', which was a conversion of a boatshed into a dwelling, being swept away by flood waters during a 1:20 year flood event in August 1990.

On 10 March 1992 Council resolved to accept "existing use rights" for the dwelling on the property. Council subsequently approved a combined Development and Building Application on 1 June 1993, which included a State Environmental Planning Policy (SEPP 1) variation to the 10% increase in floor area permitted by the legislation for development relying on existing use rights.

An assessment of the development controls applying to the land has been undertaken and it is considered that the proposal is unable to be supported due to the significant flood risk as well as the fact that the development has previously utilised the legislation provision of extending the existing use rights floor area by 10%, via the original combined Development and Building application approved in June 1993. In addition, Council granted further approvals in October 1993 for a roof over an existing slab to form a carport and in July 1995 for a patio awning. Further extensions were carried out at a later date for which approvals were not obtained.

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The subject land is adjacent to the Hawkesbury River and the property is considered to be located in an area with a significant flood risk as it is subject to high hazard mainstream flooding even in more frequent flood events. This is evident by the fact that a previous building was swept away in a 1:20 year flood event. Further improvements to this flood affected property is therefore not recommended nor in keeping with statutory regulations.

The subject land is burdened by an electricity easement which benefits an adjoining property. The easement is located in the area where the extensions are proposed. The applicant has provided evidence that the easement could be extinguished however this has yet to occur.

The application is being reported to Council due to the significant Policy implications that the determination will have on surrounding and similar development in the locality.

This report was presented to the Council Meeting on 30 January 2018 when Council resolved that this matter be deferred to the next Council Meeting.

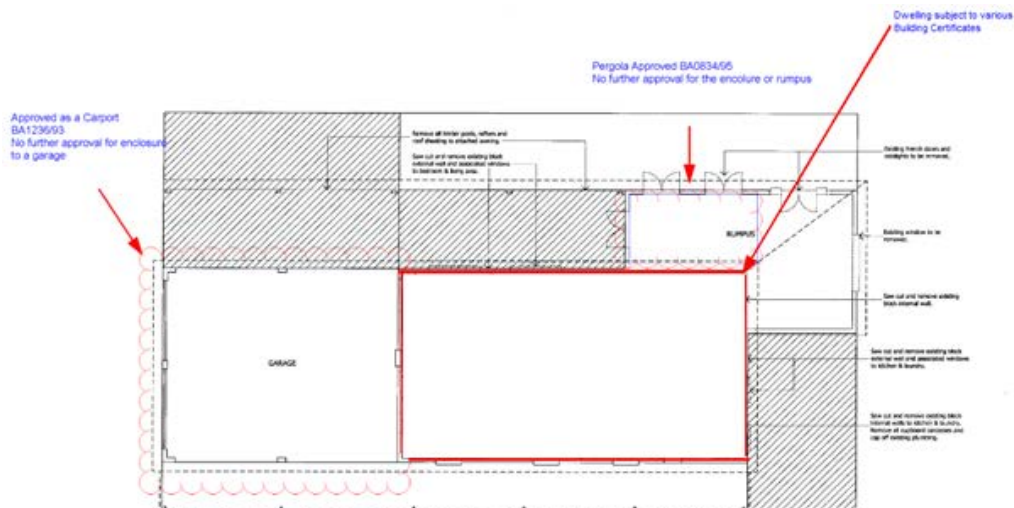
Description of Proposal

The application seeks Council's consent for proposed alterations and additions to the existing dwelling at Lot 32, DP 830830, 507 Pitt Town Bottoms Road, Pitt Town Bottoms.

The existing dwelling was constructed without previously gaining development consent. Although existing use rights were not formally established (i.e., no records of the required consent from Council were found or provided by the owner at the time) Council, based on long term resident letters, accepted existing use rights for the residential use in March 1992. The legislation at the time provided that additions can only comprise 10% of the original floor area. In this regard, the dwelling has already previously exceeded the 10% as was acknowledged with the previous development and building applications, and SEPP 1 variation, submitted to Council in 1992.

Subsequent to the Council resolutions various Building Certificates were issued for the property as the building application and Development Consent could not deal retrospectively with the already constructed building. The last Building Certificate was issued in February 2003 and expired in February 2010 (Note: A Building Certificate prevents the Council from making an Order or taking proceedings on the structure the subject of the Certificate for a period of seven years).

The current application proposes to increase the existing dwelling containing four bedrooms, a single bathroom, laundry, a modest kitchen, living, dining and rumpus room with an attached garage (11.23m x 9m) to a dwelling containing two bathrooms and ensuite, increased living areas, increased bedroom sizes with a walk-in-robe to the master bedroom, office/study, butler's pantry and extend the attached garage (11.23m x 16.42m). This represents an increase in size of the existing structure by 54.8%.



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Figure 1: Image Showing Construction Works Undertaken and Proposed
Description of the site

The subject land is a rectangular shaped battle-axe lot with access to Pitt Town Bottoms Road and has direct access to the Hawkesbury River. The land totals 2.112 hectares in area and falls towards the river. Improvements on the land comprise the existing dwelling, the subject of the application, and various ancillary structures; see History of the property below.

History of the Property

30 July 1991 Application lodged for subdivision.

2 September 1991 A Memorandum was placed on file concerning a meeting held on 28 August 1991 between the applicant and Council staff regarding the processing of the subdivision application. During the meeting it became evident that the applicant had built a dwelling on the land without Council approval and that it was a substantial structure. The applicant indicated that he did not apply for permission as he knew that it would not be forthcoming because of the flood nature of the land. The applicant also indicated that: *"this is the second dwelling he had built on the land as the first dwelling had washed away in a recent flood."*

It was also noted that there is no approval records for the first dwelling on the property following a search of Council records. The applicant acknowledged that the first dwelling was converted from a boat shed for which Council does not have any record.

10 September 1991 Letter sent to the owner advising that the building was erected without approval and contrary to the HLEP 1989 – Development of Flood Liable Land. The applicant was requested to show cause within 14 days why proceedings should not be instigated to have the building demolished.

18 September 1991 Letter from the lessee of the property stating that a previously inhabited building was swept away by flood in August 1990 and outlining why the new dwelling was built without approval.

18 December 1991 A Notice under section 317B(i) of the Local Government Act 1919, was issued to the owner of the property ordering the demolition of the building. This notice expired on 18 February 1992.

January & February 1992 Various letters provided comment or knowledge of a dwelling being on the property for a number of years.

11 February 1992 A report was prepared for the 'General Purpose Committee Planning & Development' held on 28 January 1992.

The report outlined the history of events to date and the fact that there was no approval on record for the dwelling. The report advised that:

"The Council and State Government have supported removal of development from the flood plain wherever possible. As the site is directly in the main floodway, there is no professional basis to allow it to remain. Should Council wish to allow the building to remain it should request a certificate from the applicant by an appropriate

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structural engineer as to the adequacy of the building to withstand flood inundation and flood velocities and an indemnity to Council's Solicitor's satisfaction which indemnifies Council insofar as is possible against all matters pertaining to retention of the building".

It was recommended that:

"The matter be reported to Council at the expiration of the Notice to demolish for determination as to a course of action."

This recommendation was adopted by Council at the Ordinary Meeting of 11 February 1992.

10 March 1992

An additional report was presented to Council at the Ordinary Meeting held on 10 March 1992. The report outlined the fact that:

"Planning legislation provides for the continuation of an existing use where that use has been made unlawful by the gazettal of a subsequent planning instrument. It is generally accepted that the existing use had to be lawful in the first instance to avail itself continuation right."

The report further outlined that:

"it appears that the Committee has recognised existing use rights pertaining to the older dwelling. Accepting this, then the landowner has a right, because of planning legislation, to rebuild the existing dwelling. The floor space of the dwelling should not provide for any expansion greater than 10%. It would appear that the new dwelling has exceeded this 10% requirement but, more importantly, has been carried out without the relevant development consent having been granted as is required both in the planning legislation and in the local environmental plan."

In the light of this advice it was resolved:

"A. That Council accept existing use rights over the property for residential purposes.

B. That the landowner be invited to submit, or consent to submitting of development and building applications for consideration. The application to include:

- 1. Details from a structural engineer to the adequacy of the building to withstand flood immersion and velocities and to also include normal provisions relating to disposal of wastes, and the provision of potable water.*
- 2. Details as to how the roof water collection on the building is to be undertaken and collected in an*

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approved water collection tank in accordance with Council's adopted policies."

Note: Council does not have the power to 'grant' Existing Use Rights under the Act. Only the Courts have that power. However, Council can 'accept' a use as existing and allow that use to remain.

In the report and minutes there was also mention of the possibility of limiting any existing use right to the current owner and/or upon determination of any development or building application that the existing use right be surrendered. This indicated that there was intent to limit the potential future impacts from having a dwelling in such a flood prone area. However, this was not resolved by Council.

17 March 1992

A Special Meeting of Council was held and it considered a Rescission Motion to the Council resolution of 10 March 1992. As part of the preparation for this meeting the Divisional Manager prepared a Memorandum dated 17 March 1992 to the General Manager providing a research history of the property and in conclusion advised that:

"There are no provisions in the current LEP for the business, nor the shed, to be approved as the LEP precludes all development below the 1:10 year flood frequency".

3 April 1992

The rescission Motion was lost.

A combined Development Application (DA) and Building Application (BA) were submitted. At the General Purpose Committee Meeting of 1 June 1993 it was recommended that the Engineering Certificate provided with the application be accepted and that the SEPP 1 objection be accepted regarding the size of the building.

28 April 1993

It was also recommended that a Building Certificate be issued for the dwelling.

8 June 1993

An application was lodged for a Building Certificate (000145/93).

11 June 1993

At the Ordinary Meeting held on 08/06/1993 the recommendation to issue a Building Certificate was adopted.

21 October 1993

Building Certificate was issued.

11 July 1995

A Building Application (BA1236/93) was lodged and approved for the construction of a carport roof and posts over an existing slab measuring 11m x 9m.

11 January 1999

A Building Application (BA034/95) was lodged and approved for the construction of a patio awning measuring 2.8m x 4.2m.

3 March 1999

Application was made for Building Certificate and determined 14 January 1999.

7 December 2000

Property was sold to new owner.

22 September 2000

Notice of Intent served for illegal works to the river bank.

February 2003

Letter sent to the new owner with regards to the use of the site without consent as truck depot and storage of landfill material, sand and gravel.

Building Certificate application lodged and determined.

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19 September 2006	DA0673/06 & CC0520/06 for a Shed and amenities - Class10(a) Structure of 90.72m ² determined and approved.
25 May 2009	Property was sold to new owner.
18 October 2011	Letter sent to owners directing them to cease use of the building approved under DA0673/06 for the purposes of a Dual Occupancy and to return it to its previous state i.e. that of a storage shed.
2 February 2012	Section 149 Planning Certificate issued to McGillivray Solicitors (Their reference - Murphy) advising that the land is subject to flood related development controls and tidal inundation.
29 February 2012	Property sold to current owners.
11 May 2017	Complying Development Certificate (CDC) was issued by a Private Certifier for a Rural Shed of 432m ² .

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979

In determining the application, Council is required to take into consideration the following matters as are relevant to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has historically been used for residential purposes and there is no evidence to suggest that the site is contaminated to the extent that would prevent the land from continuing to be used for residential purposes. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean river system by ensuring potential impacts of future land uses are considered in a regional context. An assessment of the proposal has identified that the development is considered unacceptable having regard to the following planning policies and development controls of this policy.

Planning policies of Clause 6 subclause (7) Riverine scenic quality

The existing dwelling maintains the established pattern of development when viewed from the Hawkesbury River. However, it is considered that the proposed alterations and additions will have an impact on the overall scenic quality of the riverine corridor as it will be adding to the bulk and scale of the existing development on the property.

Development controls of Clause 11, subclause (16) Land uses in riverine scenic areas

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This clause applies to the development as the land is located within an area of regional significance. As previously mentioned in this report the dwelling relies upon existing use rights but it already exceeds the area permitted to be relied upon for the utilisation of the existing use rights provisions. The proposed alterations and additions are substantial i.e. 54.8% more than the existing dwelling which will add significantly to the bulk and scale of the development and is considered not to be in keeping with the scenic character of the area.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been issued for the proposed development.

Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU2 Rural Landscape. The proposed development is for alterations and additions to a dwelling house, which is a permitted land use with development consent in the zone.

An assessment of the proposal against the following specific clauses of the LEP is included below.

Clause 2.3 Zone objectives and Land Use Table

The objectives of this zone are mostly concerned with protecting sustainable primary industry production, maintaining the rural landscape character, providing for a range of compatible uses, minimising fragmentation and alienation of land, preserving the features of scenic quality and to ensure that no unreasonable demands are placed for the provision or extension of public amenity and services. In this regard it is considered that the two most relevant objectives to this proposal are the following:

- *"To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services."*

The proposal is to increase the existing dwelling by 54.8% from a modest dwelling to a more substantial dwelling. The proposal will result in a larger visual impact and it is considered that the proposal will detract from the scenic quality when viewed from the Hawkesbury River therefore not being consistent with this objective.

Consideration needs to be given to the demand that will be placed on the need for provision or extension to the public amenity or services to the proposed development, especially in the event of even a minor flood event. There would also be damage and loss to property which is unlikely to be insured and there could also be potential for loss of lives. Approving intensification of flood prone land would create unreasonable demands on public emergency services prior to and after a flood event and is not recommended.

Clause 4.3 Height of buildings

The building complies with the minimum building height requirement of 10m.

Clause 4.6 Exceptions to development standards

There is no exception to a development standard being sought as part of this application.

Clause 5.10 Heritage Conservation

The land is not identified as containing an item of environmental heritage.

Clause 6.1 Acid Sulfate Soils

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The proposal is on land that has been identified as containing Class 4 acid sulfate soil on the Acid Sulfate Soil Map. The proposed works do not involve any works that is likely to lower the water table and consequently does not fall within the definition of works contained in Clause 6.1(2).

Clause 6.3 Flood planning

The land is subject to flood related development controls. There are a range of design floods in the locality as follows:

- 1 in 5 year Average Recurrent Interval (ARI) level is 11m AHD
- 1 in 20 year ARI level is 13.7m AHD
- 1 in 100 year ARI level is 17.3m.

The proposed development is located on land that is approximately 9m AHD. The finished floor level of the existing dwelling is 9.29m AHD. The land is subject to high hazard mainstream flooding which has resulted in a previous dwelling being washed away during a 1:20 year flood event in 1990.

The dwelling floor level is below all flood levels as follows;

- below the 1 in 5 year level by 1.71m
- below the 1 in 20 year level by 4.41m
- Below the 1 in 100 year level by 8.01m.

This places both residents and property at significant risk, even in a minor flood event. As stated previously approving intensification of flood prone land would create unreasonable demands for public emergency services prior to and after a flood event.

Clause 6.3(3) of the LEP 2012 serves to prevent Council from granting consent to a proposal where the Council is not satisfied that:

- the development is compatible with the flood hazard of the land
- incorporates appropriate measures to manage risk to life from flood
- is not likely to result in unsustainable social or economic costs to the community as a consequence of flooding.'

It is considered that given the very low floor level (being 1.7m below the 1 in 5 year flood level and 8 metres below the 1 in 100 year flood level), the occupants from this particular development would be at an increased, significant risk and exposure to flood events. This is coupled with the fact that there would be limited or no emergency services available to attend this area as these would be concentrated in the more densely populated areas. These factors combined with the cumulative impact of residents in the general vicinity evacuating in a flood in an 'ad hoc' manner with limited assistance means that there is no certainty that the existing or increased development can be safely occupied and evacuated.

When considering Clause 6.3 – Flood Planning of the Hawkesbury LEP 2012, the additions proposed are considered to be inconsistent with the objectives of the clause in that intensifying the use will not result in minimising the flood risk to life and property or allowing development that is compatible with the land's flood hazard.

The consequence of a large scale event with large scale damages, where many in the community are without homes for a substantial period of time, would place an unsustainable economic and social cost upon the general community. Assistance would most likely be required to fund the cost of temporary accommodation, clean-up operations and re-development work. This would not be a responsible position in which to place the community as a result of approving intensification of development in the high risk floodplain.

It is considered that the proposal is not acceptable in terms of flood risk to life and property.

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Development of Flood Liable Land Policy

The proposed development is not consistent with Council's Development of Flood Liable Land Policy.

Subclause (1) of the Policy states "*a building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI flood event level for the area in which the land is situated except as provided by subclauses (3) and (5).*" (Subclause (5) relates to outbuildings and is not applicable to this current application).

Subclause (3) states "*a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*" (The commencement day being 22 January 1999)

The floor height standard when the structure was built was 16m AHD. In this regard the floor level of any rebuilt structure or extension should be 13m AHD or higher.

The proposed additions with a floor level of 9.29m AHD will not be able to meet this requirement as the floor level of the proposed extensions will be 3.71m below the floor height standard as required by the policy.

Subclause (4) states, in part "*the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*"

The alterations proposed include increased living areas, larger kitchen, additional bathrooms and the inclusion of an office/study area, which would indicate that the dwelling would be significantly larger and no longer a modest dwelling. The access to the site is via Pitt Town Bottoms Road in an easterly direction to Bathurst Street and the Pitt Town village. Pitt Town Bottoms Road crosses a creek in this vicinity, is lower than the access driveway to the subject land and is cut off at that point in times of heavy rain. In this regard the evacuation access route from the subject land is "*through areas of higher flood hazard risk*" and does not comply with this requirement.

Clause 6.4 Terrestrial Biodiversity

The land is not identified as containing any Endangered Ecological Community, nor containing vegetation with any Conservation Significance or containing any connectivity of vegetation between Remnant Vegetation.

Clause 6.7 Essential Services

Essential Services are currently provided to or are provided onsite.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (DCP) 2002

The proposal is consistent having regard to the car parking & access and residential chapters of the DCP. An assessment of the proposal against the relevant chapters of this DCP follows:

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Part A Chapter 3 Notification

The application was not required to be notified.

Part C Chapter 2 Car Parking and Access

The current parking arrangement meets the needs of the development.

Part D Chapter 1 Residential Development

The proposed development is consistent with the overall aims, objectives and rules of this chapter.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

N/A

v. Matters prescribed by the Regulations:

Should the proposal be supported the development would be subject to being completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code and be levied against Council's Section 94A Contributions Plan 2015.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

The impacts envisaged with the proposal relate to the development of the land that is subject to high hazard flooding. The significant risk to life and property and the cost impact that it would have on the community have been discussed previously in this report.

c. Suitability of the site for the development:

The Deposited Plan indicates an easement for a 'Transmission Line' located where the proposed alterations and additions are located. The applicant has advised that they have secured an agreement with the beneficiary of the easement for the extinguishment of the easement and removal from the Title for the Land. However, the easement has not yet been extinguished.

The land is subject to significant flood inundation in frequent flood events. This includes up to 1.7m inundation in the 1 in 5 year flood event. Whilst Council has previously accepted the presence of the dwelling on the site, it is considered that the proposal to extend that dwelling is unsuitable due to this significant flood risk.

d. Any submissions made in accordance with the Act or the Regulations:

Public Submissions

This proposal was not required to be exhibited under the HDCP 2002.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal is inconsistent with the aims and objectives of the relevant flood planning controls and matters for consideration discussed in this report.

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Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. In particular the proposal is considered unacceptable having regard to the matters of Clause 6.3 Flood planning. The proposed development is located on land affected by high hazard mainstream flooding and is therefore considered not compatible with the flood hazard of the land.

Furthermore the capital investment incurred by undertaking the proposed additions is likely to result in a significant capital loss to the owner and community in the event of flooding.

Regardless of the size of the proposed alterations in this current application it is not appropriate to permit more intense residential development in an area of such flood risk. If an application was proposing a new dwelling on the site where there was no existing dwelling, a recommendation for refusal would be made due to the significant flood risk to life and property at this site.

It is recommended that the application be refused.

Planning Decision

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

RECOMMENDATION:

That development application DA0603/16 at Lot 32 DP 830830, 507 Pitt Town Bottoms Road, Pitt Town Bottoms for Dwelling House - Alterations and additions to existing dwelling be refused for the following reasons:

1. Hawkesbury Local Environmental Plan 2012

The subject application is considered inconsistent with the provisions contained in Hawkesbury Local Environmental Plan 2012.

Particulars:

- Clause 1.2 Aims of Plan

The proposal is inconsistent with Clause 1.2 (2)(a) in that the application has not demonstrated that it satisfies the management, orderly and economic development of land having regard to the environmental constraints affecting the site.

The proposal is inconsistent with Clause 1.2 (2)(b) in that the application has not demonstrated that the location of the development is appropriate having regard to flood risk associated with the subject land.

- Clause 6.3 Flood planning

The proposed is inconsistent with Clause 6.3 (1)(a) in that the application has not demonstrated that it will not result in an increase in flood risk to life and property associated with the proposed intensification of residential use of the land.

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The proposal is inconsistent with Clause 6.3 (1)(b) in that the application has not demonstrated that the development is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.

The proposal is inconsistent with Clause 6.3(3) (a) and (e) in that the development is incompatible with the identified flood hazard of the land and that approval of the development would not result in unsustainable social and economic costs to the community as a consequence of flooding.

2. Development of Flood Liable Land Policy

The subject application is considered inconsistent with the provisions contained in Councils Development of Flood Liable Land Policy.

Particulars:

- The proposal is inconsistent with Clause 3.0 (3) in that the floor level of the proposed additions are not less than the three metres below the floor height standard for the land.
- The proposal is inconsistent with Clause 3.0 (3) in that the existing dwelling house subject of this application was not lawfully situated on the land.
- The proposal is inconsistent with Clause 3.0 (4) in that intensification of a residential use on land that is accessed via a road that passes through area of higher flood hazard would result in the potential for a higher number of occupants being placed at risk requiring rescue during a flood event.

3. Contrary to Public Interest

In the circumstances approval of the development would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Aerial Map

AT - 3 Plans

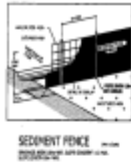
ORDINARY MEETING
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AT - 2 Aerial Map

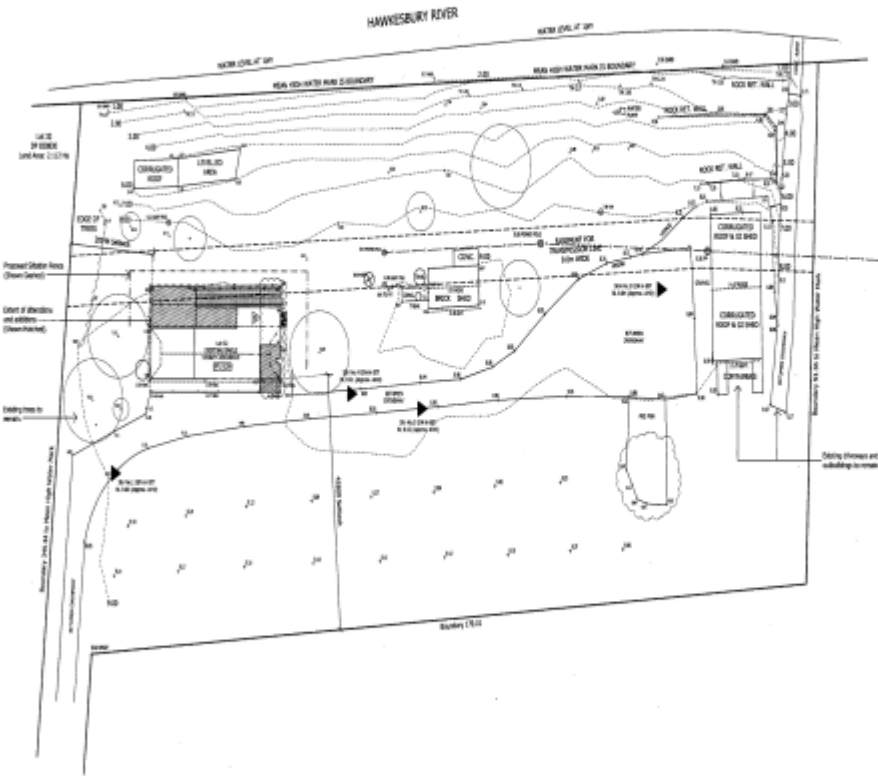
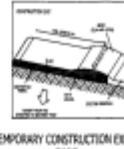


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AT - 3 Plans



STANDARD NOTE:
 Proposed new dimensional lines to connect into existing system.



NOTES

- Provide kerbside location in accordance with AS 2885.1 - 2005
- All new infrastructure to be constructed in accordance with Part 3.1.1 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.2 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.3 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.4 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.5 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.6 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.7 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.8 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.9 of the BCA
- All new infrastructure to be constructed in accordance with Part 3.1.10 of the BCA

BUILDING CALCULATIONS

SITE AREA	1.1579m
EXISTING BUILDINGS -	
Living Area	28.70m ²
Garage	28.70m ²
PROPOSED ADDITIONS -	
Living Area	62.70m ²
Garage	62.70m ²
Pool	62.70m ²

COPYRIGHT STATEMENT

All works carried out shall be done in strict compliance with the provisions of the Building Code of Australia, State Building Regulations & Local Authority requirements.

Contractors shall check all dimensions on site prior to commencement of any work.

Figure dimensions have preference to walls. Do not scale drawings.

All dimensions are to be brought to the attention of the author.

It is the responsibility of the contractor to check all dimensions on site.

All drawings will also be responsible for any other dimensions or variations, all changes and specifications must be documented.

These drawings are copyright and property of the author and must not be copied, copied or used without the written consent of the author.

DATE	DESCRIPTION	ISSUE	PAGES
01.12.15	Development Application	A	A2
01.12.15	Revisions of final and revised of other drawings including layout final plan	B	A2

Proposed Alterations & Additions to an Existing Residence

Lot 32 DP 832632
 No. 507 PHE Town Bottoms Road,
 FITT TOWN BOTTOMS

For: Mr. & Mrs. D & L Murphy

Scale

DATE	ISSUED	SCALE
01.12.15	HC	1:500 @ A2

15088 - 01/15 DA

ACM DESIGN CONSULTANTS

PROFESSIONAL ENGINEERS & ARCHITECTS

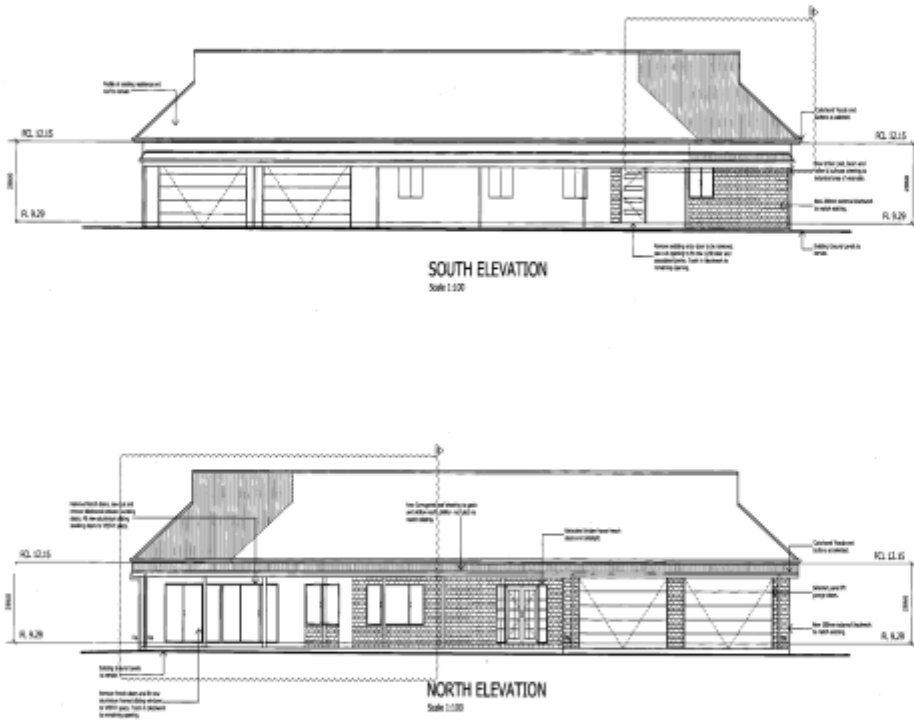
PO Box 110 HORSLEY PARK NSW 2115

Member: 97348888 Inc. NSW 97348888

Document Set ID: 2018008
 Version: 1, Revision Date: 25/06/2018



ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

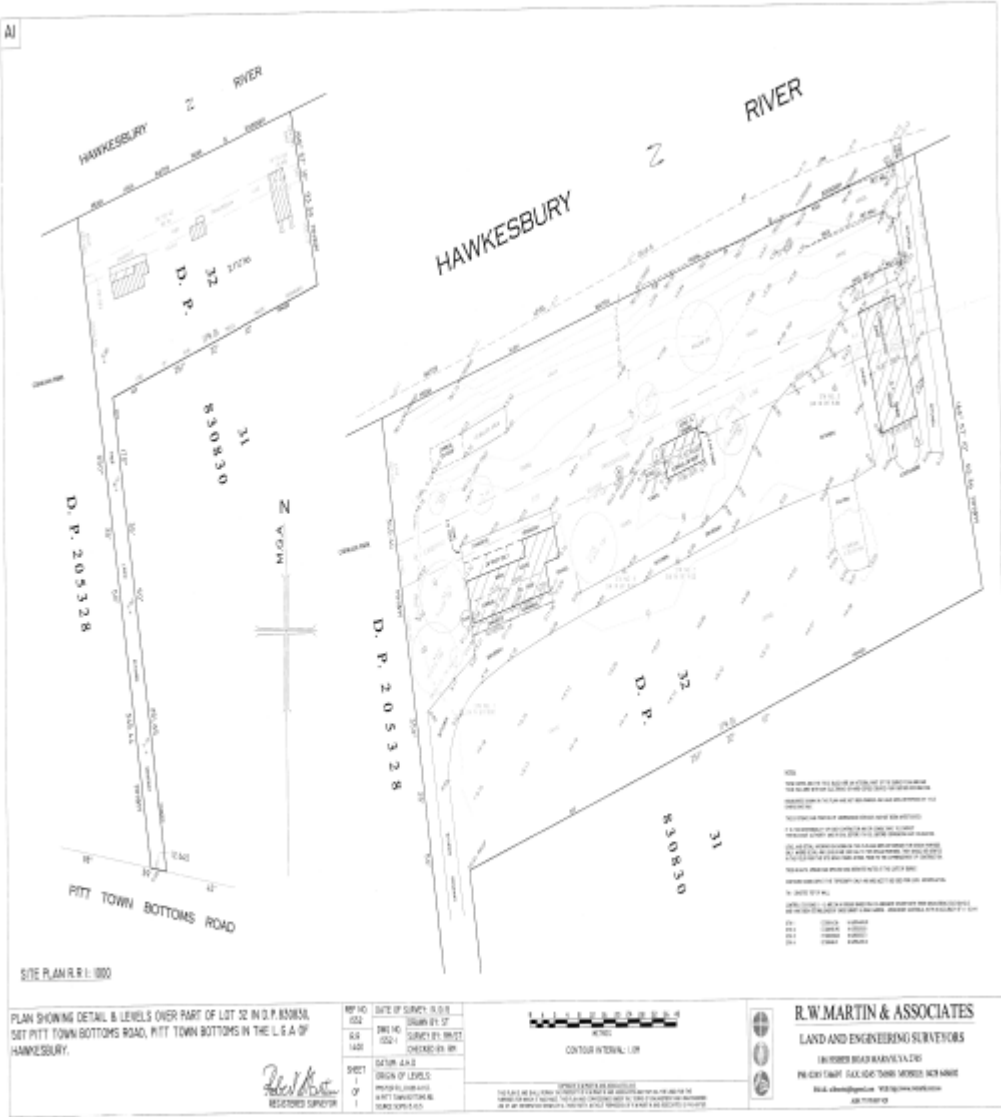


NOTES			
<ul style="list-style-type: none"> - Provide Timber-Framed in accordance with AS 1600 - 2007 - Roof area corresponding to ground level and the floor levels shall comply with Part 3.3.2 of the BCA - All floor slabwork to comply with Part 3.1.1 of the BCA - All concrete to be reinforced with steel reinforcement and to comply with Part 3.1.1 of the BCA - All concrete walls, floors and ceilings shall comply with Part 3.1.1 of the BCA - All concrete to be reinforced with steel reinforcement and to comply with Part 3.1.1 of the BCA - All concrete to be reinforced with steel reinforcement and to comply with Part 3.1.1 of the BCA - All concrete to be reinforced with steel reinforcement and to comply with Part 3.1.1 of the BCA 			
BASIC NOTES			
GENERAL NOTES 1. All work shall be in strict accordance with the provisions of the Building Code of Australia, State Building Regulations and local authority requirements. 2. All dimensions are to be taken to the exterior of the building. 3. All dimensions are to be taken to the exterior of the building. 4. All dimensions are to be taken to the exterior of the building. 5. All dimensions are to be taken to the exterior of the building. 6. All dimensions are to be taken to the exterior of the building. 7. All dimensions are to be taken to the exterior of the building. 8. All dimensions are to be taken to the exterior of the building. 9. All dimensions are to be taken to the exterior of the building. 10. All dimensions are to be taken to the exterior of the building.			
COPYRIGHT STATEMENT			
* All works carried out shall be in strict accordance with the provisions of the Building Code of Australia, State Building Regulations and local authority requirements. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building. * All dimensions are to be taken to the exterior of the building.			
DATE	DESCRIPTION	ISSUE	PAGES
11.11.17	Developed Application	1	A1
11.11.17	Revised Application	2	A1
Proposed Additions & Additions to an Existing Residence Lot 12 DP 800030 No 507 Pitt Town Bottoms Road, PITT TOWN BOTTOMS For Mr. & Mrs. D & L Murphy			
Title Elevations Author Adrian Designer HC Date Scale 1:100 @ A2 Date 15/08 - 05/05 DA Scale B			

DESIGN CONSULTANTS
 10/111 HERVEY PARK NEW 2116
 Member: G.D.A.H.R. Inc. A.C.N. 08 303 881

Document Set ID: 5018558
 Version: 1, Version Date: 25/06/2016

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018



oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

GENERAL MANAGER

Item: 024 **GM - Housing Ends Homelessness 2018 Conference (79351)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider the nomination and attendance of councillors and appropriate staff at the Housing Ends Homelessness 2018 Conference to be held from 15 to 16 March, 2018.

EXECUTIVE SUMMARY:

Due to the Conference topic and its relevance to Council's business, Council may wish to consider representation at the Conference.

RECOMMENDATION SUMMARY:

Approval of nominated Councillors and staff as considered appropriate by the General Manager, at the Housing Ends Homelessness 2018 Conference to be held from 15 to 16 March, 2018.

REPORT:

Context and Background

Consideration is required regarding attendance at the Housing Ends Homelessness 2018 Conference which will be held in Wollongong from 15 to 16 March 2018.

Detailed History, including previous Council decisions

Homelessness NSW will host the Housing Ends Homelessness 2018 Conference from 15 to 16 March 2018 in Wollongong.

The 2018 Conference theme is 'Housing Ends Homelessness' which highlights the importance of investing in social and affordable housing options to prevent and respond to the growing rates of homelessness. The conference will bring together housing and homelessness service professionals from the private, not for profit, corporate and government sectors to share expertise and collaborate on the development of new initiatives to address homelessness.

Cost of attendance at the Housing Ends Homelessness conference will be approximately \$1,910 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2017/2018	\$48,000
Expenditure to date	\$12,907
Outstanding Commitments	\$0
Budget balance as at 1 February (approx. including outstanding commitments)	\$35,093

ORDINARY MEETING
SECTION 3 – Reports for Determination
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Policy considerations

The Policy regarding payment of Facilities and Provision of Facilities to Councillors should be considered as part of this report.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Community

2.4 Community wellbeing and local services - Build on a sense of community and well being

2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.

2.4.2 Provide flexible services that can adapt to changing community needs and service demands.

Discussion

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

Financial Implications

The matters raised in this report have direct financial implications, however, funds are provided for in the 2017/2018 Adopted Operational Plan.

Fit For The Future Strategy Considerations

Funded from existing budget allocations adopted by Council in the context of its Fit for The Future Strategies.

Conclusion

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Housing Ends Homelessness 2018 Conference at an approximate cost of \$1,910 plus travel expenses per delegate be approved.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered by the General Manager, at the Housing Ends Homelessness 2018 Conference at an approximate cost of \$1,910 plus travel expenses per delegate be approved.

ORDINARY MEETING
SECTION 3 – Reports for Determination
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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

Item: 025 **GM - Local Government NSW Annual Tourism Conference (79351, 79633)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider the nomination and attendance of a Councillors and appropriate staff at the Local Government NSW Tourism Conference to be held from 12 to 14 March, 2018.

EXECUTIVE SUMMARY:

Due to the Conference topic and its relevance to Council's business, Council may wish to consider representation at the Conference.

RECOMMENDATION SUMMARY:

Approval of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW Tourism Conference to be held from 12 to 14 March 2018.

REPORT:

Context and Background

Consideration is required regarding attendance at the Local Government NSW Tourism Conference 2018 which will be held in Parkes, from 12 to 14 March, 2018.

Detailed History, including previous Council decisions

The Local Government NSW Tourism Conference 2018 will be held in Parkes, from 12 to 14 March 2018.

The Local Government NSW Tourism Conference will give Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry

Cost of attendance at the Local Government NSW Tourism Conference will be approximately \$1,620 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2017/2018	\$48,000
Expenditure to date	\$12,907
Outstanding Commitments	\$0
Budget balance as at 1 February (approx. including outstanding commitments)	\$35,093

Policy considerations

The Policy regarding payment of Expenses and Provision of Facilities to Councillors should be considered as part of this report.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future

5.7 Tourism and Economic Development - Promote our community as the place to visit, work and invest

5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.

5.7.2 Develop Hawkesbury Tourism to enhance and strengthen opportunities within our tourism sector.

Discussion

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

Financial Implications

The matters raised in this report have direct financial implications, however, funds are provided for in the 2017/2018 Adopted Operational Plan.

Fit For The Future Strategy Considerations

Funded from existing budget allocations adopted by Council in the context of its Fit for The Future Strategies.

Conclusion

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW Tourism Conference 2018 at an approximate cost of \$1,620 plus travel expenses per delegate be approved.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW Tourism Conference 2018 at an approximate cost of \$1,620 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

Item: 026 **GM - Local Government NSW International Women's Day Luncheon (79351, 79633)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider the nomination and attendance of Councillors at the Local Government NSW International Women's Luncheon to be held on 8 March 2018.

EXECUTIVE SUMMARY:

Representation at the International Women's Day Luncheon is considered to be a celebration of leadership of women in local government and a networking opportunity for those in local government.

RECOMMENDATION SUMMARY:

Approval of nominated Councillors at the Local Government NSW International Women's Day Luncheon be approved.

REPORT:

Context and Background

Consideration is required regarding attendance at the Local Government NSW International Women's Day Luncheon to be held in Sydney, on 8 March 2018.

Detailed History, including previous Council decisions

The Local Government NSW International Women's Day Luncheon will be held in Sydney, on 8 March 2018.

The Luncheon is an opportunity to celebrate women in local government and network with other leaders in local government and hear from Anne Summers AO, Political and Social Author and Columnist.

Cost of attendance at the Luncheon is \$200, plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2017/2018	\$48,000
Expenditure to date	\$12,907
Outstanding Commitments	\$01
Budget balance as at 1 February (approx. including outstanding commitments)	\$35,093

Policy considerations

The Policy regarding payment of Expenses and Provision of Facilities to Councillors should be considered as part of this report.

ORDINARY MEETING
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Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.
 - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.
 - 1.4.2 Achieve higher strategic capacity through strategic alliances and partnerships.

Discussion

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

Financial Implications

The matters raised in this report have direct financial implications, however, funds are provided for in the 2017/2018 Adopted Operational Plan.

Fit For The Future Strategy Considerations

Funded from existing budget allocations adopted by Council in the context of its Fit for The Future Strategies.

Conclusion

That attendance of nominated Councillors at the Local Government NSW International Women's Day Luncheon at a cost of \$200 plus travel expenses per delegate be approved.

RECOMMENDATION:

That attendance of nominated Councillors at the Local Government NSW International Women's Day Luncheon at a cost of \$200 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

SUPPORT SERVICES

Item: 027 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to table a Disclosure of Pecuniary Interests and Other Matters Return, which has been recently lodged by a Designated Person, as required by Section 449(1) of the Local Government Act 1993.

EXECUTIVE SUMMARY:

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

One such Return has recently been lodged with the General Manager, and is now tabled at the first Council meeting held after the required lodgement date.

RECOMMENDATION SUMMARY:

That the information be received and noted.

REPORT:

Context and Background

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Section 441 of the Local Government Act.

Designated Persons are required by Section 449 of the Local Government Act to complete a Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

These Return forms must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council, and must be tabled at the first Council meeting held after the required lodgement date.

Policy considerations

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*

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2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
- (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

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

Discussion

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Building Services Controls Officer	6 November 2017	29 January 2018

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Return.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection if requested.

Fit For The Future Strategy Considerations

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

Financial Implications

There are no financial implications applicable to this report.

Conclusion

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The Designated Person has lodged their Section 449(1) Return with the General Manager prior to the required due date.

The Return has now been tabled at a Council meeting as required by the Local Government Act, and is available for inspection if required.

RECOMMENDATION:

That the Section 449(1) Pecuniary Interest Return be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

Item: 028 **SS - Withdrawal of Caveat held over 47 Hawkesbury Valley Way, Windsor - (95496, 112106)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement to withdraw the caveat held over 47 Hawkesbury Valley Way, Windsor.

EXECUTIVE SUMMARY:

Council received written notification from the Chairperson of Fitzgerald Aged Care, owners of the 48 bed aged care facility at 47 Hawkesbury Valley Way, Windsor, asking for approval to change their name on the title deeds and the eventual withdrawal of the caveat held by Council over the property that has been in place since 1995.

RECOMMENDATION SUMMARY:

That Council agree to remove the caveat held over 47 Hawkesbury Valley Way, Windsor.

REPORT:

Context and Background

The Chairperson of Fitzgerald Aged Care, owners of the 48 bed aged care facility at 47 Hawkesbury Valley Way, Windsor, wrote to Council in October 2017 requesting the approval of Council to change their name on the title deeds and the withdrawal of the caveat held over the property by Council that requires them to formally seek this approval.

Fitzgerald Aged Care has recently changed their corporate structure and would like to change their name on the title from Fitzgerald Memorial Hostel Incorporated to their current name, Fitzgerald Memorial Aged Care Facility Limited. Therefore, they required written consent from Council for the name change and in addition, have taken the opportunity to seek total withdrawal of the caveat.

Council wrote to Fitzgerald Aged Care in December 2017 giving consent to the name change and in principle approval for the withdrawal of the caveat. Council has now received the appropriate legal documentation from Fitzgerald Aged Care for execution to enable the total withdrawal of the caveat.

Detailed History, including previous Council decisions

Council records indicate that the subject property was purchased by Council in February 1993 on behalf of Fitzgerald Memorial Hostel Association as they were not incorporated and couldn't obtain the government funding being offered at the time for these services. In July 1993, Council resolved to sell the property for the same purchase price to Fitzgerald Memorial Hostel Incorporated. The matter did not settle until late December 1994.

During in the negotiations between July 1993 and December 1994, a caveat in Council's favour was placed on the title stating that Council had 'The right of first refusal to purchase the Registered Proprietors interest in the Land'. Council's records are vague as to why this was done, and there is no mention of the caveat in any of the reports to Council.

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It would appear that the caveat was placed on the property due to Council's initial financial interest in the property and the service the proposed facility was to provide to the community. Documentation viewed indicates that Council at the time wanted to ensure the purchaser followed through with the construction of the facility and provided the services intended for the site. Alternatively, if a financial issue arose, Council could have purchased the land back and commissioned another provider to complete the project or undertake the project itself.

Discussion

The subject property has not been identified for purchase by Council or included in any previous Property Development Strategies for acquisition. The facility has been operating since 1995 and Council's involvement has long ceased.

Based on the above, Council staff have no objection to the withdrawal of the caveat. The owner of property has prepared the necessary legal documentation for the removal of the caveat and forwarded the documentation to Council for signing.

The removal of the caveat will have no impact on Council's commercial property arrangements or strategies moving forward.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

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

Financial Implications

There are no financial implications applicable to this report.

Fit For The Future Strategy Considerations

This proposal is not specifically aligned with a Fit For The Future Strategy.

Conclusion

It is recommended that Council endorse the removal of the caveat for the subject property and that authority be given for Seal of Council to be affixed to the appropriate documentation.

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SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

RECOMMENDATION:

That:

1. Council endorse the withdrawal of caveat held over 47 Hawkesbury Valley Way, Windsor - Lot 211 DP806061, and the necessary documentation be provided to NSW Land Registry Service.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 February 2018

Item: 029 **SS - Review of Seal of Council Policy - (95496, 96333)**

Directorate: Support Service

PURPOSE OF THE REPORT:

The purpose of this report is to introduce amendments to the Seal of Council Policy. The proposed amendments have been developed with the objective of protecting the integrity of Council's Seal.

EXECUTIVE SUMMARY:

In November 2017, Council's Internal Auditor – Centium Group Pty Ltd published a report detailing the outcomes of the Commercial Leases and Property Management Review, which was conducted by the Group in conjunction with Council's Corporate Services and Governance, Building and Associated Services, and Financial Management Departments.

One of the recommendations made in this report was that Council improve its Policy and procedure that dictate the use of Council's Seal.

Council staff have now drafted a revised Seal of Council Policy, which is much more detailed than the current Policy.

RECOMMENDATION SUMMARY:

That the revised Council's Seal of Council Policy be placed on public exhibition, and the outcome of the exhibition period be further reported to Council.

REPORT:

Context and Background

Council's Internal Auditor – Centium Group Pty Ltd conducted a review of Council's commercial leasing and property management processes. One of the areas examined during the review was Council's use of delegated authority in leasing matters. The report indicates that Council makes appropriate use of delegation in property matters, and these delegations are supported by required formal documentation, such as Council's Delegations Register.

The use of Council's Seal was examined during the delegated authority part of the review, as a resolution of Council is required to invest staff with the authority to affix the Council Seal to a legal document, such as a property lease agreement. Although Council currently fulfils this requirement of preparing a Council resolution for each document to be Sealed, the audit report identified Council's current policy on the use of Council's Seal as a "moderate" risk to Council's compliance. This is because Council's current adopted Seal of Council Policy and the associated internal procedure are out dated and inadequate for purpose.

The recommendation resulting from this finding was that Council adopt a new Seal Policy with more detailed information describing how and in which situations the Seal is to be used. An updated Seal of Council Policy, included as Attachment 1 to this report, has now been prepared.

Council staff are currently investigating which Council documents require the Seal of Council to be affixed.

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Detailed History, including previous Council decisions

No previous Council decisions applicable to this report.

Policy considerations

The current Seal of Council Policy was first adopted by Council on 13 September 1994, and was last revised on 16 May 1998. The Policy states only that "The Seal of the Council be maintained by the General Manager in the safe of the administration building."

Since that time of revision, legislative requirements for the use of the Council Seal have changed. Part 13 (Division 1) (400) of the *Local Government (General) Regulation 2005* outlines the regulations affecting the use of the Council Seal, and these regulations have been addressed in the revised Policy as far as is practicable. In particular, (400)(4) of the *Regulation* states that "*the seal of a council must not be affixed to a document unless...the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*" This Regulation may currently not be completely complied with by Council, as under current practice Council's resolutions state that "any documentation in association with this matter" may be executed under the Seal of Council.

As was recommended in the leasing and property audit, the new Policy clearly outlines the responsibilities of all Council officials involved with preparation of documents and execution of the Seal. The new Policy also specifies each type of document for which the Seal will be used. These sections regarding appropriate use of the Seal are supplemented by Council's Affixing the Council Seal internal procedure, which has been updated simultaneously with the Policy in order to reflect the requirements of the Regulations and recommendation of the audit.

Finally, the new version of the Policy is formatted in a manner that is consistent with other recently developed policies dealing with governance matters. This format includes subheadings clearly outlining aspects of the Policy such as Purpose, Objectives, Reporting Requirements, Definitions, and Roles and Responsibilities. These subheadings make the Policy much easier to interpret, for example by providing clear definitions for technical terms used within the Policy, and also ensure that key information, such as responsibilities of particular Council positions, can be quickly located.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's Policy.

Accordingly, the revised Seal of Council Policy will be placed on public exhibition for 28 days.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

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

Financial Implications

There are no financial implications applicable to this report.

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Fit For The Future Strategy Considerations

This matter is not specifically aligned with a Fit For The Future Strategy.

Conclusion

The recently conducted commercial leasing and property management review has revealed Council's current Seal of Council Policy to be a moderate risk to Council in terms of compliance, as it does not sufficiently protect the integrity of the Seal. The Policy may also not be completely compliant with the current Local Government (General) Regulations, and therefore in need of revision.

The new draft Policy was formulated in consideration of the recommendations made in the property audit report, and Local Government Regulations which have been introduced since the Policy was originally adopted. Adoption of the new Policy which identifies the specific circumstances under which the Seal may be used will improve Council's legislative compliance and protect the integrity of the Seal.

Therefore, it is proposed that the Council's Seal of Council Policy be placed on public exhibition for a period of 28 days and the matter be reported back to Council after the consultation period, along with any feedback received.

RECOMMENDATION:

That:

1. The Seal of Council Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. The outcome of the public exhibition period be further reported to Council.

ATTACHMENTS:

AT - 1 Draft Seal of Council Policy - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

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section 4

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SECTION 4 – Reports of Committees

Item: 030 **ROC - Hawkesbury Access and Inclusion Advisory Committee - 23 November 2017 - (124569, 96328)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Hawkesbury Access and Inclusion Advisory Committee, held on 23 November 2017.

RECOMMENDATION SUMMARY:

A number of the matters contained within the attached minutes of the Hawkesbury Access and Inclusion Advisory Committee have policy or financial implications to Council, and as such require special consideration by Council.

In relation to Items 4, 5 and General Business, as they have no policy or financial implications for Council, they are presented for information only.

In relation to Items 1, 2, and 3, as they have potential policy and/or financial implications, they require specific consideration by Council, the details of which are discussed below.

REPORT:

Discussion

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following items are of particular note to Council:

Item: 1 HAIAC - Reviewed Delegation of Authority to Committee

Following discussion on the Objectives of the Committee at the Committee meeting 26 October 2017, Council staff reviewed the Disability Inclusion Act 2014, in conjunction with the Committee Constitution, and reported proposed amendments to the Constitution to the meeting of 23 November 2017, where the Committee resolved:

"That:

1. *The Committee adopt two additional Objectives for inclusion in the Committee's Constitution, being:
 - (i) *To assist Council in the practical implementation of access and inclusion principles as defined in Council's Access and Inclusion Policy.*
 - (ii) *To oversee and monitor implementation of the Hawkesbury Disability Inclusion Action Plan 2017 – 2021.**

2. *That a report be prepared for the consideration of Council outlining the proposed amendments to the Hawkesbury Access and Inclusion Advisory Committee Constitution, as resolved by the Committee."*

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It is intended that these changes will assist to align the Constitution with the Disability Inclusion Act 2014, as well as reflect the work of the Committee as discussed in the associated report.

Item: 2 HAIAC - Access and Inclusion Checklist

The Committee considered ways in which the Access and Inclusion Audit checklist could be amended and marketed to increase uptake of the tool by the business community. The Committee resolved:

"That:

1. *The information be received*
2. *The Access and Inclusion Checklist be amended with the proposed changes, and the revised Checklist, approved by the Access and Inclusion Committee, be reported to Council for adoption.*
3. *A report to Council be prepared to also recommend that a list of businesses with proven accessibility be promoted on Council's website, and that appropriate signage be provided for display in shop fronts to provide recognition of access.*
4. *That a Working Group be established to develop a plan for promoting the Checklist and recognising accessible businesses in the Access and Inclusion Awards."*

Officers are reviewing access awareness campaigns that are similar to those currently being considered by the Committee, where Council 'brands' businesses that have made access improvements to their business. The outcomes of these reviews will be workshopped by the Working Group with recommendations to be reported back to the Committee in due course.

The Checklist is being updated in accordance with the recently adopted Hawkesbury Disability Inclusion Action Plan and to provide a tool to increase community participation and understanding of access audit activities.

Item: 3: HAIAC - Access and Inclusion Audits

The Committee received a verbal update of an access and inclusion audit that was undertaken by Council staff in conjunction with a member of the Committee at Hawkesbury Central Library. The Committee resolved:

"That:

1. *The information be received and noted.*
2. *ZoomText software be investigated and reported back to the Committee before being reported to Council for purchase consideration."*

Subsequent to the reported access and inclusion audit in January 2018, Guide Dogs Australia audited Hawkesbury Central Library in conjunction with Council staff. Guide Dogs Australia recommended 'Fusion' as their preferred software package over Zoomtext alone. Council officers are now investigating 'Fusion'. The financial implications of providing 'Fusion' on Council public use computers will be reported to Council in due course.

RECOMMENDATION:

That in relation to the Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on the 23 November 2017:

1. Council receive and note the Committee Minutes in respect of Items 4, 5 and General Business.

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2. Council endorse the Committee Recommendations in respect of Item 1, namely:

"That:

1. *The Committee adopt two additional Objectives for inclusion in the Committee's Constitution, being:*
 - (iii) *To assist Council in the practical implementation of access and inclusion principles as defined in Council's Access and Inclusion Policy.*
 - (iv) *To oversee and monitor implementation of the Hawkesbury Disability Inclusion Action Plan 2017 – 2021.*
2. *That a report be prepared for the consideration of Council outlining the proposed amendments to the Hawkesbury Access and Inclusion Advisory Committee Constitution, as resolved by the Committee."*

3. Council endorse the Committee Recommendations in respect of Item 2, namely:

"That:

1. *The information be received*
 2. *The Access and Inclusion Checklist be amended with the proposed changes, and the revised Checklist, approved by the Access and Inclusion Committee, be reported to Council for adoption.*
 3. *A report to Council be prepared to also recommend that a list of businesses with proven accessibility be promoted on Council's website, and that appropriate signage be provided for display in shop fronts to provide recognition of access.*
 4. *That a Working Group be established to develop a plan for promoting the Checklist and recognising accessible businesses in the Access and Inclusion Awards."*
4. In respect to part 3. above of the Committee Recommendations for Item 2, a further report regarding the access and inclusion checklist be prepared for consideration by Council.

5. Council endorse the Committee Recommendations in respect of Item 3, namely:

"That:

1. *The information be received and noted.*
 2. *ZoomText software be investigated and reported back to the Committee before being reported to Council for purchase consideration."*
6. In respect to part 5. above of the Committee Recommendations for Item 3, the software to be investigated is 'Fusion' in accordance with the recommendation from Guide Dogs Australia, and that a further report regarding financial implications of the implementation of 'Fusion' software will be prepared for consideration by Council.

ATTACHMENTS:

AT - 1 Minutes - Hawkesbury Access and Inclusion Advisory Committee - 23 November 2017.

ORDINARY MEETING
SECTION 4 – Reports of Committees

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AT -1: Minutes - Hawkesbury Access and Inclusion Advisory Committee - 23 November 2017

The meeting commenced at 4pm.

Present:	Councillor John Ross, Hawkesbury City Council Ms Jessica Brunskill, Community Representative Ms Kirsty Carpenter, Community Representative Mr Desmond Crane, Community Representative Mr David Gearin, (Deputy Chair) Community Representative Ms Jennifer Moses, Community Representative Ms Terri Mottram, Community Representative
Apologies:	Councillor Barry Calvert, (Chair) Hawkesbury City Council Mr David Briggs, Community Representative Ms Melanie Lawson, Community Representative
In Attendance:	Ms Meagan Ang, Hawkesbury City Council Ms Jan Readford - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Ms Terri Mottram and seconded by Councillor John Ross that the apologies be accepted.

Attendance Register of Hawkesbury Access and Inclusion Advisory Committee

Member	26/10/2017	23/11/2017	
Councillor Barry Calvert	✓	A	
Councillor John Ross	✓	✓	
Mr David Briggs	A	X	
Ms Jessica Brunskill	✓	✓	
Ms Kirsty Carpenter	✓	✓	
Mr Desmond Crane	A	✓	
Mr David Gearin	✓	✓	
Ms Melanie Lawson	A	A	
Ms Jennifer Moses	✓	✓	
Mr Terri Mottram	✓	✓	
Ms Karen Kobier	Resigned	N/A	

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Terri Mottram and seconded by Councillor John Ross that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 26 October 2017, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 HAIAC - Reviewed Delegation of Authority to Committee - (124569, 96328)

DISCUSSION:

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- Ms Ang advised that following a review of the Committee's Constitution, the Access and Inclusion Policy and the Access and Inclusion Action Plan, the proposed additional Objectives contained in the report now reflect the activities of the Committee.
- A report can now be prepared for Council suggesting the additional wording and will provide advice on why the Committee recommended the additional Objectives.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The Committee consider the additional Objectives detailed in the report for inclusion in the Committee's Constitution.
3. That a report be prepared for the consideration of Council outlining amendments to Constitution resolved by the Committee.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Ms Jessica Brunskill.

That:

1. The Committee adopt two additional Objectives for inclusion in the Committee's Constitution, being:
 - (v) To assist Council in the practical implementation of access and inclusion principles as defined in Council's Access and Inclusion Policy.
 - (vi) To oversee and monitor implementation of the Hawkesbury Disability Inclusion Action Plan 2017 – 2021.
2. That a report be prepared for the consideration of Council outlining the proposed amendments to the Hawkesbury Access and Inclusion Advisory Committee Constitution, as resolved by the Committee.

Item: 2 HAIAC - Access and Inclusion Checklist - (124569, 96328)

Previous Item: 6, HAIAC (13 October 2011)
 7, HAIAC (24 November 2011)

DISCUSSION:

- The following changes to the Access and Inclusion Checklist were suggested by the Committee:
 - The Checklist be given a 'plain English' overhaul as some wording is bureaucratic.
 - A front page summary of key points emphasising the value of completing the audit be inserted, and use words like 'Get more customers' and 'Improve your business'.
 - Market research be undertaken to understand what motivates businesses to be inclusive and accessible and assist to refine messaging.
 - Move the section 'Why carry out an access audit' closer to the beginning.

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- Develop brief 'success stories' of positive outcomes from doing an audit. These could also be circulated through a variety of means/multimedia.
 - Encourage business owners who have embraced the concept to be 'change champions' and promote the process to others.
 - The Checklist instead be promoted as an Disability Fit assessment.
- Disabled access signage be displayed in shop front windows, and businesses who have demonstrated a willingness to provide access assistance to be shown appreciation. The inclusion of a list of businesses with good access, to be included on Council's website, to encourage businesses to participate in the process.
 - The commitment by businesses who have undertaken an audit should be nominated for the Access and Inclusion Award. Ms Ang suggested that the Committee map out a plan considering the audit process, period, costing including advertising, and report back to the Committee for consideration, after which Ms Ang will provide a report to Council. It was agreed that a Working Group be established to include Ms Moses, Mr Crane, Ms Mottram and Ms Ang.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received
2. The Committee review the Access and Inclusion Checklist.
3. Recommended amendments to the Access and Inclusion Checklist are reported to Council for adoption.
4. Recommended strategies for promoting and implementing the Checklist to business and services.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jennifer Moses, seconded by Ms Kirsty Carpenter.

That:

1. The information be received
2. The Access and Inclusion Checklist be amended with the proposed changes, and the revised Checklist, approved by the Access and Inclusion Committee, be reported to Council for adoption.
3. A report to Council be prepared to also recommend that a list of businesses with proven accessibility be promoted on Council's website, and that appropriate signage be provided for display in shop fronts to provide recognition of access.
4. That a Working Group be established to develop a plan for promoting the Checklist and recognising accessible businesses in the Access and Inclusion Awards.

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Item: 3 HAIAC - Access and Inclusion Audits - (124569, 96328)

DISCUSSION:

- Ms Ang advised that an access audit of Windsor Library was conducted on 21 November 2017, together with Council staff. A number of issues were identified, particularly in relation to changes following the removal of the front counter and movement of various fixtures, and included: a need for tactiles at the entrance to the Library; a review of external signage, currently white on glass, which impacts on the visually impaired; and signage following the removal of the book return shute.
- The refurbishment changes in the Library are the result of a grant achieved from the State Government. Further changes are expected, including the installation of fabric type partitions between computers for privacy purposes.
- Committee members acknowledged the assistance provided by Council's Library to people with a disability, particularly those visually impaired.
- Various equipment/software is provided to assist visually impaired clients including a desktop magnifier. The Library also provides low cost ear phones to ensure the privacy of the user.
- ZoomText Magnifier and ZoomText Reader magnification software were identified as the most suitable *accessible windows software for the visually impaired, in preference to Jaws*.
- Ms Ang has spoken to Guide Dogs NSW in relation to access to water and the potential need to ensure the floor is free of staples. Guide Dogs NSW has advised that an Access and Advocacy Task Force member will contact the Library to arrange an audit.
- The Library has a small Working Group looking at signage and they have been asked to report back to the Access and Inclusion Advisory Committee which will provide the opportunity for the Committee to make recommendations. If feedback is received prior to the next meeting of the Committee, the information will be circulated.
- Ms Ang will discuss access to the Disabled Toilet at the Library with Council's Building Services following a report that the door is difficult to open and does not have a hold position. The Committee acknowledged that automatic doors provide the best access for those with a disability.

RECOMMENDATION TO COMMITTEE:

That the information be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Ms Jessica Brunskill.

That:

1. The information be received and noted.
2. ZoomText software be investigated and reported back to the Committee before being reported to Council for purchase consideration.

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Item: 4 HAIAC - Disability Inclusion Action Plan - Implementation Report - (124569, 96328)

DISCUSSION:

- Ms Ang advised that the update of the Disability Inclusion Action Plan relates only to terminology changes including the removal of the words "in progress" from the table.
- The audit conducted at Windsor Library is not included in the table as the audit had not been conducted at that time.

RECOMMENDATION TO COMMITTEE:

That the information be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jessica Brunskill, seconded by Ms Terri Mottram.

That the information be received.

Item: 5 HAIAC - Nepean Jobs for All Project Update - (124569, 96328)

DISCUSSION:

- The Nepean Jobs for All Project Update will remain a standing item on the agenda. There have been no additional activities since the last Committee meeting.
- The next meeting of the Project Steering Committee will be held next Wednesday, 29 November 2017 at 10am. Discussions will include the future breakfast forums. The minutes of that meeting will be circulated to ensure the Committee is aware of plans.

RECOMMENDATION TO COMMITTEE:

That the information be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Ms Jennifer Moses.

That the information be received and noted.

SECTION 4 - General Business

1. Dementia Forum Update

- Ms Moses provided an update on the Dementia Forum held in Richmond on 15 November 2017. Dr Ravi of Richmond's Macquarie Towns Specialist Centre, organised the Forum that brought together various medical experts, dementia specialists, general practitioners, and representatives from Anglicare, Local and Federal government, and was well attended by fulltime carers. It was a moving experience to hear of individual experiences by carers and the need for support. Dr Ravi is committee to improve

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dementia awareness and services and will establish a Working Group. Ms Moses will join the Group and provide feedback to the Committee.

- Coles has announced quiet time without music/ announcements and dimmed lighting for one hour per week in their stores. The pilot will be released in various stores to assist persons with sensory disability (e.g. autism) and may also assist a person with dementia.
- Ms Ang advised that Councillor Danielle Wheeler attended the Forum and has since met with Susan Templeman MP, Dr Ravi and Dementia Advisory Service representatives. Council will look at initiatives relating to Dementia Support to make it easier to access information. Council is already working with Anglicare and Dementia NSW. Council staff have already been trained by Alzheimer's NSW and conduct dementia-friendly tours of the Hawkesbury Regional Gallery once a month. Ms Ang has met with Councillor Wheeler and provided information on Council's relevant services and facilities that can be included as Dementia Support. Ms Ang will keep the Committee updated on further activity.

2. Pathway Update

- Ms Ang advised that funding has now been allocated to rectify the pathway in Kable Street and expects that the works will be finalised in early 2018.
- Mr Gearin advised a pathway is being installed between Fitzgerald Street and Kable Avenue. The installation of a pathway between Johnson Street and Fitzgerald Street as well would be good.
- Ms Ang will extract information on the catchment areas and planned works from the Capital Works Plan relevant to footpaths in Windsor and report it to the February 2018 meeting.

3. Pound Paddock Update

Ms Ang advised that Pound Paddock park works is currently out to tender.

4. Other works

Mr Gearin referred to side access issues in connection with works being undertaken on the corner of Kable and Church Streets and advised that it has become necessary to walk on road due to a collapse. Ms Ang will investigate what is happening with the works.

The meeting terminated at 6:30pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on Thursday, 22 February 2018.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 4 – Reports of Committees

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Item: 031 **ROC - Hawkesbury Civic and Citizenship Advisory Committee - 11 December 2017 - (96972, 79356, 79351)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Hawkesbury Civic and Citizenship Advisory Committee, held on 11 December 2017.

RECOMMENDATION SUMMARY:

The matters contained within the attached minutes of the Hawkesbury Civic and Citizenship Advisory Committee have no policy or financial implications to Council. The attached minutes can therefore be received and noted by Council.

REPORT:

Discussion

The Hawkesbury Civic and Citizenship Advisory Committee met on 11 December 2017 to discuss the nominations for the 2018 Australia Day Awards. There were several nominations for each category in which the Committee discussed and determined the final winners. The categories for the 2018 Australia Day Awards were as follows:

- Community Organisation of the Year
- Young Citizen of the Year
- Environmental Award
- Local Hero Award
- Commemorative Plaque
- Volunteer of the Year
- Community Arts Award
- Cultural Heritage Award.

The outcome of the Minutes is sensitive in nature and required an embargo on the release of information. Accordingly, there was a delay in the submission to Council.

RECOMMENDATION:

That the minutes of the Hawkesbury Civic and Citizenship Advisory Committee held on 11 December 2017 be received and noted.

ATTACHMENTS:

AT - 1 Minutes - Hawkesbury Civic and Citizenship Advisory Committee – 11 December 2017

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SECTION 4 – Reports of Committees

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AT - 1 Minutes - Hawkesbury Civic and Citizenship Advisory Committee – 11 December 2017

The meeting commenced at 4:02pm.

Present: Councillor Mary-Lyons Buckett
Councillor Sarah Richards
Councillor Nathan Zamprogno
Barry Adams (Community Representative)
David Bertenshaw (Hawkesbury Sports Council Representative)
Ian Jack (Hawkesbury Historical Society Representative)
Elizabeth Hitches (Community Representative)
Melissa Barry (Community Representative)

Apologies: Nil

In Attendance: Suzanne Stuart - Corporate Communications Manager
Sophie Hill - Events and Community Engagement Coordinator
Kaysie Cordi - Events and Community Engagement Coordinator

REPORT:

No apologies for absence were received.

Attendance Register of Hawkesbury Civic and Citizenship Committee

Member	12/12/2016	20/04/17	11/12/17	DD/MM/YY	DD/MM/YY
Councillor Mary-Lyons Buckett (Chair)	✓	✓	✓		
Councillor Sarah Richards	✓	✓	✓		
Councillor Nathan Zamprogno	✓	✓	✓		
Mr David Bertenshaw	✓	✓	✓		
Ms Melissa Barry	NA	x	✓		
Mr Barry Adams	✓	x	✓		
Miss Elizabeth Hitches	✓	✓	✓		
Mr Ian Jack	NA	NA	✓		
Mr Ted Brill	✓	NA	NA		

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

There were no declarations of interest declared in determining the recipients of the 2018 Hawkesbury Australia Day Awards.

SECTION 1 - Confirmation of Minutes

Minutes of last meeting.

RESOLVED on the motion of Councillor Nathan Zamprogno, seconded by David Bertenshaw.

That the minutes of the Hawkesbury Civic and Citizenship Committee Meeting held on 20 April 2017, be accepted.

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SECTION 2 - Reports for Determination

Item: 1 Selection of the 2018 Hawkesbury Australia Day Award Recipients

MOTION: Citizen of the Year

RESOLUTION:

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

That Peter Webb be awarded Citizen of the Year.

MOTION: Community Organisation of the Year

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Melissa Barry.

That Blue Datto Foundation be awarded Community Organisation of the Year.

MOTION: Young Citizen of the Year

RESOLUTION:

RESOLVED on the motion of Elizabeth Hitches, seconded by David Bertenshaw.

That Adam Higgins be awarded Young Citizen of the Year.

MOTION: Environmental Award

RESOLUTION:

RESOLVED on the motion of Elizabeth Hitches, seconded by David Bertenshaw.

That both Lily Spies and Jacki-Lyn Griffiths each be awarded with an Environmental Award.

MOTION: Local Hero Award

RESOLUTION:

RESOLVED on the motion of Councillor Sarah Richards, seconded by Barry Adams.

That Peter Ross be awarded with a Local Hero Award.

MOTION: Commemorative Plaque

RESOLUTION:

RESOLVED on the motion of Ian Jack, seconded by Elizabeth Hitches.

That Sister Julia Bligh Johnston be awarded the Commemorative Plaque.

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MOTION: Volunteer of the Year

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Nathan Zamprogno.

That Jodie Amor be awarded Volunteer of the Year.

MOTION: Community Arts Award

RESOLUTION:

RESOLVED on the motion of Melissa Barry, seconded by David Bertenshaw.

That the Hawkesbury Camera Club (nominated for Community Organisation of the Year) be awarded the Community Arts Award. Prior to the Committee Meeting, there were no nominations for this award.

MOTION: Cultural Heritage Award

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Ian Jack.

That the Rector of St Matthew's Anglican Church, Windsor, and its Community Bicentennial Team, be awarded the Cultural Heritage Award. Prior to the Committee Meeting, there were no nominations for this award.

SECTION 3 - Reports for Information

Item: 2 Annual Report Hawkesbury Civic and Citizenship Committee

MOTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Sarah Richards.

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Sarah Richards.

That the Annual Report Hawkesbury Civic and Citizenship Committee be noted.

Item 3: 2018 Australia Day Event

Kaysie Cordi and Suzanne Stuart provided an update on planning for the 2018 Australia Day event, both morning and evening activities.

Councillor Nathan Zamprogno asked if there was a sponsor for fireworks. Suzanne Stuart explained that there are overall sponsors of the evening event, which has been advertised in promotional material. Councillor Zamprogno also asked if there were any liquor licensing issues at the venue. Suzanne Stuart mentioned that Council staff are working with the local Police regarding responsible service of alcohol. She also explained that in future years, there may be a bigger 'festival-type' of event for Australia Day over a weekend.

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Councillor Sarah Richards suggested in future years there may be opportunities for floating pontoons for people that have boats on the river.

MOTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Mary Lyons-Buckett.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Mary Lyons-Buckett.

That the Report on the 2018 Australia Day Event be noted.

Item 4: Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Hawkesbury Civic and Citizenship Committee of Council and Objectives of the Committee - (96972)

MOTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Nathan Zamprogno.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of David Bertenshaw, seconded by Councillor Nathan Zamprogno.

That the Report on the be noted.

SECTION 4 - GENERAL BUSINESS

There was no general business.

SECTION 5 - NEXT MEETING

To be advised.

The meeting closed at 4:40pm.

oooO END OF REPORT Oooo

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notices of motion

ORDINARY MEETING
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SECTION 5 – Notices of Motion

Item: 032 **NM1 - Turtle Deaths - Navua and Yarramundi - (138882)**

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

1. Urgently contact the Police, Department of Primary Industries and Roads and Maritime Services requesting more patrolling of those fishing at Navua and Yarramundi, including checking fishing licences and yabby traps.
2. Work with agencies and community groups including National Parks and Wildlife, WIRES, Western Sydney University, South Creek Bass Fishers, HEN and Turtle Rescue to:
 - install signs at Navua and Yarramundi, and commence an education program for river users to protect turtles and their habitat, and dispose of litter correctly
 - Investigate a ‘Clean Up Australia’ activity.
3. Use its social media and other platforms to condemn the killing of turtles and the dumping of rubbish at Navua and Yarramundi.

BACKGROUND:

Recent killings of Nepean Short Necked turtles at Navua and Yarramundi are cruel, distressing and completely unacceptable. There have been several suggestions as to why the killings occurred, including people incorrectly attempting to remove competitor species, erroneous killing of pest species, yabby traps and the like. The areas around this stretch of the river are increasingly being left strewn with rubbish including broken glass. The area needs better patrolling by relevant agencies, an immediate clean up, and an education campaign is required to prevent misinformation and subsequent cruelty.

FINANCIAL CONSIDERATIONS:

There will be some financial costs due to staff time and signage. While it would be preferable to ask for a report, given the nature of the matter can this be accommodated within the existing operational budget.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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ORDINARY MEETING**Confidential Reports**

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QUESTIONS FOR NEXT MEETING

Item: 033

Councillor Questions from Previous Meetings and Responses - (79351)**REPORT:****Questions - 30 January 2018**

#	Councillor	Question	Response
1	Zamprogno	Referenced a previous question on the matter of illegally operating brothels in the Hawkesbury LGA and enquired as to whether he could receive status update.	The Director of City Planning advised that Council's Compliance and Health Officers have investigated various premises where it was suspected that they were being used for "Sex Services Premises" (Brothel). These investigations and inspections were unable to obtain sufficient evidence that would satisfy compliance or Court action to substantiate these suspicions. In this regard it could not be established that the premises were operating as a brothel.
2	Kotlash	Enquired as to the data in respect to the number of people accessing the Council podcasts.	The Director Support Services advised that there have been four Council Meetings held since podcasting commenced. Each item considered at a Council meeting is allocated an individual track. Each of the 52 tracks have been listened to ranging from two times to 109 times with a total of 829 tracks listened to.
3	Calvert	Enquired as to whether the Horse Troughs at the North Richmond are being protected during the current RMS road works.	The Director Infrastructure Services advised that RMS have been contacted and advised of the need to protect the Horse Troughs.
4	Wheeler	Enquired as to whether more bins could be installed in high traffic areas such as Howe Park and Windsor Wharf.	The Director Infrastructure Services advised that an overall review of bin locations and numbers will be undertaken and any identified need will be considered in the budget process.

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Meeting Date: 13 February 2018

#	Councillor	Question	Response
5	Wheeler	Enquired as to whether an accessible tap for fisherman could be placed down near Windsor Wharf.	The Director Infrastructure Services advised that fishing from the Wharf is not encouraged due to the potential conflict with boating operations. In the absence of action to prohibit, Council staff will monitor the site and clean as required.
6	Wheeler	Enquired as to whether more 'no smoking' signs could be erected at Windsor Wharf to decrease the number cigarette butts being discarded in the area.	The Director Infrastructure Services advised that a review of signage would be carried out and additional signs installed if required.
7	Wheeler	Enquired as to whether a cleanup crew for McQuade Avenue, South Windsor could be sent out due to large volumes of rubbish piling up.	The Director Infrastructure Services advised that the situation would be inspected. Instructions had been given for the area to be cleaned up as necessary.
8	Wheeler	Enquired as to whether the Local Traffic Committee can investigate getting the speed limited dropped from 80km to 60km on Windsor Road between Mulgrave Road & Pitt Town Road.	The Director Infrastructure Services advised that, as Windsor Road is a State road, the matter has been forwarded to RMS for them to review the speed limit and reported back to Council.
9	Reynolds	Enquired as to whether the bins at Upper Colo Reserve have been removed? If so, could the bins be reinstated.	The Director Infrastructure Services advised that the matter would be investigated and reported back to Council.
10	Garrow	Enquired as to whether extra bin facilities for Governor Phillip Park, at the boat ramp could be provided.	The Director Infrastructure Services advised that the bin facilities would be reviewed and any required additional bins will be considered in the budget process.
11	Garrow	Enquired as to whether 'Danger' Signage could be erected at the known river swing location.	The Director Infrastructure Services advised that a swing had recently been removed, and a review of the warning signs would be carried out, and additional signs erected as necessary and report back to Council.
12	Garrow	Enquired as to the attendance numbers at the Australia Day event.	The General Manager advised that approximately 4,000 people attended the 'Australia Day on the Hawkesbury' evening at Governor Phillip Park, Windsor.

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#	Councillor	Question	Response
13	Garrow	Enquired as to the status of the cleanup under the Fitzroy bridge.	The Director Infrastructure Services advised that Council, in liaison with other agencies has removed the materials.
14	Garrow	Enquired as to permissibility of Boats mooring on the Windsor Wharf, and whether signage is in place.	The Director Infrastructure Services advised that prohibiting / controlling vessel tie up would be reinstated. In general tie up is only permitted for loading and unloading.
15	Rasmussen	Enquired as to whether Yarramundi Reserve could have a refresh in relation to getting pot holes fixed and having more shade provided.	The Director Infrastructure Services advised that instructions had been given for the repair of pot holes. Additional shade structures would be considered in future programs of works and grant applications.
16	Rasmussen	Enquired as to whether he could get a status update on the report regarding the recycling or rehoming facility for unwanted goods at Council's Waste Management facility.	The Director Infrastructure Services advised that a report is in progress and is anticipated to be submitted to Council in April.

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#	Councillor	Question	Response
17	Ross	Enquired as to residents responsibilities for their bins and are they allowed to be left on the street/footpath or once emptied, returned back within the boundaries of the property. Also, what is Council's legal ability to gain compliance in the matter.	<p>The Director of City Planning advised that in accordance with the Roads Act 1993 the <i>roads authority may direct a person who causes an obstruction on a public road to remove the obstruction</i>. Such a direction does not apply <i>if the obstruction is authorised by or under the Roads Act or any other Act</i>.</p> <p>Council will normally verbally request residents to remove bins if causing an obstruction and those requests are generally complied with by the resident.</p> <p>Council as a roads authority has the legal ability to enforce this Act. Should Council wish to enforce compliance in this matter then it would need to specify the timeframes, in writing to all residents with a bin service, that bins may be on the road reserve. These timeframes would need to vary in different localities as in some rural areas bins are stored on road reserves. Such timeframes would also need to cater for situations such as contractor collections, missed bins, etc.</p>
18	Lyons-Buckett	Enquired as to whether Council could investigate the use of compaction bins.	The Director Infrastructure Services advised that an investigation would be undertaken and a report prepared.
19	Wheeler	Enquired if a Parks crew could be sent to Yarramundi Reserve to make an assessment of the area and clean-up the broken glass and used nappies.	The Director Infrastructure Services advised that instructions had been given for the clean-up of the Reserve.

oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

Item: 034 **CP - Hawkesbury Independent Hearing and Assessment Panel - (95498)**

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING

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ordinary
meeting

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