

Hawkesbury Shire Council

BUSINESS PAPER

MINUTES OF MEETINGS

ORDINARY MEETING HELD ON 14TH MARCH, 1989

SPECIAL MEETING HELD ON 21ST MARCH, 1989

SPECIAL MEETING HELD ON 28TH MARCH, 1989

SECTION 1

Minutes of the Meeting of the Council of the Shire of Hawkesbury,
held at the Council Chambers, Windsor on Tuesday, 14th March, 1989
commencing at 7.30 p.m.

PRESENT: Councillor J.J. Horrex, President, and Councillors R.C.
Bazeley, F.Y. Denne, P.E. Gibson, W.J. Mackay, G.G. Michael, R.F.
Rotherham, L.C. Sheather, W.J. Sledge, and R.P. Stubbs.

Apologies for absence were received from Councillors R.S.Benson and
H.J.M.Books.

- 69 RESOLVED on the motion of Councillor Gibson seconded by Councillor
Bazeley that the apologies be accepted.

The Reverend Canon H.Rawson representing the Hawkesbury Ministers
Fraternal read the opening prayer at the commencement of the meeting.

CONFIRMATION OF MINUTES

- 70 RESOLVED on the motion of Councillor Gibson seconded by Councillor
Sheather that the Minutes of the Ordinary Meeting of Council held on
21st February, 1989 having been circulated amongst the members of
Council be confirmed.

NOTICES OF MOTION

By Councillor P.E.Gibson

Moved by Councillor Gibson seconded by Councillor Denne that Council
procedures for Ordinary Meetings in relation to the
dealing with Committee reports be that these reports be adopted in
their entirety with exception of matters specifically requested to
be dealt with separately by Councillors.

The motion was lost.

- 71 RESOLVED on the motion of Councillor Gibson seconded by Councillor
Sledge that an assessment be made of Council's current car parking
contribution rate for commercial development and a report be put
before Council on the cost of providing car parking spaces as
compared to the rate. [50.611]

By Councillor R.C.Bazeley

That the Council appoint a Rating Review Committee consisting of
the President, 3 (three) Councillors and the Shire Clerk/General
Manager or his nominee, with the following terms of reference :

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HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 14TH
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Shire Clerk/General Manager

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President

1. Broadly, to investigate the current rating structure in New South Wales and specifically, Hawkesbury with a view of shifting/broadening the rating base on a more equitable basis.
2. To investigate and report on the use of general, special, local and other differential rates and how they could be utilised within the rating structure of Hawkesbury.
3. To investigate and report on the possibility of raising the minimum rate.
4. To investigate and report on the various incentive schemes for early payment of rates.
5. To evaluate the efficiency of rate collection procedures for the existing rating structures within the Shire,

and further -

That the Committee prioritise terms 3 and 4 and report to Council prior to June 30th, 1989.

The Notice of Motion was withdrawn by Councillor Bazeley.

By Councillor R.C. Bazeley [50.612]

- 72 RESOLVED on the motion of Councillor Bazeley seconded by Councillor Gibson that the New South Wales Local Government & Shires Associations be requested to review its implementation of policies involving roads funding by State and Federal Governments so that new initiatives may be pursued by Associations to ensure that local roads are adequately maintained.

By Councillor L.C. Sheather

Moved by Councillor Sheather seconded by Councillor Bazeley that Council propose a Macquarie Street by-pass from Windsor- Richmond Road along Forbes Street to McGraths Hill and seek support from the necessary Government Authorities.

An amendment was moved by Councillor Gibson seconded by Councillor Stubbs that Council recommend to the Roads and Traffic Authority as a priority a major bypass to Macquarie Street, Windsor traffic by way of a middle level road linking McGraths and Richmond Road/ Forbes Street. Further that Council still support the high level link between McGraths Hill and Windsor.

The amendment was lost.

The motion was then put and lost.

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GENERAL PURPOSE COMMITTEE MEETING - 28TH FEBRUARY, 1989SECTION 1 - WORKSLOCAL TRAFFIC COMMITTEE MEETING - 17TH FEBRUARY, 1989ITEM 4 - THE SHELL COMPANY OF AUSTRALIA - OPERATION OF B-DOUBLE VEHICLES R190/19 [50.613]

- 73 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Bazeley that Council raise an objection to the operation of B-Double vehicles operating in Groves Avenue, Vineyard but that no objection be raised to the operation of B-Double vehicles terminating at the RAAF Base, Richmond. Further that the Roads and Traffic Authority be requested to review the speed limit on Richmond Road between Windsor and Clarendon.

ITEM 8 - ROADS & TRAFFIC AUTHORITY - BLAXLANDS RIDGE ROAD, KURRAJONG. 665-209 [50.614]

- 74 RESOLVED on the motion of Councillor Rotherham seconded by Councillor Gibson that the Local Traffic Committee be requested to review its decision on the speed zoning for Blaxlands Ridge Road and when doing this it look at the consistency with the decision for East Kurrajong Road, Tennyson Road and Crooked Lane route.

SECTION 2 - PLANNING AND DEVELOPMENTITEM 2 - R. FISHER - APPLICATION TO AMEND DEVELOPMENT CONSENT TO ALLOW AN EXTENSION OF OPERATING HOURS AND DINING ON THE OUTDOOR DECK AREA. LOT 16, DP581895, 85 OLD BELLS LINE OF ROAD, KURRAJONG. DA609/87 [50.615]

Moved by Councillor Michael that Development Consent No. 109/1988 be amended to allow the following :

1. Seven (7) days per week trading.
2. Patrons to vacate the restaurant by midnight Monday to Saturday and 11 p.m. on Sundays

Further that Council monitor the adherence to conditions.

The motion lapsed for the want of a seconder.

- 75 MOVED on the motion of Councillor Rotherham seconded by Councillor Denne that Development Consent No. 109/1988 not be amended to allow any further extension of the business in question. Further that Council monitor the adherence to conditions of the previous approval on the grounds that :

1. The proposal is an overdevelopment of the site.
2. Noise nuisance cannot be effectively controlled.
3. Not in the public interest.

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An amendment was moved by Councillor Gibson seconded by Councillor Mackay that Development Consent No. 109/1988 be amended to allow the following :

1. Seven (7) days per week trading.
2. Patrons to vacate the restaurant by midnight Monday to Saturday and 9.00 p.m. Sundays.
3. Payment of an off street parking contribution of \$12,600 (twelve thousand six hundred) to be held in trust for the sealing of the Council owned car park on Portions 292 and 293, Old Bells Line of Road, Kurrajong.

The amendment was lost.

The motion was then put and carried.

ITEM 6 - BYRONVILLE PTY. LTD. - EIGHT TOWN HOUSES AND TWO VILLAS - LOT 101 DP707850 WILLIAM STREET, NORTH RICHMOND. DA582/88 [50.616]

- 76 RESOLVED on the motion of Councillor Denne seconded by Councillor Bazeley that this matter be deferred for further discussion with the developer.

ITEM 10 - MUR GROUP OF COMPANIES - DISCOUNT DEPARTMENT STORE, FRANCIS STREET, RICHMOND. L8/86

Councillor Rotherham declared an interest in this matter.

SECTION 3 - FINANCE

ITEM 3 - BELLBIRD HILL LOOKOUT (65-138) [50.617]

The Shire Clerk/General Manager read, in full, a letter which was received in to-day's mail from the Rotary Club of Kurrajong, and which is quoted below :

"As I am sure you are aware this Rotary Club constructed the Lookout at Bellbird Hill, Kurrajong Heights several years ago as a Community project, and that it continues to demonstrate an interest in it by conducting regular clean-ups of the area.

The Club was concerned to learn this week that a Committee of the Council had decided to recommend to Council that a kiosk be developed at the lookout incorporating the existing (Rotary) lookout, I write now to put before Council the following requests:

1. The 'foundation' efforts of this Club in turning an undeveloped, poorly maintained Community facility into a major attraction in the Shire must be acknowledged by preserving the name 'Bellbird Rotary Lookout', with the existing signposting remaining as the prominent sign in the area no matter what further development of the area occur.

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2. That Council give immediate consideration to the long standing request of this Club that the area be developed into a usable park by the construction of an access road to the grassed area below the lookout platform. This Club will continue its commitment to assisting with the development of picnic and BBQ facilities in the park in a phased development.

3. That the proposed development of a kiosk associated with the existing Rotary lookout platform be referred back to the Committee to allow representatives of this Club to present information and address the Committee.

Could you please advise me of the outcome of these requests as soon as possible."

Moved by Councillor Bazeley seconded by Councillor Stubbs that the matter be deferred to the next Committee Meeting.

- 77 AN AMENDMENT was moved by Councillor Rotherham seconded by Councillor Gibson that Council adopt the principle of establishing a refreshment room kiosk that incorporates observation deck and public toilets on the Bellbird Hill Lookout area adjacent to the existing carpark and at this stage have a more detailed plan prepared and the necessary approvals obtained. Following that invitations be sought for the development of the project.

The amendment was carried.

The amendment then became the motion which was put and carried.

ITEM 4 - KEEPING OF POULTRY, 33 GEORGE ROAD, WILBERFORCE.
11632-31C. [50.618]

- 78 MOVED by Councillor Rotherham seconded by Councillor Sledge that Council exercise its powers conferred by Section 289(e) of the Local Government Act, 1919, as amended, to control and regulate the keeping of poultry on Lot 14, DP 255497, No. 33 George Road, Wilberforce, and in this regard that no poultry be kept on the premises following the expiration of sixty (60) days from the date of notification.

An amendment was moved by Councillor Gibson seconded by Councillor Sheather that the property be inspected before a decision is made.

The amendment was lost.

The motion was put and carried.

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- 79 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Denne that the Report of the General Purpose Committee Meeting held on 28th February, 1989 as recorded on Pages 1 to 17 of the Minutes of the General Purpose Committee Meeting, be adopted, with the exception of :

Section 1 - Works

Local Traffic Committee Meeting - 17th February, 1989

Item 4 - The Shell Company of Australia - Operation of B-Double Vehicles R190/19 [50.613]

Item 8 - Roads & Traffic Authority - Blaxlands Ridge Road, Kurrajong. 665-209 [50.614]

Section 2 - Planning & Development

Item 6 - Byronville Pty.Ltd. - Eight Town Houses & Two Villas - Lot 101 DP707850 William Street, North Richmond DA582/88 [50.616]

Section 3 - Finance

Item 4 - Keeping of Poultry, 33 George Road, Wilberforce 11632-31C [50.618]

which have already been considered by Council - Minutes Nos. 73, 74, 76 and 78.

Councillor Michael left the meeting at this stage.

MUSHROOM COMPOSTING INDUSTRY SITING COMMITTEE MEETING - 8TH MARCH, 1989

- 80 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Mackay that the Minutes of the Mushroom Composting Industry Siting Committee held on 8th March, 1989, be adopted.

MUSHROOM COMPOSTING INDUSTRY COMMITTEE - 8TH MARCH, 1989.

- 81 RESOLVED on the motion of Councillor Gibson seconded by Councillor Bazeley that the Minutes of the Mushroom Composting Industry Committee held on 8th March, 1989 be adopted.

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SHIRE CLERK/GENERAL MANAGER'S REPORTFINANCE AND ADMINISTRATION1. TOURISM HAWKESBURY OPERATIONS AND MANAGEMENT. T220
[50.619]

82 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Mackay that:

1. Council sell souvenir stock to Tourism Hawkesbury as per inventory list dated 24 February 1989 and include additional stock acquired up to and including 31 March 1989, as per stocktake reconciliation to be taken on or near that date.
2. Council provide an advance of \$60,000 at an annual interest rate of 15% per annum to be repaid to Council as funds become available for the purchase of souvenir stock and working funds.
3. Council pay to Tourism Hawkesbury Incorporated the anticipated shortfall of \$137,604 by equal instalments in the months of March, June, September and December subject to monthly financial reports of actual income and expenditure and forward projections for the remaining months of the year.
4. That the care, control and management of the Hawkesbury Regional Tourist Information Centre be delegated to Tourism Hawkesbury Incorporated under Section 530A of the Local Government Act in accordance with the constitution of that Incorporated Body.
5. A rental of \$35,900 (thirty five thousand and nine hundred) per annum, subject to annual reviews, be paid by Tourism Hawkesbury Incorporated to Hawkesbury Shire Council for the lease of the Hawkesbury Regional Tourist Information Centre and such agreement to rest on correspondence.
6. The lease agreement between Council and the tenants of the coffee shop at the Hawkesbury Regional Tourist Information Centre be transferred to Tourism Hawkesbury Incorporated on 31 October 1989, or such earlier time being the maturity of the existing agreement.
7. The rental for the existing lease of the coffee shop in the Regional Tourist Information Centre be collected by Tourism Hawkesbury Incorporated.
8. The Shire Clerk/General Manager to undertake discussions with the Tourism Hawkesbury Board and the permanent staff members regarding their employment, particularly having regard to the objectives and functions of Tourism Hawkesbury.

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9. Souvenir stock not required by Tourism Hawkesbury Inc. be retained by Council, as determined by the Shire Clerk/General Manager.

Councillor Michael returned to the meeting at this stage.

2. NEW COMPUTER FACILITIES. C47/4 [50.620]

- 83 RESOLVED on the motion of Councillor Gibson seconded by Councillor Rotherham that the tender of Genasys/Hewlett Packard for the supply and installation of computer hardware and software be accepted with the financing as proposed and the funds for training, local area network set-up costs, implementation costs and installation costs be voted. Further, that the Seal of Council be affixed to the necessary contractual documents.

3. DONATION - WISEMANS FERRY CHAMBER OF COMMERCE. D64 [50.621]

- 84 RESOLVED on the motion of Councillor Gibson seconded by Councillor Denne that the Wiseman's Ferry Chamber of Commerce be advised that no funds have been provided in the 1989 Estimates and financial assistance cannot be provided at this time.

4. NATIONAL PARKS AND HISTORIC SITES ADVISORY COMMITTEES AND STATE RECREATION AREA TRUSTS. N140;H105 [50.622]

- 85 RESOLVED on the motion of Councillor Gibson seconded by Councillor Denne that members interested in being appointed to the National Parks and Historic Sites and Advisory Committees so indicate.

The Minister be advised that Council considers Local Government representation on the Committees is important and, in this regard, the time frame allowed for the Councils involved to prepare membership submissions has been particularly short.

The Council endorse the application of Mr. William Bean of Kurrajong for appointment to the Upper Hunter Committee.

- 86 RESOLVED on the motion of Councillor Gibson seconded by Councillor Denne that Councillor Rotherham be nominated for appointment, that Council endorse the nomination, and that the President and Shire Clerk/General Manager be delegated authority to seek appropriate representations from the staff to nominate for the other positions.

5. CONTRACTS AND DOCUMENTS FOR EXECUTION UNDER SEAL OF COUNCIL. C51-15-C, 744(c) [50.623]

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- 87 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Bazeley that the Seal of Council be affixed to the following documents:-

Lease ... Flat 2, Toxana to Mr Michael Eggleton for a period of 6 (six) months at a weekly rental of \$90.00 (ninety) which includes outgoings.

Notice of Resumption ... Lot 109 DP 217499, Boomerang Drive, Glossodia.

6. HAWKESBURY DISTRICT EISTEDDFOD SOCIETY - DONATION. D64
[50.624]

- 88 RESOLVED on the motion of Councillor Mackay seconded by Councillor Denne that a donation of \$1,000.00 (one thousand) be made to the Hawkesbury District Eisteddfod Society.

7. PROPOSED ESTABLISHMENT OF A NATIONAL LOCAL GOVERNMENT
INSURANCE CORPORATION. I112 [50.625]

- 89 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Denne that Council advise the Local Government Ministers' Conference Steering Committee on National Local Government Insurance Arrangements, that it does not support the concept of any compulsory National Insurance Scheme however, would see merit in pursuing a voluntary scheme. Further, that Council supports the comments made by WESTPOOL to the Steering Committee in December and requests that further consultation be undertaken with both members of WESTPOOL and PREMSURE on the concept of a National Local Government Insurance Corporation. Further that Council advise the Local Government Association of its resolution and request its position in the matter.

ENGINEERING

1. SEWER EXTENSION - SUBDIVISION FOR PORTION 295 MILEHAM STREET,
SOUTH WINDSOR. OWNER: HOUSING COMMISSION OF N.S.W. 2898(W)
[50.626]

- 90 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Sheather that the quotation of Conwal Excavating Co. Pty Ltd for the sewer reticulation of Portion 295 Mileham Street, South Windsor, be accepted in the sum of \$36,627.15, (thirty six thousand six hundred and twenty seven dollars and fifteen cents) with the project being funded from Treatment Works reserve funds.

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2. 1989/90 FLOOD MITIGATION MAINTENANCE AND CONSTRUCTION WORKS.
F84/11 [50.627]

- 91 RESOLVED on the motion of Councillor Gibson seconded by Councillor Stubbs that the proposed 1989/90 Flood Mitigation Maintenance Program be submitted to the Department of Public Works for approval.

FURTHER THAT the Dunstons Lagoon Flood Mitigation Proposal be submitted as work for inclusion in the 1989/90 Subsidised Capital Works Program.

HEALTH AND BUILDING

1. CIRCUSES AND CARNIVALS. C40/10 [50.628]

- 92 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Bazeley that all public circuses, carnivals and the like to be conducted on land under the care, control and management of Council be held with the concurrence of the Hawkesbury District Agricultural Association on its showground at Clarendon being Lot 187 DP 45754 and Reserve No. 76765.

The Deputy Manager of Environment & Building Services advised that the hire charge that has been adopted by the Hawkesbury District Agricultural Association for the showground site is \$150 a day.

PLANNING

1. KURRAJONG VILLAGE RESTAURANT - REQUEST FOR AMENDMENT OF DEVELOPMENT CONSENT. DA 609/87 [50.629]

- 93 RESOLVED on the motion of Councillor Bazeley seconded by Councillor Stubbs that the information contained in the letter from the Kurrajong Village Restaurant be considered in relation to Council's determination of Item 2 in the Planning and Development Section of the General Purpose Committee of 28th February 1989, as reported in this business paper.

2. WINDSOR TOWN CENTRE - TRAFFIC MANAGEMENT. P160-36 [50.630]

- 94 MOVED by Councillor Gibson seconded by Councillor Mackay that:

1. The Roads & Traffic Authority be thanked for their detailed advice on the traffic management of the Windsor Town Centre and requested to advise when the agreed works could take place in Macquarie Street.

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2. The design for the roundabout at the intersection of George and Bridge Streets be prepared, the necessary approvals sought and there be a further report following consultation with the Authority's staff regarding the preparation of the Local Area Traffic Management Scheme for the Town Centre including any costs likely to be incurred by Council.

An amendment was moved by Councillor Bazeley that :

1. The Roads & Traffic Authority be thanked for their detailed advice on the traffic management of the Windsor Town Centre and requested to advise when the agreed works could take place in Macquarie Street.
2. The design for the roundabout be at the intersection of Macquarie and Bridge Streets, and that a further report following consultation with the Authority's staff regarding the preparation of the Local Area Traffic Management Scheme for the Town Centre including any costs likely to be incurred by Council be brought to Council.

The amendment lapsed for the want of a seconder.

The motion was then put and carried.

3. PROSPECT ELECTRICITY - RICHMOND ZONE SUBSTATION - BOURKE STREET, RICHMOND. C55 [50.631]

- 95 RESOLVED on the motion of Councillor Gibson seconded by Councillor Mackay that Council advise Prospect Electricity that it has no objection to their upgrading of the existing zone substation in Bourke Street, Richmond.

4. ROAD CLOSURE APPLICATION - CROWN RESERVED ROAD OFF TIZZANA ROAD, SACKVILLE, SITUATED BETWEEN LOT X DP 416241 AND LOT 3 DP 378488. R190/13/47-48 [50.632]

- 96 RESOLVED on the motion of Councillor Rotherham seconded by Councillor Sheather that Council object to the closing of the Crown reserved road between Lot X DP 416241 and Lot 3 DP 378488 Tizzana Road, Sackville having in mind, in particular, present and future requirements of the public, including general public recreation needs, the environment generally and access by fishermen to actual or potential fishing grounds.

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LIBRARY1. LIBRARY SERVICES ANNUAL REPORT 1988. L125 [50.633]

- 97 RESOLVED on the motion of Councillor Gibson seconded by Councillor Bazeley that the Library Services Annual Report 1988 be received and that a further report be brought forward on the methods and costs of implementing both user and non-user surveys.

2. INCREASING PER-CAPITA SUBSIDY & SPECIAL GRANTS. L125/1, G95/11 [50.634]

- 98 RESOLVED on the motion of Councillor Gibson seconded by Councillor Stubbs that Local State Members, the Minister for the Arts, the Minister for Local Government and the Premier be requested to support an increase in the per-capita subsidy for public libraries from one dollar and eighty cents (\$1.80) to two dollars and fifteen cents (\$2.15) and in Special Grant funding from \$2 (two) million to \$3 (three) million.

FURTHER THAT the Local Government & Shires Associations and the Western Sydney Regional Organisation of Councils (W.S.R.O.C.) be requested to support this proposal.

SUBMITTED FOR INFORMATION [50.635]

1. BUILDING APPLICATIONS. B25
 2. REPORTS REQUESTED BY COUNCIL - STATUS - AS AT 14-MARCH-1989. C50-1
 3. ROADS & TRAFFIC AUTHORITY - DELEGATION TO COUNCILS - REGULATION OF TRAFFIC. T225
 4. PUBLIC WORKS
 5. BYRONVILLE PTY. LTD. - TOWN HOUSE AND VILLA DEVELOPMENT, WILLIAM STREET, NORTH RICHMOND. DA 582/88
 6. COMMUNITY SERVICES REPORT. C45
 7. WINDSOR FUNCTION CENTRE - FEBRUARY BOOKINGS. C51/3
 8. AUSTRALIANA PIONEER VILLAGE. C51/54
 9. MUSHROOM COMPOSTING INDUSTRY. 3655(W), 3132-11(W), 3871-1(C)
- 99 RESOLVED on the motion of Councillor Gibson seconded by Councillor Bazeley that the correspondence be received and that a report be presented to Council detailing the development standards that should apply for the location of intensive rural industries, e.g. duck farms, poultry farms, piggeries, mushroom growing and composting farms, etc. [50.636]
10. THE HON. K. ROZZOLI, MEMBER FOR HAWKESBURY - LIBRARY SERVICES SPECIAL GRANT APPLICATION 1988/89. L125-1
 11. PROPOSED DISCOUNT DEPARTMENT STORE, RICHMOND. L8-86

Councillor Rotherham declared an interest in Item 11.

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12. DEVELOPMENT APPLICATION AND ZONING CERTIFICATE FEES. C42-1
 13. SHIRE CLERK, COUNCIL OF THE SHIRE OF EUROBOODALLA - 1989 ANNUAL
 14. MINISTER FOR DEFENCE SCIENCE AND PERSONNEL - USE OF SYDNEY HARBOUR FORESHORE LAND. L128
 15. THE HON. K R ROZZOLI, MP, MEMBER FOR HAWKESBURY - SCHEYVILLE DEVELOPMENT. P160-47
 16. LOCAL GOVERNMENT ASSOCIATION OF N.S.W. - NOMINATION OF LOCAL GOVERNMENT REPRESENTATIVES TO THE CONSULTATIVE FORUM OF THE WATER BOARD. L128-5 M134
 17. THE HON. R. BROWN, MINISTER FOR LAND TRANSPORT AND SHIPPING SUPPORT - NRMA ROAD FUNDING BROCHURE. R190 G95
 18. THE NON-SMOKERS' MOVEMENT OF AUSTRALIA - SMOKING IN RESTAURANTS. H103
 19. THE HON. K R ROZZOLI, MP, MEMBER FOR HAWKESBURY - PEDESTRIAN SAFETY, REDBANK CREEK BRIDGE, BELLS LINE OF ROAD, NORTH RICHMOND. B24-9
 20. MINISTER FOR POLICE AND EMERGENCY SERVICES - PRESS RELEASE - MERGER BETWEEN THE N.S.W. FIRE BRIGADES AND VOLUNTEER BUSHFIRE FIGHTERS. P182
 21. WOLLONGONG CITY COUNCIL - LOCAL GOVERNMENT RATING SYSTEM. R186-14
 22. WESTERN SYDNEY REGIONAL ORGANISATION OF COUNCILS - ANNUAL CONTRIBUTION FOR MEMBERSHIP. W275
 23. PREMIER OF NEW SOUTH WALES - NEWS RELEASE - FEDERAL ROAD FUNDING. R190
 24. DEPARTMENT OF LOCAL GOVERNMENT - 1988/89 LOAN ALLOCATIONS - PROPOSED REVIEW. B23-37
 25. LOCAL GOVERNMENT ASSOCIATION OF N.S.W. - MEDIA RELEASE - LOCAL GOVERNMENT SUPPORT FOR BADGERY'S CREEK AND IMPROVEMENTS AT MASCOT. A4-3
 26. LOCAL GOVERNMENT ASSOCIATION OF N.S.W. - MEDIA RELEASE - LOCAL GOVERNMENT SUPPORT FOR BADGERY'S CREEK AND IMPROVEMENTS AT MASCOT. A4-3
 27. LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NEW SOUTH WALES - GENERAL CIRCULAR NO. 2/1989. C44/2
 28. LOCAL GOVERNMENT ASSOCIATION OF N.S.W. - MEDIA RELEASE - COUNCILS PRESENT HOUSING PACKAGE TO GOVERNMENT. H107
 29. NEW SOUTH WALES BICENTENNIAL COUNCIL - CLOSING OF COUNCIL OFFICE - 31 MARCH, 1989. C40-2
 30. COUNTRY WOMEN'S ASSOCIATION OF N.S.W. - INFORMATION SHEETS ON WALES. A7-27
 31. REPORTS, MINUTES, ETC. OF OTHER COMMITTEES AND ORGANISATIONS. C50/3
- 100 RESOLVED on the motion of Councillor Michael seconded by Councillor Stubbs that the reports and letters in this section be received and appropriate replies forwarded where necessary.

QUESTIONS WITHOUT NOTICE [50.637]

Councillor Sheather referred to carparking at Wilberforce Depot and asked if it was going to be the normal practice for cars to be parked in the recreation area across the road.

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The Shire Clerk/General Manager stated that there is a second carpark under construction which will cater for all the additional vehicles and there will be no vehicles parked in the park.

Councillor Sheather referred to the Department of Main Roads' gravel pit at Wilberforce and asked if it is possible for this to be relocated to where the water filling hydrants are located.

Councillor Denne referred to the old Cecil O'Dea area and stated that one of the conditions was that Pitt Lane would be "One Way". She stated that the traffic is starting to thicken up fairly well because of the congestion due to a "No Right Hand" turn out of Grose Vale Road into Bells Line of Road, so people are utilising Pitt Lane. Councillor Denne asked when would this condition be enforced.

The Manager of Engineering Services advised that the proposal is still to be implemented and undertook to follow the matter up and have it expedited.

Councillor Denne referred to the acquisition of land to have a plaza going through from Grose Vale Road through to Pitt Lane and asked if there are any further matters to be attended to in this regard.

The Shire Clerk/General Manager undertook to advise Councillor Denne of the actual position in relation to the acquisition of the properties.

Councillor Gibson asked if Council could grade Stannix Park Road from Singleton Road 400 metres below the tarred section.

Councillor Gibson referred to correspondence from Mrs. Joyce Adams of Reserve Road, Freemans Reach in regard to the Coffee Shop in Fitzgerald Street, Windsor and asked if anything had been done in respect of that letter.

The Shire Clerk/General Manager stated that he was unaware of the letter and undertook to have some action taken on the matter and advise Councillor Gibson accordingly.

Councillor Michael requested a report, if it has not already been received, on Jacqueline Place, Kurmond. He stated that he understood that it has been undermined with quite a bit of water and the road has broken up.

Councillor Bazeley referred to his previous question as to when a meeting could be organised to view the extractive industries that were causing problems within the Shire.

The President advised that the meeting has been set down for the 21st of this month.

This is Page of the Minutes of the ORDINARY NO. 2 MEETING of the
HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 14TH
MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

Councillor Rotherham asked if some attention could be given to Upper Colo Road with a view to some urgent maintenance. He stated that the last couple of storms have affected the road and it does need attention.

Councillor Gibson drew to the attention of Councillors the intention of the Minister of Environment, The Hon. T. Moore to levy ratepayers to clean up sewerage on the beaches of the eastern coast. He asked if Council could make representations to the Minister to seek clarification as to the type of levy.

The President undertook to pursue the question.

Councillor Michael stated that with the heavy rain the other night there was a considerable amount of floodwater on the corner of Chapel Street and Windsor Road, Richmond. He stated that the water was there for many hours afterwards. He asked if there was a drainage problem there or whether it was a blockage.

The Manager of Engineering Services undertook to have the matter investigated.

QUESTIONS FROM THE GALLERY [50.638]

The President then invited questions from the Gallery.

Mr. Ward asked what type of a causeway is proposed to replace the bridge over Wheeney Creek on Comleroy Road.

The Manager of Engineering Services advised that this item has been withdrawn from the roads programme at this stage. In designing the causeway provision would be taken to carry normal flow under the concrete surface.

Mr. Ward asked if it would be possible to address the Council on how unsatisfactory that type of construction would be.

The President advised Mr. Ward that if there is a specific item before Council he could only address the Committee of Council, or otherwise take the matter up with the Manager of Engineering Services.

Mr. Ward asked how does one know when a matter is to come before Council.

The President advised Mr. Ward that it is always open to him to write to Council and request that the matter be placed before a Committee of Council for consideration.

A gentleman in the gallery asked what provision has been made for the upgrading of Old East Kurrajong Road.

This is Page of the Minutes of the ORDINARY NO. 2 MEETING of the HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 14TH MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

The Manager of Engineering Services advised that the matter has been addressed in the Business Paper - Item 11 of the Works Section where Council had resolved to advise the petitioners seeking the sealing of the road, of the 1989 Roadworks Programme as determined by Council and further that the landowners be advised that Council will consider Old East Kurrajong Road in the 1990 Roadworks Programme.

The meeting terminated at 10.02 p.m.

Submitted to and confirmed at the Meeting of Council held on 11th April, 1989.

..... President

This is Page of the Minutes of the ORDINARY NO. 2 MEETING of the HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 14TH MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

Minutes of the Special Meeting of the Council of the Shire of Hawkesbury held at the Council Chambers, Windsor, on Tuesday, 21st March, 1989 commencing at 5.45 p.m.

PRESENT : Councillor J.J.Horrex, President and Councillors R.C.Bazeley, R.S.Benson, H.J.M.Books, F.Y.Denne, P.E.Gibson, G.G.Michael, R.F.Rotherham, L.C.Sheather and W.J.Sledge.

Apologies for absence were received from Councillors W.J.Mackay and R.P.Stubbs.

- 101 RESOLVED on the motion of Councillor Michael seconded by Councillor Denne that the apologies be accepted.

PRESIDENTIAL MINUTE [50.639]

Councillor Rotherham declared an interest in the matter and left the meeting.

- 102 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that Council go into Committee of the Whole.

COMMITTEE OF THE WHOLE

Consideration of Presidential Minute.

- 103 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that Open Council be resumed.

The Shire Clerk/General Manager reported that whilst in Committee of the Whole, the Committee considered a Presidential Minute and now RECOMMENDS that the information in the Presidential Minute be received.

- 104 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that the recommendation be adopted.

The meeting terminated at 6.45 p.m.

Submitted to and confirmed at the meeting of Council held on 11th April, 1989.

.....President

This is Page of the Minutes of the SPECIAL NO. 2 MEETING of the HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 21ST MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

Minutes of the Special Meeting of the Council of the Shire of Hawkesbury held at the Council Chambers, Windsor on Tuesday, 28th March, 1989 commencing at 8.25 p.m.

PRESENT : Councillor J.J.Horrex, President, and Councillors R.C. Bazeley, R.S. Benson, H.J.M. Books, F.Y. Denne, P.E. Gibson, G.G. Michael, R.F. Rotherham, L.C. Sheather, W.J. Sledge and R.P. Stubbs.

An apology for absence was received from Councillor W.J.Mackay.

- 105 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that the apology be accepted.
- 106 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that Council go into Committee of the Whole.

Councillor Rotherham declared an interest in the matter and left the meeting.

COMMITTEE OF THE WHOLE [50.640]

Consideration of Notice of Rescission Motion and Notice of Motion.

- 107 RESOLVED on the motion of Councillor Michael seconded by Councillor Gibson that Open Council be resumed.

The Shire Clerk/General Manager reported that whilst in Committee of the Whole, the Committee considered a Notice of Rescission Motion by Councillors L.C.Sheather, R.S.Benson and W.J. Sledge, and a Notice of Motion by Councillors L.C.Sheather, R.S.Benson and W.J. Sledge and now RECOMMENDS :

1. That part of the motion of the Special Meeting held Tuesday, 31st January, 1989 and reading :

'.....that Council proceed with action as resolved at its meeting on 22nd September, 1988'

be rescinded.

2. On the basis of the information now before the Council it not proceed further with legal action and the Minister be advised accordingly.
3. The President advise Councillor Rotherham of the seriousness and ethics of the pecuniary interest section of the Local Government Act and the position and integrity required of an elected member in the community.

- 108 RESOLVED on the motion of Councillor Michael seconded by Councillor Sheather that the recommendations be adopted.

Councillor Bazeley and Councillor Books requested that their names be recorded as being against the resolution.

This is Page of the Minutes of the SPECIAL NO. 3 MEETING of the HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 28TH MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

The meeting terminated at 9.25 p.m.

Submitted to and confirmed at the meeting of Council held on 11th April, 1989.

.....President.

This is Page of the Minutes of the SPECIAL NO. 3 MEETING of the
HAWKESBURY SHIRE COUNCIL held at the Council Chambers, Windsor, on 28TH
MARCH, 1989.

.....
Shire Clerk/General Manager

.....
President

NOTICES OF MOTIONS

ORDINARY MEETING - 11TH APRIL, 1989

By Councillor R.C.Bazeley :

The Council appoint a Rating Review Committee consisting of the President, 3 (three) Councillors and the Shire Clerk/General Manager or his nominee, with the following terms of reference :

1. Broadly, to investigate the current rating structure in New South Wales and specifically, Hawkesbury with a view of shifting/broadening the rating base on a more equitable basis.
2. To investigate and report on the use of general, special, local and other differential rates and how they could be utilised within the rating structure of Hawkesbury.
3. To investigate and report on the possibility of raising the minimum rate.
4. To investigate and report on the various incentive schemes for early payment of rates.
5. To evaluate the efficiency of rate collection procedures for the existing rating structures within the Shire.

and further -

That the Committee prioritise terms 3 and 4 and report to Council prior to June 30th, 1989.

(Note by Councillor Bazeley - Council will be aware that at its Special Meeting of 27th September, 1988, the Rating Review Committee was not re-appointed and all matters then outstanding be reported on to the General Purpose Committee at some future date. In his report, the Shire Clerk/General Manager qualified his recommendation not to re-appoint the Committee at this time.

Since September, 1988, the State Government has legislated various changes that are to occur in the 1989 rating year and more importantly, signalled various changes for the 1990 rating year (Circular 88/41). Changes indicated are :

- i) the removal of rate pegging;
- ii) the use of the most recent rating base (probably 1986); and
- iii) the expectation by the Minister that differential rating provisions be utilised at each Council's discretion.

The Department of Local Government has also been reviewing the Local Government Act and Regulations and included in that review has been consideration of rating by use of other than property based rates. Also, the Local Government & Shires Associations now have a policy of support for a per capita tax (poll tax) although it is early days as to what format that might take.

The previous Committee only met twice and from that have come recommendations on :

- i) various incentive schemes for early payment of rates
- ii) overhaul of the rural rate administration (along with legislative changes), which have been approved by Council. Only in (ii) have some changes been implemented.

Councils are being given increasing autonomy in revenue raising by use of rating. With changes already in the 'pipeline' for 1990 and a review of the need for rate pegging (Minister's Press Statement, 11/1/89) there is an urgent need for Council to monitor/investigate rating trends as part of its strategic planning process. That process is best carried out at the Committee stage where Councillors/Council Staff may review without the need of formal reports with firm recommendations.

If it is the desire of this Council to respond to local needs by choosing rating options that will service those needs, then it must have a sufficient data base and review process that will allow for decision-making to occur. Should the trend continue for the Minister/Department of Local Government to allow Councils local autonomy in rating matters as early as 1990, then this Council should be prepared for it.)

By Councillor W.J.Sledge :

An indicator be designed and erected as quickly as possible at the Post Office end of Windsor Mall directing shoppers to commercial premises especially those in arcades. The indicator should be capable of including advertising space and opening times.

Commercial proprietors would lease indicator space from Council.

(Note by Councillor Sledge - Since the implementation of Council policy requiring removal of portable signs on public footpaths and roadways a number of operators are experiencing difficulties in being identified/located, particularly by tourists, outside of normal trading hours. The guidelines may be used in other locations assisting traders particularly in arcades. It is intended that there be a co-ordinated, properly designed approach to the matter.)

.....

Report of the Meeting of the General Purpose Committee Meeting held at the Council Chambers, Windsor on Tuesday, 21st March, 1989 commencing at 2.00 p.m.

PRESENT : Councillor J.J.Horrex, President and Councillors R.C.Bazeley, R.S.Benson, H.J.M.Books, F.Y.Denne, P.E.Gibson, G.G.Michael, R.F.Rotherham, L.C. Sheather and W.J.Sledge.

INSPECTION OF EXTRACTIVE INDUSTRIES. [10.319]

The Committee inspected quarry operations of Calsil and Readymix on East Kurrajong Road, Section 2, and the Committee then met with a number of residents and there were discussions regarding the quarries' operations and issues of concern to the residents.

The Committee reconvened at 5.00 p.m. with apologies from Councillors W.J.Mackay and R.P. Stubbs.

COMMITTEE'S RECOMMENDATION

1. THAT THE INFORMATION contained in the report be received.
2. That there be a further report regarding compliance with conditions of consent.
3. That there be a report on the review of the road maintenance levy.
4. There be bi-monthly inspections and the Companies be requested to pay a fee of \$50 (fifty).
5. Council authorise negotiations to take place with the Quarry Operators regarding the road condition of East Kurrajong Road Section 2 and its upgrading, hours and methods of operation and site waste water control with a further report to Council following these negotiations that are to take place as soon as possible.

The meeting terminated at 5.45 p.m.

REPORT OF GENERAL PURPOSE COMMITTEE

WORKS SECTION & LOCAL TRAFFIC COMMITTEE

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3	Streetlighting - Bligh Park	3
<u>Local Traffic Committee</u>		
DA 1	P.J.Paull - 77 Bathurst St. Pitt Town	4
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2	P.Donohoe - Speed Sign - Irwins Road, Kurrajong	5
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4	Roads & Traffic Authority - Blaxlands Ridge Rd.	5-6
5	Police Department - Windsor Rd., Mulgrave	6
6	Roads & Traffic Authority - Intersection Drummond & Macquarie Streets, Windsor	6-7
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PLANNING AND DEVELOPMENT SECTION

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2	Bennetts Real Estate - Subdivision Old Kurrajong Road Richmond	3-5
3	Astron Developments Pty Ltd - Subdivision Coach House Road, Kurrajong Heights	5-7
4	Jennings Industries Ltd - Exhibition Village Pitt Town Road McGraths Hill	7-11
5	Hawkesbury District Agricultural Association - Demolition of Poultry Pavilion	11-14
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7	Department of Education - Bligh Park Public School	16-17
8	D & J Powe - Rural Worker's Dwelling - Old Pitt Town Road, Oakville	17-19
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10	R J Buchan - Duplex - 31 Fullerton Crescent Bligh Park	21-23
11	R & L Sacchetti - Excavation Channel & Removal Sand - Lot 6, Freemans Reach Road	23-26
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FINANCE SECTION

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13	Possible Development - Stage 2 Glossodia Shopping Centre	29-30
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SECTION 3

Report of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor on 28th March, 1989 commencing at 9.30 a.m.

PRESENT: Councillor J.J. Horrex, President, and Councillors R.C. Bazeley, R.S. Benson, H.J.M. Books, F.Y. Denne, P.E. Gibson, W.J. Mackay, G.G. Michael, R.F. Rotherham, L.C. Sheather, W.J. Sledge, and R.P. Stubbs.

SECTION 1 - WORKS

WORKS COST STATEMENT

COMMITTEE'S RECOMMENDATION

THE WORKS COST Statement to 28th February, 1989, be adopted and the revised estimates of cost be adopted.

ITEM 1: (File 665-1361) [1.293]

SUBJECT: MOWER PLACE, SOUTH WINDSOR - APPLICATION FOR
NAME CHANGE.

REPORT (M.E.S.)

A request has been received from Mr. G. Wynn to alter the name of Mower Place, to "Jacaranda Place".

The request states that the public reserve at the end of Mower Place is maintained by the residents and asks Council to donate trees for enhancement.

Reasons given for the change include promotion of community spirit within the street - residents encouraged to plant Jacaranda trees.

The submission has been supported by twelve resident/owner signatures and two objectors.

The historical background of the current name is that Giles Mower was a soldier in the first fleet and one of the first 22 settlers in the Hawkesbury. The name Jacaranda is already in use and duplication is not favoured.

If Council wishes to pursue the name change, the proposal would have to be advertised in accordance with Section 249(a) of the Local Government Act.

Recommendation

That the request for the alteration of the name Mower Place to Jacaranda Place be refused and the applicants be advised of the historical background of the current name.

COMMITTEE'S RECOMMENDATION

THAT ACTION BE taken to rename Mower Place "Giles Mower Place" and that trees be provided for the Reserve.

ITEM 2: (FILE S86/97) [1.294]

SUBJECT: DRAINAGE CONSIDERATIONS - SUBDIVISION LOT 2 DP786671 END OF PECKS ROAD, NORTH RICHMOND - (100 LOT SUBDIVISION STAGE I, KEMSLEY DOWNS ESTATE)

REPORT (M.E.S.)

Council is in receipt of road and drainage engineering design plans for the above subdivision prepared by Gutteridge Haskins & Davey. The plans involve a diversion pipeline to Redbank Creek which seeks to maintain or reduce the existing flows through the North Richmond drainage system.

Council, at its Ordinary Meeting of 14 July, 1987, resolved in part as follows:-

"A. That Condition No.22 of the subdivision approval (S86/97) be varied to read - "that a two-way drainage system incorporating a retardation basin supported by a separate piped system feeding directly to Redbank Creek be designed and that total discharge from the completed development will not exceed 9.0 cumecs at peak flow (100 year storm) where the catchment feeds into the existing North Richmond main town drainage system."

Council, at its Ordinary Meeting on 21 February, 1989, in relation to the rezoning application for Stage 2 resolved in part as follows:-

"D. The preparation and submission of a drainage strategy plan that addresses the entire catchment that currently feeds through the drainage system of North Richmond (inlet above Tyne Crescent) and specifically indicates the impact of further urban development of the catchment on this system including any arrangements that may be proposed to deviate flow to Redbank Creek."

In support of their request to have road and drainage design plans approved there has been considerable discussion between G.H.D. and Council.

For Stage 1, the design provides for the splitting of the system to provide for discharge at two points without construction of a retardation basin.

This consists of a pipeline (1.5m dia) and open channel flow to Redbank Creek and discharges to the Tyne Crescent system to the limit of 9.0 cumecs as set by Council.

The design indicates that the peak discharge from the subdivision will occur prior to the peak creek discharge with possible increase of 0.5 percent in the flood peak along Redbank Creek.

3

As the applicant's engineers have indicated a current discharge of 13 cumecs into the North Richmond system, the proposed flow splitting arrangement will be to the benefit of the Tyne Crescent or North Richmond system.

Subdivision of further stages of the area will be subject to a drainage strategy that retains the maximum rate of discharge to the Tyne Crescent system to that indicated flowing from the Stage 1 area.

The engineering plans for Stage 1 have been approved on the above basis. Development of detailed proposal for the overall development is therefore more pertinent prior to acceptance and approval of development for Stage 2.

Recommendation

That the applicant for development of the Kemsley Downs Estate be advised that further to Council's resolution of 21 February, 1989, concerning the drainage strategy for the area, the investigation must give consideration to the total discharge from the area including flows to Redbank Creek and the effect on flood discharge along this Creek in respect to downstream houses and properties.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 3: (File 665-750, 665-1412) [1.295]

SUBJECT: PROSPECT ELECTRICITY - STREETLIGHTING - BLIGH PARK

REPORT (M.E.S.)

Advising that approval has been given for the installation of twenty seven (27) lights in Neptune and Guardian Crescents and associated streets, Bligh Park at an increased annual charge of \$2,414.88 (1989 rate) in accordance with Plan B109477/A.

Action will be taken to delay energising until homes are occupied.

Recommendation

That the streetlighting proposal for Neptune and Guardian Crescents and associated streets as shown on Plan B109477/A be agreed to, with Council accepting the annual charges for the street lights.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Report of the Local Traffic Committee Meeting held on Friday, 17th March, 1989, in the Council Chambers at 10.00am.

PRESENT: Councillor H.J.M. Books, Chairman
Sgt. R. Pakes, NSW Police Department
Mr. G. Smith, Roads and Traffic Authority
Mr. R. Gilmore, Manager of Engineering Services
Mr. K. Berzins, Town Planning Department

CONFIRMATION OF MINUTES:

Moved by Sgt. R. Pakes, seconded by G. Smith that the Minutes of the previous meeting held on 17th February, 1989, be confirmed.

DEVELOPMENT APPLICATIONS

ITEM 1: (File DA82/89) [1.296]
APPLICANT: P.J. PAULL
LAND & LOCATION: LOT 1 DP585412 77 BATHURST STREET,
PITT TOWN
SUBJECT: SERVICE STATION SHOPS, RESIDENCES AND OFFICES

Note: The Committee indicated their concern that Stage 3 may result in over-development of the site and therefore, gave consideration to Stage 1 development only.

Committee's Recommendation

The proposal is satisfactory in respect to Stage 1, subject to:-

- (a) provision of kerb and gutter and roadworks on both frontages;
- (b) provision of a splayed corner at the intersection of Bathurst Street and Chatham Street;
- (c) provision of separation lines to provide an entry and exit at the Bathurst Street vehicular crossing;
- (d) provision of onsite space for unloading by fuel tankers;
- (e) vehicular crossing access from Chatham Street to be clearly signposted "Exit" only.

CORRESPONDENCE

ITEM 1: (File S196/3) [1.297]
CORRESPONDENT: CATTAI P. & C. ASSOCIATION
SUBJECT: CATTAI PUBLIC SCHOOL

Pointing out the difficult and dangerous conditions experienced by vehicles when entering and exiting the School.

Committee's Recommendation

That the Roads & Traffic Authority be requested to give consideration to sealing of the roadshoulder through to the table drain to provide improved conditions for traffic moving onto the main road.

ITEM 2: (File 665-904) [1.298]

CORRESPONDENT: D. DONOHOE

SUBJECT: SPEED SIGN - IRWINS ROAD, EAST KURRAJONG

Forwarding a petition from residents of Irwins Road, East Kurrajong, requesting erection of a 40kph speed sign in the street. Advising that the street is used by trail bikes, horse riders and children, with vehicles travelling along the road at high speed.

Note: Use of the road by unlicensed vehicles will be referred to the N.S.W. Police Highway Patrol for appropriate action.

Committee's Recommendation

That no action be taken to provide a reduced speed restriction.

ITEM 3: (File T225, 665-2343) [1.299]

CORRESPONDENT: MR. CHRIS NORMAN

SUBJECT: PEDESTRIAN CROSSING FRONTING PARK MALL, RICHMOND

Requesting consideration to moving the parking sign at the pedestrian crossing west, by one/two spaces to give clearer vision for motorists approaching the crossing.

Committee's Recommendation

That the matter be referred to the next meeting of the Local Traffic Committee.

ITEM 4: (File 665-209) [1.300]

CORRESPONDENT: ROADS & TRAFFIC AUTHORITY

SUBJECT: BLAXLANDS RIDGE ROAD, KURRAJONG

This item was resubmitted by Hawkesbury Shire Council.

The representative of the Roads & Traffic Authority submitted proposed speed limits on Blaxlands Ridge Road as follows:-

6

100kph Singleton Road to 600m N.E. of Titus Road
90kph to 500m N.E. of Roberts Creek Road
80kph to 700m east of Kentoleen Road
70km to 400m west of Weatherboard Ridge Road
80kph to Comleroy Road

Local Traffic Committee's Recommendation - February Meeting

The proposed speed zoning be agreed to.

Council Resolution - 14.3.89

That the Local Traffic Committee be requested to review the decision on speed zoning for Blaxlands Ridge Road and when doing this, it looks at the consistency with the decision for East Kurrajong Road, Tennyson Road and Crooked Lane route.

Committee's Recommendation

That Council's comments be referred to the Roads & Traffic Authority for consideration.

ITEM 5: (File 665-2342) [1.301]

CORRESPONDENT: N.S.W. POLICE DEPARTMENT

SUBJECT: WINDSOR ROAD, MULGRAVE

The Committee's attention was drawn to the continuing development along Windsor Road, between Groves Avenue and McGraths Hill, with the Committee requested to give consideration to recommending that the speed zone be reduced along this section of Windsor Road.

Committee's Recommendation

That the Roads & Traffic Authority be requested to review the speed zone on Windsor Road between Park Road and Pitt Town Road on the basis of a 70kph zone at the eastern end and a 60kph zone from Groves Avenue to the existing 60kph speed zone.

ITEM 6: (File 665-426, 665-1341) [1.302]

CORRESPONDENT: ROADS & TRAFFIC AUTHORITY

SUBJECT: INTERSECTION OF DRUMMOND AND MACQUARIE STREET,
WINDSOR

The Authority has received a request for additional Give Way signs at this intersection.

7

The representative of the R. & T.A. requested Council to give consideration to improvement of the road surface at the intersection of Drummond and Mileham Street to eliminate the uneven pavement which results in problems of noise during the early hours.

Committee's Recommendation

That supplementary oversized Give Way signs be provided at the intersection of Drummond and Macquarie Streets, Windsor, with priority to traffic along Macquarie Street.

CORRESPONDENCE FOR INFORMATION

ITEM 1: (File T225/1) [1.303]

CORRESPONDENT: K. ROZZOLI MP.

SUBJECT: DELEGATED REPRESENTATIVE

A letter was received from Kevin Rozzoli advising that he has appointed Mr. Ron Searle to attend Local Traffic Committee meetings as his representative.

Committee's Recommendation

That the information be received.

Date of Next Meeting: 14th April, 1989.

The meeting terminated at 11.18am.

COMMITTEE'S RECOMMENDATION

ITEM 5 - N.S.W. POLICE DEPARTMENT - WINDSOR ROAD, MULGRAVE. 665-2342
[1.301]

THAT COUNCIL NOT support the reduction of the speed zone along the section of Windsor Road between Groves Avenue and McGraths Hill.

THE BALANCE OF the report be received and the recommendations adopted.

HAWKESBURY SHIRE COUNCIL

STANDARD CONDITIONS - DEVELOPMENT APPLICATION

1. Submission of a Building Application, plans and specifications complying with Ordinance 70.
2. Parking to be provided for ... vehicles in accordance with the regulations of Council's Code for Off Street Parking. Parking spaces and aisle widths to conform to Council's specifications for the Layout of Parking Areas and to be constructed, drained, sealed and marked to the requirements of Council's Manager of Engineering Services, full details of which are to accompany the building application.
3. An onsite area for parking and loading is to be provided that is commensurate with the development of the site and its surroundings, to the satisfaction of the Manager of Town Planning and is to be of a suitable all-weather construction to the satisfaction of Council's Manager of Engineering Services.
4. Parking to be provided at the rate of covered and visitor's spaces in accordance with the regulations of Council's Code for Off Street Parking. Parking spaces and aisle widths to conform to Council's specifications for the Layout of Parking Areas and to be constructed, drained, sealed and marked to the requirements of Council's Manager of Engineering Services full details of which are to accompany the building application.
5. The payment of an amount of \$.... being a contribution in lieu of car parking not provided on site based on \$.... per space.
6. The payment of an amount of \$.... being contribution toward the parking spaces deleted by the development based on \$.... per space.
7. An approved physical barrier being provided between public places, vehicle accessways, parking areas and the surrounding landscaped area.
8. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
9. Provision of satisfactory vehicular access to the land to the requirements of the Council's Manager of Engineering Services.
10. Provision of full width concrete vehicular entrance(s) to the satisfaction of Council's Manager of Engineering Services.
11. Provision of full width concrete footpath over the full frontage of the development.
12. Provision of half width concrete footpath over the full frontage of the development.
13. Formation of an earth and grassed nature strip for the full frontage of the development to the satisfaction of the Manager of Engineering Services.
14. The provision of concrete kerb and gutter over the full frontage of the development to the satisfaction of the Manager of Engineering Services.
15. Construction of the road shoulder for the full frontage of the development to the satisfaction of the Manager of Engineering Services.
16. Construction of half the road for the full frontage of the development to the satisfaction of the Manager of Engineering Services.
17. No advertising structures to be erected, displayed or affixed on any building or land.
18. No advertising structures to be erected, displayed or affixed on any building or land without the prior approval of Council under Ordinance 55 of the Local Government Act.
19. No goods or signs to be displayed on the footpaths, pedestrianways, roadways, landscaped areas, parking areas or in the vicinity.

20. No materials, goods or vehicles to be stored or vehicles parked between the building and the street alignment.
21. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Manager of Environment & Building Services.
22. Provision of a garbage receptacle storage area adjacent to the street alignment to the satisfaction of the Manager of Environment & Building Services.
23. All raw materials, finished goods and vehicles awaiting service and/or repairs to be stored within the building and all work performed to be confined to within the building.
24. Screen walls are to be provided to screen open yard activities and are to be of an approved design, details of which are to be submitted with the Building Application.
25. A detailed plan of landscaping to be submitted and approved by Council prior to the approval of the Building Application, with landscaping to be completed prior to occupation of the building.
26. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of Council's Manager of Environment & Building Services prior to occupation or use of the building.
27. Provision of a clothes drying area which is to be effectively screened from public roads and reserves, details of screen design and materials to be submitted with the Building Application.
28. Provision of toilets in accordance with the requirements of Ordinance 44 of the Local Government Act.
29. Any building to be used for the purpose of storage and sale of food shall be constructed in accordance with the requirements of the Pure Food Act and Regulations.
30. The applicant is to receive the approval from the Trade Waste Inspector, of the Metropolitan Water Sewerage and Drainage Board, in order to determine whether or not the installation of a grease arrestor is necessary for the proposal.
31. The registered owner of the land is to reside in one of the proposed dual occupancy dwellings.
32. The development shall, at all times, conform with the following definition of "Home Industry" as defined in the Hawkesbury Local Environmental Plan 1984:-

"home industry" means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person; and
- (b) the industry does not -
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter; or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality;

33. The development shall, at all times, conform with the following definition of "Home Occupation" as defined in the Hawkesbury Local Environmental Plan 1984.

"home occupation" means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve-

- (a) the registration of the building under the Factories, Shops and Industries Act, 1962;
 - (b) the employment of persons other than those residents;
 - (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
 - (d) the display of goods, whether in a window or otherwise; or
 - (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident);
34. The development being conducted in such a manner so as not to interfere with the amenity of the neighbourhood, in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
35. Development consent being obtained for the use of the building/each factory unit/each shop prior to occupation taking place.
36. A contribution of \$* based on \$572.00 per additional dwelling being a contribution for community facilities as a consequence of residential flat development with the exception of residential flat buildings Class A and dual occupancies.
37. In consideration of the number of sole occupancy commercial/shop units, a common structure is to be provided for the display of advertisements. Details of the location and design of this structure shall be submitted with the building application.

HAWKESBURY SHIRE COUNCIL

STANDARD CONDITIONS - DEVELOPMENT APPLICATION

SUBDIVISIONS UNDER ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

1. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of underground electrical reticulation to each of the resultant lots of the subdivision.
2. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
3. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of underground cables for telephones through the subdivision.
4. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
5. The provision of road widening free of cost to the Council to the requirements of the Council's Manager of Engineering Services.
6. The provision of road widening to the requirements of the Department of Main Roads.
7. Dedication to the Council as public reserve the land shown on the approved subdivision plan.
8. The payment to the Council the sum of \$* being a contribution towards the establishment and embellishment of public reserves within the subdivision.
9. The submission to and approval by the Council of a satisfactory application under Part XII of Division 2 of the Local Government Act, 1919, as amended.
10. The payment to the Council the sum of \$* being a contribution for construction of downstream drainage.
11. Tree planting with the protection of tree-guards is to be provided in the new roads to the rate of two trees/lot, the siting and species to be to the satisfaction of Council's Manager of Engineering Services.
12. Provision of access to each of the lots to the requirements of the Manager of Engineering Services.
13. The creation of an instrument pursuant to Section 88B of the Conveyancing Act requiring the road severed parts of each lot created to be capable of development only as part of the whole lot, and not capable of separate disposition or development.
14.
 - a. A contribution of \$* based on \$840 per additional allotment being the contribution for open space and community facilities as a consequence of the subdivision of zoned residential land (excluding Urban Development Programme land).
 - b. A contribution of \$* based on \$725 per additional allotment being the contribution for open space and community facilities as a consequence of the subdivision of zoned rural land.

HAWKESBURY SHIRE COUNCIL

STANDARD CONDITIONS - SUBDIVISION APPLICATION

SUBDIVISIONS UNDER PART 12 OF THE LOCAL GOVERNMENT ACT, 1919 (AS AMENDED)

A. SUBDIVISIONS

- (i) The submission of the plan of subdivision, together with nine (9) exact copies thereof, suitable for lodgement with the Registrar General.
- (ii) The dedication, free of cost to Council, of road widening to the requirements of Council's Manager of Engineering Services.
- (iii) All lots to be classified in accordance with AS 2870.
- (iv) Satisfactory arrangements being made with the Council for the provision of sewerage to the subdivision.
- (v) The construction of vehicular access, free of cost to Council, to each lot in this subdivision, such construction to be to the requirements of Council's Manager of Engineering Services.
- (vi) The creation of easement/s to drain water for conveyance of stormwater to the requirements of Council's Manager of Engineering Services.
- (vii) The construction of underground drainage, adequate to cater for stormwater discharge, as assessed by "Australian Rainfall and Runoff", to the requirements of Council's Manager of Engineering Services. Satisfactory provision is to be made for the discharge of upstream drainage across the subdivision and discharge of drainage downstream of the subdivision through to the natural watercourse complete with easements as required.
- (viii) The construction of kerbing and guttering opposite to and for the full frontage of the residential lots together with the building of footway with paving and sealing of the road shoulder, to the requirements of Council's Manager of Engineering Services.
- (ix) The provision of common drainage lines and easements 1.2m wide in favour of the allotment served thereby for the conduct of roof water to the nearest appropriate stormwater drain, where applicable.
- (x) Submission of a plan and specification of any land regrading and/or filling. Topsoil to be stockpiled and respread over the finished surface.
- (xi) Construction of access to battleaxe allotments (complete with a dust free surface) in accordance with the requirements of the Council's Manager of Engineering Services.

B. ROAD OPENING APPLICATIONS

(Library Document 5 - precede number, i.e. Bi, Bii, etc. with ds)

- (i) Construction of road and drainage works are not to commence until five (5) copies of the plans and specifications of the proposed works are submitted to and approved by Council's Manager of Engineering Services.
- (ii) The new road/s be classified as * road/s.
- (iii) The construction of residential roads to conform to Council's standard requirements for residential roads.
- (iv) The construction of secondary (rural) roads to conform to Council's standard requirements for secondary (rural) roads.
- (v) The new road/s to be named *.
- (vi) Street name signs to be provided at the junction of the new road/s.
- (vii) Underground stormwater drainage is to be provided within the new road/s, adequate to cater for the discharge as assessed from "Australian Rainfall and Runoff" as well as construction of underground drainage for the discharge of stormwater from the road reserve.
- (viii) The creation of easements to drain water and/or drainage reserves over the site of drainage discharge.

HAWKESBURY SHIRE COUNCIL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DEVELOPMENT APPLICATIONS - HEADS OF CONSIDERATION UNDER SECTION 90

Section 90 of the Act provides that a consent authority shall take into consideration the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument;
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b).
 - (iii) any draft State environmental planning policy which has been submitted to the Minister in accordance with Section 37 and details of which have been notified to the consent authority; and
 - (iv) any development control plan in force under Section 72, applying to the land to which the development application relates;
- (b) the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;
- (c) the effect of that development on the landscape or scenic quality of the locality;
- (d) the social effect and the economic effect of that development in the locality;
- (e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;
- (f) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
- (g) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;
- (h) the relationship of that development to development on adjoining land or on other land in the locality;
- (i) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;
- (j) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;

- (k) whether public transport services are necessary and, if so, whether they are available and adequate for that development;
- (l) whether utility services are available and adequate for that development;
- (m) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (m1) whether the development is likely to cause soil erosion;
- (n) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;
- (o) the existing and likely future amenity of the neighbourhood;
- (p) any submission made under Section 87;
- (p1) without limiting the generality of paragraph (a), any matter specified in an environmental planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application;
- (q) the circumstances of the case;
- (r) the public interest;
- (s) any other prescribed matter.

SECTION 2 - PLANNING AND DEVELOPMENT

ITEM 1: (File DA 812/88) [10.320] AWICE 14-4-89
APPLICANT: W G WALL & K L MATHIESEN
DEVELOPMENT APPLICATION: SUBDIVISION TO CREATE TWO ALLOTMENTS HAVING
AREAS OF APPROXIMATELY 2.08 HECTARES AND 1.75
HECTARES.
OWNER: W G WALL & K L MATHIESEN
LAND & LOCATION: LOT 2 DP 717855 AND LOT 3 DP 708702 HANLONS ROAD
BILPIN.
AREA: EXISTING LOTS 3.454 HECTARES AND .378 HECTARES.
ZONING: a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 -
RURAL 1(a1).
b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN,
1987 - ZONE (7d) - LARGE HOLDING SCENIC/
ESCARPMENT ZONE.
ADVERTISING: NOT REQUIRED
DATE RECEIVED: 11TH NOVEMBER, 1988.

REPORT (M.T.P.)

Background

In July 1984, at the request of the landowner at the time, the alignment of Hanlons Road was altered so as to overcome encroachments on existing buildings and to follow the existing track. A new plan of subdivision was created over the land. The plan of subdivision specified that Lots 2 and 3, DP 708702 (the alignment of the old road) were to be closed as unnecessary road.

Subsequent to the abovementioned plan another plan of subdivision containing Lots 1 and 2 DP 717855 was approved which had the effect of creating two lots either side of the new alignment of Hanlons Road. The map within the business paper shows the location of the lots in relation to one another.

Previous Application

In May, 1988 Council received a Development Application seeking the realignment of boundaries of Lot 2, DP 717855 and Lot 3 DP 708702, so as to create two lots of dimensions not dissimilar to those contained in the current application.

The applicant was advised in Council's letter dated 25th May, 1988 that interalia, "considering that the boundary adjustment can only be achieved by utilising land intended to be a closed road, which in itself has no building potential, the Shire Planner will not provide a favourable recommendation to Council on the subdivision".

On the 10th November, 1988, the applicants withdrew their application.

Current Application

The applicants seek Council approval to subdivide their land into 2 allotments of areas approximately 1.75 hectares and 2.08 hectares. The applicants have submitted a Consultants' Report to accompany their application which states that:-

"The proposal is to resubdivide the holding on the eastern side of Hanlons Road into 2 small holdings, along the lines previously proposed. The proposal is substantiated by merit arguments related to zoning objectives, and does not rely on the existence of 2 allotments as previously argued. As the proposal does not comply with Clause 16 of the Hawkesbury Local Environmental Plan, 1984, an objection to the existing subdivision standards by way of State Environmental Planning Policy No. 1 is included".

(Clause 16 applies to the opening of a public road and the adjustment of common boundaries between allotments).

The applicants' State Environmental Planning Policy No. 1 (SEPP) No.1 objection to the 40 hectare minimum area standard is as follows:

- "The objective of the standard is not stated but can only be presumed to be linked with the zones' objectives to maintain existing visual character. The proposed development would be entirely compatible with the established character of the locality, and is capable of being conditioned so that any broader visual impacts are positive.
- Approval of the proposal would potentially improve the attainment of zone objectives by providing the basis for improvements to the land. The negative approach implicate in the 40 hectares, standard, potentially could frustrate attainment of zone objectives (eg through lack of land management).
- The proposed development does not conflict with any of the objectives of the proposed zone in which it is situated, other than in relation to noncompliance with the 40 hectares standard.
- There are no agricultural production imperatives which justify a 40 hectare retriiction. Equally, the proposal would not infringe on commercial farming".

Planning Comment

The lots to be created by the proposed subdivision are considerably less than the 40 hectare minimum allotment sizes specified by the rural 1(a1) zoning. If Council were to uphold the SEPP No. 1 objection in this case then it would have the effect of taking the subject land out of the rural 1(a1) zone and in effect rezoning the land to permit allotment sizes substantially smaller than the recognised standard for the areas. SEPP No. 1 objection should not be supported where they have the effect of altering zonings.

Further more the adjoining lots to the proposal all exceed more than 3.8 hectares in area. The proposal seeks to reduce the minimum existing allotment size by approximately 50%. Consequently if approved the subdivision could set an undesirable precedent not only in the immediate locality but also in the general area of Bilpin for the release of smaller and smaller lots.

Recommendation

- A That the SEPP 1 objection to the 40 (forty) hectare minimum requirement in Clause 14 of Hawkesbury Local Environmental Plan, 1984, by the applicant not be supported.

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- B That the application be refused as it does not comply with the requirements of Clause 14 Hawkesbury Local Environmental Plan, 1984.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 2: (File DA 878/88) [10.321] *label 17-4-89*
APPLICANT: BENNETTS REAL ESTATE PTY
DEVELOPMENT APPLICATION: SUBDIVISION INTO 11 ALLOTMENTS
OWNER: REGIONAL PROMOTIONS
LAND & LOCATION: LOT 1 DP 738865 AND LOT 2 DP 738881 OLD
KURRAJONG ROAD, RICHMOND
AREA: 26.6 HECTARES
ZONING: a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 -
RURAL 1(b) ENVIRONMENTAL PROTECTION
b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN,
1987 - INTERMEDIATE HOLDINGS SCENIC 7(d1)
ADVERTISING: NOT REQUIRED
DATE RECEIVED: 15TH DECEMBER, 1988

REPORT (M.T.P.)

The application seeks approval for subdivision of the land into eleven allotments varying in size from 2.2 hectares to 4.6 hectares. The proposal is permissible with development consent under the current planning instrument as long as the land is used for agricultural purposes only. The proposal will be precluded pursuant to the zoning proposed for the land in the new planning instrument - Draft Hawkesbury Local Environmental Plan, 1987.

The land is identified in the Lower Hawkesbury River Flood Plain atlas as being below the 1 in 100 year flood frequency level and is subject to experiencing inundation at a frequency of 1 in 20 years.

Proposed allotment No's 1 - 10 will each incorporate approximately 2.2 hectares in area and the remaining allotment approximately 4.6 hectares. The larger allotment will contain the existing homestead.

The application proposes that no allotment will be accessed via Kurrajong Road (Main Road No. 184) rather that allotments will be accessed directly from Old Kurrajong Road or via a proposed easement. Notwithstanding this, the proposed access to a number of allotments necessitates traversing the two lagoon systems on the land. Construction of culverts over the two lagoons is considered inappropriate due to the detrimental effect the work will have on the wetlands system contained on the property. Whilst the access to each lot may be relocated, difficulty still exists due to the lot configuration proposed and the location of the lagoons. To this end, the proposed access is considered unsatisfactory.

Clarification was sought from the applicant as to the contemplated use of the land following subdivision. The applicants' response to this was that the proposed use would be "an exciting compliment to the adjoining Polo Club and will provide some much needed ongoing employment for the district

and will make some positive contribution as an attraction for tourists". The vagueness of this statement necessitated further clarification of the proposed land use and justification for the proposal from the applicant.

In response to Council's second request the applicant indicated that the proposal complies with all requirements of the instruments as the land would only be used for agriculture and not residential development.

The applicant's submission states the following:-

"Area by itself is not the sole criterion for the pursuit of successful agricultural use and we would suggest that in this proposal each proposed lot would be more viable for agricultural pursuits than five 4 hectare allotments at Blaxlands Ridge or 20 hectares in Weatherboard Ridge or Jacaranda Estates in areas which would not have enough topsoil or grasses to support one cow and two adult snakes in a good season".

Notwithstanding the applicants' opinion as to the agricultural merits of certain areas in the Shire, the proposal will fragment what is prime agricultural land into ten 2.2 hectare allotments and one 4.6 hectare allotment the viability of which will be dependent on the agricultural experience of each landowner.

The objectives of the proposed 7(d1) zone include:-

- a) to preserve the existing wooded hilltops and ridges, river valley systems, scenic corridors, environmentally sensitive area and other local features of scenic attraction;
- b) to promote the preservation, conservation and enhancement of the Shire's landscaped features and protect significant fauna and flora habitats;
- c) to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;
- d) to ensure that development does not create unreasonable or economic demands or both for provision for extensions of public amenities or services;
- e) to prevent the establishment of traffic generating development along main and arterial roads;
- f) to control outdoor advertising so that it does not disfigure the rural landscape.

The applicant was advised that as the proposal was considered inconsistent with a number of objectives for the proposed zoning of the land - further justification was required of him. In respect of the changes proposed in the draft instrument the applicant responded with the following:-

"Council is not empowered to presently permit or disallow an application on the basis of such future proposals".

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Council is advised that a draft planning instrument constitutes part of the Section 90 heads of consideration.

The application is considered to be contrary to objectives a) and b) of the draft instrument in that the proposal has the potential to cause environmental degradation of the land and greater floodplain, due to fragmentation of the land holding and stewardship by a large number of land owners. As such the proposal is not considered conducive to the preservation and conservation of environmentally sensitive land.

For the above reasons it is considered that the application should be refused.

Recommendation

That the application be refused for the following reasons:-

1. Insufficient clarification of proposed land usage and justification of proposal by applicant.
2. Proposed allotments inconsistent in size with majority of existing allotments in vicinity.
3. Contrary to objectives of Draft Hawkesbury Local Environmental Plan, 1987.
4. Fragmentation of viable agricultural land.
5. Unsatisfactory access to proposed allotments.
6. Not in the public interest.

Mr. K. Bennett addressed the Committee.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 3:	(File DA S89/37) [10.322]	<i>Michael 14-4-89</i>
APPLICANT:	ASTRON DEVELOPMENTS PTY LTD	
DEVELOPMENT APPLICATION:	SUBDIVISION TO CREATE 8 ALLOTMENTS EACH WITH AN AREA OF NOT LESS THAN 4,000m ² EXCLUDING ACCESS CORRIDORS AND INVOLVING OPENING OF A NEW ROAD, GENERALLY IN ACCORDANCE WITH THE AMENDED PLAN IDENTIFIED AS DRAWING 402/4/3B SUBMITTED WITH THE APPLICATION	
OWNER:	ASTRON DEVELOPMENTS PTY LTD	
LAND & LOCATION:	LOT 10 DP 771542, COACH HOUSE ROAD, KURRAJONG HEIGHTS	
AREA:	4.36 HA	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - RURAL 1(a2) AMENDMENT NO 5 TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - ENVIRONMENTAL PROTECTION SCENIC 7(d)	
ADVERTISING:	NOT REQUIRED	
DATE RECEIVED:	20TH MARCH, 1988	

REPORT (M.T.P.)

Council considered a nine lot subdivision of the land at its meeting on 14th March, 1989. It was resolved that the nine lot subdivision be refused for the following reasons:-

1. Unsatisfactory access to the proposed lots 2, 3 and 9.
2. Inadequate area capable of development for rural residential purposes on proposed Lots 2 and 3.
3. The proposed subdivision is an over development of the site.
4. Unreasonable bush fire risk.
5. Contrary to the objectives of Draft Hawkesbury Local Environmental Plan 1987.
6. Not in the public interest.

In the report to that meeting it was noted that the applicant had been advised that if Lots 2 and 3 were deleted by consolidation with adjoining lots the application would be recommended to Council.

The Proposal

The applicant now seeks to delete one lot from the application reported to Council's meeting on 14th March. The amended application now proposes the consolidation of Lots 2 and 3. The application is otherwise identical in all respects.

As reported to Council's meeting of 14th March, on 12th November, 1985, Council considered a rezoning proposal from R M Curren for the creation of 21 Lots on land generally bounded by Warks Road, Bells Line of Road and Coach House Road. It was noted that a large section of the site was inappropriate for urban development by virtue of the significance of the vegetation, bush fire risk and slope (the north west area). As a consequence, Council resolved to support a 17 lot rural/residential subdivision excluding an area to be dedicated as open space.

Subsequently, after some negotiation, Council at its meeting of 11th November, 1986, resolved to grant a 19 lot subdivision (excluding an area to be dedicated as open space) in two stages. The first stage containing 8 lots and a public reserve was completed generally in accordance with the approved plan.

It seems that the residue undeveloped stage was then sold, and it is now this owner who seeks consent for the remainder of stage 2.

To date the original land has been subdivided to create 12 lots. It is proposed that an additional 8 lots be created, therefore, resulting in a total of 20 lots, 1 more than that originally approved by Council.

Statutory Considerations

Amendment No. 5 to Hawkesbury Local Environmental Plan, 1984, permits, with Council consent, the subdivision of the land into lots each having an area of not less than 4,000m².

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The land is proposed to be zoned Environmental Protection Scenic 7(d) under Draft Hawkesbury Local Environmental Plan, 1987. The objectives of this zoning include the preservation of the existing wooded hill tops and ridges. It would seem that to the extent that the subdivision includes the steeper, well vegetated area to the north west, it is contrary to the objectives of the Draft Plan.

Planning Assessment

The subject land contains a cleared spur which traverses the land approximately parallel to Coach House Road. This spur area is suitable for rural/residential development.

Land to the west of the spur is generally not suitable for development for rural/residential development being heavily timbered and moderately steep.

It is apparent that the proposed Lot 11 could only be developed through significant clearing and site works, this being inconsistent with Council's original approval and a reasonable yield for the land as a whole. It is apparent that the increased yield of one lot is being obtained from the land which is least suited to rural/residential development. It is considered that this amended application is still an over development of the site.

Recommendation

That the application be refused for the following reasons:

1. Unsatisfactory access to the proposed Lot 11.
2. Inadequate area capable of development for rural/residential purposes on the proposed Lot 11.
3. The proposed subdivision is an over development of the site.
4. Unreasonable bush fire risk.
5. Contrary to the objectives of Draft Hawkesbury Local Environmental Plan, 1987.
6. Not in the public interest.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 4:	(File DA 56/89) [10.323]	SARAH 14-4-89
APPLICANT:	JENNINGS INDUSTRIES LTD	
DEVELOPMENT APPLICATION:	EXHIBITION VILLAGE CONTAINING FOUR HOMES AND OFF STREET PARKING GENERALLY IN ACCORDANCE WITH DRAWING NO. 88-001, DATED 2ND DECEMBER, 1988.	
OWNER:	JENNINGS INDUSTRIES LTD	
LAND & LOCATION:	LOT 2 DP 618564 PITT TOWN ROAD, MCGRATHS HILL	
AREA:	1.709 HA	

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ZONING:

- a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - PART RESIDENTIAL 2(d), PART RURAL 1(b); PART MAIN ROAD WIDENING RESERVATION 8(c) AND PART PROPOSED OPEN SPACE 6(b). THERE IS ALSO A DRAFT AMENDMENT TO HLEP, 1984, WHICH WILL ZONE ALL OF THE LAND WITH THE EXCEPTION OF THE ROAD WIDENING RESERVATION RESIDENTIAL 2(d)
- b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - RESIDENTIAL 2(a)

ADVERTISING:

ADJOINING OWNERS NOTIFIED DURING EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLAN WITH ONE SUBMISSION BEING RECEIVED FROM THE SEVENTH DAY ADVENTIST CHURCH.

DATE RECEIVED:

10TH FEBRUARY, 1989

REPORT (M.T.P.)

The Proposal

The application is for four exhibition homes and an off street parking area, being the first stage of a larger exhibition village.

Engineering works, including the construction of a road are close to finalisation. These works are being undertaken as part of a subdivision approval of the land.

Planning Assessment

The proposed exhibition homes are mainly zoned Residential 2(d). A small part of each home overlaps onto the rear Rural 1(b) zoning. Exhibition villages are a permissible use, with consent, of land in both of these zones.

A V Jennings advises that they are in the process of constructing the full width of Charles Street together with improvement works to the intersection of Charles Street and Pitt Town Road in accordance with the Traffic Committee's requirements. These works are in an advanced stage and completion of all site engineering works is expected within a month.

The application indicates that none of the homes will be occupied until the Village is closed avoiding the problems associated with partial occupation.

The applicant requests Council's consent for permission to commence construction of the dwellings prior to the registration of the plan of subdivision with the Land Titles Office. This is not normal Council practice, but Jennings indicate that they are prepared to enter into agreement or lodge bonds to cover any extenuating circumstances should the registered plan vary from that approved by Council. Provided that the applicant is prepared to release Council from any liability should the registered plan vary from that approved, there is no reason why the Village cannot be commenced prior to the registration of the plan.

The submission received from the Seventh Day Adventist Church requests that Council give consideration to the following:-

- "1. During higher floods Charles and Beddek Streets are flooded, thus closing the school. We suggest that the proposed residential development should also include the continuation of West Hill Street to Pitt Town Road.
2. The present buffer zone allows for widening of Pitt Town Road. It would appear that this provision should continue to exist.
3. Charles Street sustains considerable damage during heavy rainfall. We request that steps be taken to ensure that this situation is not worsened should the development take place."

The continuation of West Hill Street to Pitt Town Road is not supported as the proposal will have adequate access to Charles Street and thence Pitt Town Road. Furthermore, due to the alignment of West Hill Street, its extension would need to occur on the adjoining Lot which is not the subject of this application. The application does not affect the future widening of Pitt Town Road as the road widening reserve has already been dedicated to the Road and Traffic Authority.

Charles Street is being upgraded to a full width sealed standard and a Type 3 intersection is being provided at the intersection of Pitt Town Road and Charles Street at full cost to the developer.

Recommendation

That the application be approved generally in accordance with the plans submitted subject to the following conditions:

1. Completion of all engineering works or alternatively, the lodgement of a cash security to cover outstanding works and all certificates, contributions, etc. The cash security, including an application fee of \$500 (five hundred dollars) is to be assessed by the Manager of Engineering Services.
2. Construction of Council's standard medium duty footway crossing to suit the car park accesses.
3. Construction and drainage of car parks, drives and manoeuvring area with a sealed pavement to the requirements of Council's Manager of Engineering Services.
4. Any path paving within the road reserve to be constructed to the requirements of the Manager of Engineering Services.
5. Submission of a written agreement releasing Council from any liability should the registered plan vary from that approved by Council.
6. Submission of a survey indicating that the final levels on all of the proposed lots (i.e 21 [twenty one]) exceed the 1 (one) in 100 (one hundred) year flood frequency level of 16 (sixteen) metres.
7. Submission of a building application, plans and specifications complying with Ordinance 70.

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8. No advertising structures to be erected, displayed or fixed on any building or land without the prior approval of Council under Ordinance 55 of the Local Government Act.
9. The exhibition homes are not to be sold except with the consent of Council.
10. A detailed plan of landscaping to be submitted and approved by Council prior to the approval of the building applications. The plan of landscaping is to include the provision of super advanced trees.
11. Submission of a comprehensive geotechnical report on the land prior to the approval of the building applications.

COMMITTEE'S RECOMMENDATION

THAT THE APPLICATION be approved generally in accordance with the plans submitted subject to the following conditions:

1. Completion of all engineering works or alternatively, the lodgement of a cash security to cover outstanding works and all certificates, contributions, etc. The cash security, including an application fee of \$500 (five hundred dollars) is to be assessed by the Manager of Engineering Services.
2. Construction of Council's standard medium duty footway crossing to suit the car park accesses.
3. Construction and drainage of car parks, drives and manoeuvring area with a sealed pavement to the requirements of Council's Manager of Engineering Services.
4. Any path paving within the road reserve to be constructed to the requirements of the Manager of Engineering Services.
5. Submission of a written agreement releasing Council from any liability should the registered plan vary from that approved by Council.
6. Submission of a survey indicating that the final levels on all of the proposed lots (i.e 21 [twenty one]) exceed the 1 (one) in 100 (one hundred) year flood frequency level of 16 (sixteen) metres.
7. Submission of a building application, plans and specifications complying with Ordinance 70.
8. No advertising structures to be erected, displayed or fixed on any building or land without the prior approval of Council under Ordinance 55 of the Local Government Act.
9. Negotiation on sale of the exhibition homes is not to be entered into without the consent of Council.

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10. A detailed plan of landscaping to be submitted and approved by Council prior to the approval of the building applications. The plan of landscaping is to include the provision of super advanced trees.
11. Submission of a comprehensive geotechnical report on the land prior to the approval of the building applications.

ITEM 5: (File DA 129/89) [10.324]
APPLICANT: HAWKESBURY AGRICULTURAL ASSOCIATION
DEVELOPMENT APPLICATION: DEMOLITION OF EXISTING POULTRY PAVILION
OWNER: HAWKESBURY RACE CLUB
LAND & LOCATION: LOT H DP 164771 RICHMOND ROAD, CLARENDON.
ZONING: a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 -
RURAL 1(C) ENVIRONMENTAL PROTECTION
b) DRAFT LOCAL ENVIRONMENTAL PLAN, 1987 -
RURAL 1(C)
ADVERTISING: NOT REQUIRED BY COUNCIL'S POLICY
DATE RECEIVED: 20TH MARCH, 1989.

SHOWN
14-4-89

REPORT (M.T.P.)

The Hawkesbury Agricultural Association has applied for Council consent for the removal of an existing building previously used as a poultry pavilion. The building is on land owned by the Hawkesbury Race Club, although correspondence from the Race Club indicates that the pavilion is the property of the Agricultural Association, notwithstanding that it is located on Race Club land.

In addition to the Agricultural Association application, the Hawkesbury Race Club has written as follows and in response to a letter from Council indicating that demolition of the pavilion required Council's consent:-

"As you will be aware, the Poultry Pavilion is the property of the Hawkesbury District Agricultural Association and, whilst it is located on lands held by the Race Club, any decisions or actions concerning dismantling and removal are the prime concern of the Association.

The Race Club and the Association have agreed on the early removal of the Pavilion and all actions concerning Council's requirements have been left to the owners of the building to arrange. It is understood that the Association is presently inviting tenders for dismantling and removal work and the Race Club assumed that Council requirements have been arranged by the Association.

With regard to the question of development, it is pointed out that the Race Club is presently formulating plans for redevelopment of the main parking areas, including gardens, etc., new entrance turnstiles, fencing, realignment of the private roadways, and relocation of power, etc. The Poultry Pavilion is situated on the land involved in such development plans.

However, the staging of the commencement of development work is dependent on the availability of funds and at the present time, the Race Club is not in a position to finalise its project plans. Some work, such as underground power supply mains as an extension of the work already undertaken in the Racecourse area proper, may proceed at an early date. This work is to be undertaken through the lands on which the Pavilion is situated."

Council is also in receipt of a letter from Kate Moore and Hugh Williams Pty. Ltd, Architects, of Windsor enclosing a copy of a letter sent by them to the Director of the Department of Planning. The letter to the Department of Planning from them is as follows:-

"I understand that you have been asked to place an Interim Conservation Order on this building. I wish to offer the following information and opinions to support that request.

1. The building is standing in the centre of a large flat grassy paddock but is closely surrounded and fairly well obscured by a grove of large old casuarina trees.

The Hawkesbury Race Club intends to 'beautify' the area by causing the removal of the building but retaining the trees. It has no other use planned for the site, except for the passage of some underground service lines which could be easily re-routed.

The retention of the building would in no way inhibit the planned use of the site; the intention to have it demolished is based on the opinion that the building in its present state is ugly and unbecoming to the Racecourse.

2. This building is of considerable local significance and is an intrinsically valuable artifact. I contend that the Race Club, in acquiring control of the land on which it stands, has also acquired a responsibility for its care and protection in the public interest.

It is a wealthy organization that has received large grants of public money and low interest loans from the development of its grounds. The relatively small cost of repairing the pavilion should be well within its financial capacity.

3. The Race Club authorities regard the building exclusively as a poultry pavilion and refuse to consider any other possible uses.

I have proposed several uses for and modifications to the existing building.

I believe that the best proposition is to repair the roof, preserving its form and splendid structure, but to remove the end wall cladding and the recent side wall additions. This would create an unobtrusive but magnificent open pavilion standing amongst the trees; it could be used as a shelter for outdoor activities, as a formal entrance gateway to the Racecourse or simply as a gigantic gazebo.

The presence of such a structure could only enhance the grounds.

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4. The building is made of large structural elements which are bolted together. It could be dismantled, moved and rebuilt without sustaining damage.

If it proves impossible to retain it on the present site, demolition should be delayed for as long as may be necessary to find a suitable organisation and site for its proper reuse.

As it stands now it is not impeding in any way the operation of the Racecourse. The only problem it causes is to offend the aesthetic sensibilities of the Race Club officials. It is too valuable to be lost by premature demolition for that reason.

I am prepared to discuss this matter at any time and at any length and am willing to provide architectural or engineering advice to support the case for preservation."

The poultry pavilion has no current heritage listing either with the Heritage Council of New South Wales or with Council in its Planning Scheme. It is not known whether the National Trust has any listing of the building, however, the Trust is not the statutory authority responsible for such matters.

Inclusion of the building within the Heritage list of Council's Planning Scheme was recommended to Council previously on the basis of the report prepared for the Department of Planning by Howard Tanner & Associates, being the heritage component of the environmental study of the North West Sector of Sydney. Howard Tanner's report indicates the following in relation to the building:-

"Poultry Shed: a large gabled building with projecting ventilation clerestory with open slat walls and square structural posts. The setting is enhanced by mature casuarinas."

The report goes on to say that this building, along with others on the Racecourse land, is "... a remarkable collection of Racecourse buildings and associated structures in a rural setting".

In consideration of Howard Tanner's report, along with other items proposed to be included within Council's Planning Scheme as heritage items, Council resolved to not include the poultry pavilion and, presumably, rejected its heritage significance.

The recommendation, therefore, is consistent with Council's previous resolution.

Recommendation

Consent be granted to the demolition of the poultry pavilion.

Councillor Michael declared an interest in this matter.

Mr. H. Williams addressed the Committee.

Councillor Michael addressed the Committee as President of the Hawkesbury District Agricultural Association.

COMMITTEE'S RECOMMENDATION

THAT CONSENT NOT be granted to the demolition of the poultry pavilion at the Race Club and that Council have further discussions with the Hawkesbury Race Club about the possibility of developing landscape plans to include the building.

ITEM 6: (File DA 758/88) [10.325] *Jim*
APPLICANT: Z & E SURBEK
DEVELOPMENT APPLICATION: HOME INDUSTRY - WROUGHT IRON WORKS *14-4-89*
OWNER: E SURBEK
LAND & LOCATION: LOT 27 DP 560003, FISHER ROAD, MARAYLYA
AREA: 9700M²
ZONING: a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 -
RURAL 1(C)
b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN,
1987 - RURAL 1(C)
ADVERTISING: ADJOINING OWNERS NOTIFIED. SUBMISSIONS RECEIVED
FROM:- MR B ROWSTON AND MISS V R GAMBLE,
D SCOTT, W & R SINDEN, MR & MRS J BRANDER
DATE RECEIVED: 28TH OCTOBER, 1988

REPORT (M.T.P.)

Proposal

The applicant intends to establish a home industry within an existing shed on the property. The industry is a wrought iron works for the manufacture of gates and decorative garden pieces. The industry should not require the provision of any essential service of a greater capacity than that available in the locality.

Statutory Situation

The land is zoned Rural 1(c) under Hawkesbury LEP 1984. Home industries are permissible within the zone under the following circumstances:

- . An industry carried on in a building (other than a dwelling house) provided the building does not occupy a floor space exceeding 50m² and is erected within the curtilage of the dwelling.
- . The industry does not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke etc. and does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter.

Public Notification

Adjoining owners were notified and the application placed on exhibition in accordance with Council's advertising policy. Several submissions and a verbal complaint were received with the following points being raised in objection to the proposal.

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- . Could not be classified as "Home Industry", only as light industrial.
- . Access to the property - Fisher road is a narrow road and not suited to heavy vehicle traffic.
- . Noise factor - work requires cutting and grinding etc.
- . Property will require upgraded electrical power supply. Work currently affects television and radio reception.
- . The shed where the work is carried out is close to the road and when deliveries are made, steel is dumped wherever it is convenient, sometimes on the grass verge outside the fence.
- . Finished articles are stored in view of the road.
- . Presence of gas cylinders for welding could present some risk.

A complaint regarding noise emanating from wrought iron manufacturing was also received during the exhibition period. The complaint coming from the landowner adjacent to the subject property.

Planning Assessment

The building in which the industry is to be carried out does not comply with the provisions of the LEP with regard to size. It is doubtful whether the operation could be carried out in a smaller building given the type and size of machinery and the area required for storage of metals.

The applicant has advised that the 50m² floorspace can be complied with as the shed is currently used for storage and fruit packaging. An inspection revealed that this is not necessarily the case with no evidence of fruit packing. Large amounts of steel were stored in the shed and some machinery was scattered throughout.

The road is narrow and sealed and there is no provision for loading and unloading heavy vehicles because of the proximity of the shed to the road. The amenity of the area would be adversely affected by noise generated from metal cutting and general working.

It is obvious that the industry has been operating for some time without Council approval with residents complaining of interference to electrical appliances emanating from the subject land when machinery is operating.

It is concluded that, although the applicant may comply with floorspace restrictions by the erection of a new building, the problems of noise emanating from the operation and the manoeuvring of delivery vehicles will have a detrimental effect on the area. The problem of trade waste removal is also a major consideration.

This type of operation is best suited to a light or general industrial area.

Recommendation

That the application be refused on the following grounds:-

1. Not in the public interest.

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2. The application does not comply with the definition of Home Industry as defined in Hawkesbury Local Environmental Plan 1984 in that:
 - a) The building occupies a floor space of greater than 50 (fifty) square metres.
 - b) The operation interferes with the amenity of the locality by reason of the emission of noise and vibration.
3. The existing road structure would not cope with additional heavy traffic making deliveries.

COMMITTEE'S RECOMMENDATION

- A. THAT THE APPLICATION be refused on the following grounds:-
 1. Not in the public interest.
 2. The application does not comply with the definition of Home Industry as defined in Hawkesbury Local Environmental Plan 1984 in that:
 - a) The building occupies a floor space of greater than 50 (fifty) square metres.
 - b) The operation interferes with the amenity of the locality by reason of the emission of noise and vibration.
 3. The existing road structure would not cope with additional heavy traffic making deliveries.
- B. That the applicant be advised that the existing light industrial use is to cease within 3 (three months).

Michael 14-4-89

ITEM 7:	(File DA 522/88) [10.326]
APPLICANT:	NEW SOUTH WALES DEPARTMENT OF EDUCATION
DEVELOPMENT APPLICATION:	BLIGH PARK PUBLIC SCHOOL
OWNER:	CROWN LANDS DEPARTMENT
LAND & LOCATION:	LOT 1 DP 776989, ALEXANDER STREET, BLIGH PARK
AREA:	3.023 HECTARES
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - RESIDENTIAL 2(A) b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - RESIDENTIAL 2(A)
ADVERTISING:	NOT REQUIRED BY COUNCIL'S POLICY
DATE RECEIVED:	27TH JULY, 1988
REASON FOR DELAY:	NEGOTIATION OVER BUS LOADING FACILITY AND SUBMISSION OF ADDITIONAL INFORMATION

REPORT (M.T.P.)

The Proposal

The development application is for the construction of a primary school, apparently to be known as "Bligh Park Public School". Schools are a permissible use on land zoned Residential 2(a).

Planning Assessment

The school is sited off Alexander Street, a connector road which will carry a moderate amount of traffic. The building plans indicate that the bus lay-by is located close to the apex of a curve in Alexander Street. While the bus bay is readily visible when approaching from the north, sight distance from the south is relatively poor, particularly if cars are parked on the inside of the bend at the school entrance.

A bus lay-by has been constructed as part of the road. The lay-by will allow two buses to stand outside the normal kerb to kerb reservation. While this provision is adequate, its siting close to the apex of a kerb in Alexander Street is not desirable.

It is recommended that the Department of Education be requested to consider the construction of a traffic control device to the south of the proposed entry and bus lay-by to assist in reducing vehicle speed. For example, the pavement width could be narrowed by realigning the kerb on each side of the road. This would reduce vehicle speed and direct them away from the bus loading area.

In determining the application, it should be noted that Council cannot impose conditions of consent on development applications by public authorities except with the concurrence of the Minister for Planning. In order to expedite the construction of the school, it is recommended that an unconditional consent be issued and that the Department's attention to the desirability of a traffic control device be brought to their attention in correspondence.

Recommendation

1. That the application be approved unconditionally.
2. That the Department of Education be requested to install a traffic control device to the south of the entry and bus lay-by to reduce vehicle speed. For example, the pavement width could be reduced by realigning the kerbs on each side of the road. Upon agreement to such work, the plans for the traffic control device are to be submitted to the Local Traffic Committee.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 8:	(File DA 54/89) [10.327]	<i>michael</i>
APPLICANT:	D & J POWE	
DEVELOPMENT APPLICATION:	RURAL WORKER'S DWELLING	
OWNER:	MR K G AND MRS V M POWE	
LAND & LOCATION:	LOT 31 DP 584676, 75 OLD PITT TOWN ROAD, OAKVILLE	
AREA:	1.694 HECTARES	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - RURAL 1(C) b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - RURAL 1(C)	

ADVERTISING:
DATE RECEIVED:

NOT REQUIRED BY COUNCIL'S POLICY
8TH FEBRUARY, 1989

REPORT (M.T.P.)

The Proposal

The applicants own and manage a mushroom farm on an adjoining lot in conjunction with their sons. The application is for a rural worker's dwelling for one of the sons employed on the farm.

Statutory Considerations

Clause 19 of Hawkesbury Local Environmental Plan, 1984 provides that Council can only approve the erection of one dwelling for a rural worker for each 10 hectares in the allotment. Secondly, the rural worker's dwelling can only be used for the accommodation of a person engaged in the use of the land (containing the rural worker's dwelling) for the purposes of agriculture.

Originally, the application was for the erection of a rural worker's dwelling on land owned by another family member which does not physically adjoin the mushroom farm. This proposal conflicts with the second requirement that a rural worker's dwelling be erected on the land where the agricultural use is being carried out.

Subsequently, the application was revised to locate the dwelling on land which adjoins the mushroom farm. The applicant advises that it is not practical to build a dwelling on the farm lot as it is encumbered by a large Electricity Commission Easement and the mushroom farm itself. The applicant wishes to retain the remaining land on the farm lot for extensions.

While the revised application to site the dwelling on land adjoining the farm still does not comply with the provisions of Clause 19, it is more acceptable as the land on which the agricultural use is being carried out could, if required, be consolidated so that the agricultural use was on the same land as the rural worker's dwelling.

In relation to the minimum area requirement for rural workers' dwellings, the applicant advises that each of their three sons are gainfully employed on the farm. Further, it is stated that the mushroom farm has to be monitored on a seven day per week basis including some nights.

The applicant seeks Council's support for the application under State Environmental Planning Policy No. 1. Under this policy, Council has discretionary power to vary the minimum area requirement for rural workers' dwellings with the concurrence of the Department of Planning.

Planning Assessment

Inspection of the land confirms the existence of a large mushroom farm on Lot 4 DP 59026 and that the applicants' sons are all gainfully employed in its operation.

It is apparent that the proposed rural worker's dwelling is compatible with the intent of the rural workers' provision. Further, it is undesirable to site the dwelling on the lot containing the farm due to its

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extent and an encroachment by an Electricity Commission Easement. The proposed location of the dwelling on adjoining land is preferable both in terms of Clause 19 of Hawkesbury Local Environmental Plan 1984 and the site characteristics. The proposed location of the rural worker's dwelling is approximately 160 metres from the mushroom sheds proper.

The test which Council must use in determining whether the application should be supported under State Environmental Planning Policy No. 1, is whether the 10 hectare standard for a rural worker's dwelling is an unreasonable and unnecessary standard in the circumstances of the case. Because of the labour intensive nature of mushroom farming, the 10 hectare standard is considered to be unreasonable and unnecessary. Accordingly, it is considered that the application should be supported.

Recommendation

1. Council support the application pursuant to State Environmental Planning Policy No. 1.
2. That Council seek the concurrence of the Department of Planning to the application.
3. Upon receipt of the Department's concurrence, the Manager of Town Planning be vested with the delegated authority to issue a development consent.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 9:	(File DA 5/89) [10.328]	Tim 14-4-89
APPLICANT:	MR N BUTTSWORTH	
DEVELOPMENT APPLICATION:	ERECTION OF A DUPLEX	
OWNER:	DEPARTMENT OF HOUSING	
LAND & LOCATION:	LOT 719 DP 777657 NEPTUNE CRESCENT, BLIGH PARK	
AREA:	787.9 M ²	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - RESIDENTIAL 2(A) b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - RESIDENTIAL 2(A)	
ADVERTISING:	ADJOINING OWNERS NOTIFIED. OBJECTION RECEIVED FROM M D WILLIAMS	
DATE RECEIVED:	6TH JANUARY, 1989	

REPORT (M.T.P.)

Proposal

The applicant proposes to erect a residential flat building containing two flats on the site. The units are three bedroom with kitchen, bathroom and living area. Both units have separate lock up garages with entry off Hercules Place.

The building is brick veneer construction with tiled roof.

Statutory Situation

The land is zoned Residential 2(a) and has an area of 787.9 m². The zoning permits the erection of duplexes and dual occupancies and the proposal generally complies with Council's Medium Density Codes and Sydney Regional Environmental Plan No. 12. In this respect there is no difference now between duplexes and attached dual occupancies as both are able to be strata titled in Bligh Park and some other urban zones.

Public Notification

Adjoining owners were notified and the application placed on exhibition in accordance with Council's policy. A submission was received from an adjoining owner objecting to the proposal and stating the following:

"A dual occupancy property has already been approved in this street at Lot 728 and I think that 2 dual occupancy dwellings in a cul-de-sac with only 12 lots in it is far too ridiculous to be approved.

If this sort of application is to be representative of the estate this would mean that 1 in 6 blocks released in the estate would be approved for dual occupancy.

As I am not a regular visitor to my block of land I feel that not enough notice was given in order to prepare a formal protest by;

1. Contacting adjoining landowners.
2. Getting relevant information from council.

Finally if there are 2 duplexes in my street there will in fact be 14 not 12 residences which will add a significant amount of extra traffic.

The major reason I chose to live in a cul-de-sac is because there is no through traffic and it is quieter than a normal street.

This is a chief concern because we are a young family with 2 small children to think of.

In closing I can only protest my strong disapproval that a 2nd application of this kind in such a small street would be considered."

Planning Assessment

The proposed development is located on a corner block with access off Hercules Place. Additional traffic generated by the proposal would be minimal.

With regard to the exhibition period, adjoining owners were notified on the 17th February, 1989 with the exhibition period ending on 6th March, 1989. In line with Council's advertising policy the application was not advertised in the local newspaper.

Owing to the provisions of Regional Environmental Plan No. 12 and Hawkesbury Local Environmental Plan, 1984 land within the residential area of Bligh Park may be developed for the purposes of dual occupancies or residential flat buildings Class A.

The design of the building is generally in character with adjoining residential development and provides much needed housing within the Shire.

Council's Policy for Residential Flat Buildings (including duplexes) is for a setback of 9 m to the road frontage. The application proposes a setback of 7.6 m being the normally acceptable one in residential zones. If the applicant called his proposal a dual occupancy it would have complied with the setback requirement, but as he chose to call it a duplex it does not comply. As there is now no difference between the two it is considered the proposal should be approved.

Recommendation

A. That the application be approved subject to:

1-4. Standard Conditions (DA) 1, 9, 25 and 27.

B. That Council's Code for Residential Flat Development insofar as it relates to duplexes permit a setback of 7.6 (seven point six) metres.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 10:	(File DA 77/89) [10.329]	SARANT 14-4-89
APPLICANT:	R J BUCHAN	
DEVELOPMENT APPLICATION:	DUPLEX	
OWNER:	R J BUCHAN	
LAND & LOCATION:	LOT 666 DP 775033, 31 FULLERTON CRESCENT, BLIGH PARK	
AREA:	777.6 M ²	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - Residential 2(A) b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - Residential 2(A)	
ADVERTISING:	22ND FEBRUARY, 1989 UNTIL 13TH MARCH, 1989. OBJECTIONS RECEIVED FROM MARTIN THORN AND MRS A. VAN OPYEN.	
DATE RECEIVED:	17TH FEBRUARY, 1989	

REPORT (M.T.P.)

The Proposal

The applicant seeks to construct a duplex in Fullerton Crescent at Bligh Park.

The proposal involves the construction of a "Federation" style dwelling comprising, sand stock bricks, a red iron roof, cream colonial windows fronting onto Fullerton Crescent, and bull-nose verandah with aluminium lace work around the poles.

The applicant and his son intend residing in the duplex.

The land is zoned Residential 2(a) under both the present local environmental plan and the draft local environmental plan. Duplexes (dual occupancies) are a permissible use within this zoning.

Provision has been made in the plans, in accordance with Council's Car Parking Code, for two double garages. Vehicles using the garage to the rear of the block will drive through the breezeway. The driveway lay out at the front of the dwelling is to be amended from a circular to a straight driveway, which is to be extended to accommodate the carports at the front of the block.

The proposed layout of the garages is not considered satisfactory. Access to the rear garage is through the breezeway and it is likely that vehicles would have to reverse back out through the breezeway. Alternatively, to allow manoeuvring on site it would be necessary to concrete the area between the front garage and the rear carport. Even then it is unlikely that there would be sufficient room to manoeuvre a car from the carport closest to the dwelling.

Submissions

The proposal was exhibited for a period of 14 days during which time two submissions were received. A brief description of the submission from Martin Thorn is as follows:-

1. That the application has been submitted by a "... greedy investor/builder not satisfied with making a profit from a single home".
2. "It would appear that the builder/investor behind this project has no intentions of living in this dwelling."
3. The communal courtyard is adjacent to the objectors entertaining area which causes them concern on the basis that, "... two families living in such small homes and both having to share the same outdoor area may present domestic problems".
4. "The duplex proposed for Lot 666 is neither aesthetically pleasing nor is it in keeping with the size of homes in the area."
5. "I will admit that should two tolerant elderly couples purchase or rent these properties then things may be OK, however should two young families purchase or rent these properties I can see nothing but trouble and disharmony arising from this development."

The objectors' main concerns include reduction in property values, and the adverse impact of the tenants on their neighbours standard of living. The objection from Mrs Van Opynen covers the same types of issues.

In response to these claims:-

1. There is no evidence to suggest that duplexes result in a reduction in property values.
2. Houses may also be rented. This is not a phenomenon restricted to duplexes and therefore can not be sited as reasonable grounds for an objection.
3. Owner occupiers also have the potential to degrade the amenity of an area via domestic disputes.

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4. There is no evidence to support the claim that the duplex will be rented or sold.
5. Young people cannot be discriminated against in the selection of tenants.

Planning Assessment

It is not considered that the layout of the duplex is satisfactory, particularly the garage and driveway layout. Occupants of the rear carport will be forced to either reverse through the breezeway off the site or manoeuvre on site, the latter requiring a large unattractive hardstanding pavement in front of the dwellings. It would appear that the application is an overdevelopment of the site and should be redesigned on the basis of two x two bedroom units.

Recommendation

That the application be refused for the following reasons:-

1. Unsatisfactory vehicular access.
2. Overdevelopment of the site.
3. Not in the public interest.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 11:	(File DA 35/89) [10.330]	<i>Amice - 14-4-89</i>
APPLICANT:	R & L SACCHETTI	
DEVELOPMENT APPLICATION:	EXCAVATION OF AN IRRIGATION CHANNEL AND REMOVAL OF SAND.	
OWNER:	R & L SACCHETTI	
LAND & LOCATION:	LOT 6 DP 702046 FREEMANS REACH ROAD, FREEMANS REACH	
AREA:	8.3 HECTARES	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - RURAL 1(B1) ENVIRONMENTAL PROTECTION b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - ENVIRONMENTAL PROTECTION (SCENIC) 7(D1)	
ADVERTISING:	ADJOINING OWNERS NOTIFIED WITH TWO SUBMISSIONS BEING RECEIVED FROM MR AND MRS S VELLA, AND MR AND MRS J SULTANA.	
DATE RECEIVED:	24TH JANUARY, 1989	
<u>REPORT (M.T.P.)</u>		

The Proposal

The applicants operate a market garden on the subject land and obtain irrigation water from an existing excavated sump hole approximately 30 metres from the river. The existing sump hole and the trench which connects it to the river is almost entirely on Crown land. Use of the sump hole is shared with Mr and Mrs Vella who obtain water via an easement for their market garden on the opposite side of Freemans Reach Road.

The Sacchetti's and the Vella's have from time to time shared the expense of hiring an excavator to clear the channel when it becomes clogged with sand. Spoil heaps adjacent to the channel indicate that such work has been carried out and that the sand has not been removed from the land.

The maintenance of the existing irrigation channel cannot be undertaken without authorisation from the Crown. It is undesirable that the Sacchetti's and Vella's be required to seek Crown approval for the regular excavation of the channel.

The subject application essentially seeks to provide a sump hole and irrigation channel (similar to that on the adjoining land) wholly within the land owned by Sacchetti.

It is estimated that the work would involve not more than 3,000 tonnes of sand. The applicants proposed to engage a company to remove the sand which would presumably be sold with some royalty being payable to the applicant.

Public Submissions

A submission has been received from Mr and Mrs S Vella objecting to the application on the following grounds:-

- "(a) Council must guarantee that our water supply for the property at Lot 5 Freemans Reach Road, Freemans Reach will be 24 hours a day, 7 days a week.
- (b) Any damage caused to our irrigation main or pump will be repaired immediately, no matter if it is interrupted with the digging of materials or not.
- (c) Any loss of crops due to shortage of water, damages will have to be compensated."

It would seem that the submission has been made as an objection following discussions with a Council officer. The Vella's seek a guarantee from Council that their water supply will be available 24 hours a day, however, they were advised that Council is not in a position to offer such a guarantee and can only condition any consent to this effect. As they benefit from an easement for irrigation, the maintenance of the water supply is more a private contractual issue to be resolved by the Vella's and Sacchetti's.

The Sultana's advise that they have no objection to the application provided that they also receive approval for the same development when they lodge an application.

Assessment of an application by the Sultana's will be on its merits, and consideration of the subject application may not necessarily have any bearing on future applications on other land.

Statutory Considerations

An "extractive industry" means the winning of extractive material such as sand and gravel. The Environmental Planning and Assessment Act requires that a development application for an extractive industry be supported by an environmental impact statement prepared in accordance with the

Director's requirements. An extractive industry is a permissible use of the land with consent.

Agriculture is also a permissible use of the land and is defined as including horticulture and the use of land for any purpose of husbandry including the keeping or breeding of livestock, poultry, or bees, and the growing of fruit, vegetables, and the like.

The subject application contains elements of both of these uses, ie, the winning of sand is being undertaken as part of the horticultural use of the land. On balance, the application is more closely aligned to the agricultural use of the land and should be considered as ancillary to agriculture rather than as an extractive industry. Accordingly, an environmental impact statement is considered to be not required in this instance.

Planning Assessment

The Public Works Department has advised that it would consider a proposal for a trench with a maximum width at the top of 5 metres with a sump for pump foot valves having a maximum diameter of 25 metres and maximum depth of 4 metres. On the basis of these specifications, it is calculated that the application involves less than 3,000 tonnes of sand or 2,000 cubic metres. Typically, such material could be removed at a rate of at least 500 tonnes per week so the work should be completed within 6 weeks. It should be noted that the applicants have not specified a likely completion date.

The truck access to the site should be restricted to Freemans Reach Road so as to minimise damage to local roads and restrict noise nuisance.

A road maintenance royalty should be attached to any consent to provide reimbursement for the inevitable road damage. It is considered that a reasonable contribution is 30 cents per tonne of the estimated resource, ie, \$900. This amount should be paid prior to the commencement of operations. In addition, the applicant should be responsible for any road maintenance which can be directly attributed to the operation.

Once the channel has been constructed, it is reasonable that the applicants be allowed to remove sand obtained as a result of periodic maintenance, providing that such is commensurate with normal maintenance.

Recommendation

That the application for the construction of an irrigation channel and sale of extracted sand be approved generally in accordance with the plan submitted subject to the following conditions:

1. The trench is to have a maximum width at the top of 5 (five) metres with a sump for pump foot valves having a maximum diameter of 25 (twenty five) metres and maximum depth of 4 (four) metres. Any variation from these specifications resulting from site conditions must be approved by Council and the Public Works Department.
2. Payment of a road maintenance contribution of \$900 (nine hundred) prior to the commencement of work.
3. Compliance with the requirements of the State Pollution Control Commission.
4. Truck access to the site to be restricted to Freemans Reach Road.

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5. Any damage caused to the irrigation line owned by Mr and Mrs S Vella is to be repaired immediately.
6. All work to be completed within 6 (six) weeks of the date of this consent.
7. The access track between Freemans Reach Road and the works area is to be periodically watered to minimise dust.
8. The applicant to undertake any road maintenance works on Freemans Reach Road which can be directly attributed to the works.

The applicants should be advised that Council will not require separate consent for the sale of sand obtained during the periodic maintenance of the sump hole and trench, providing that such is commensurate with normal maintenance only.

COMMITTEE'S RECOMMENDATION

THAT THE APPLICATION for the construction of an irrigation channel and sale of extracted sand be approved generally in accordance with the plan submitted subject to the following conditions:

1. The trench is to have a maximum width at the top of 5 (five) metres with a sump for pump foot valves having a maximum diameter of 25 (twenty five) metres and maximum depth of 4 (four) metres. Any variation from these specifications resulting from site conditions must be approved by Council and the Public Works Department.
2. Payment of a road maintenance contribution of \$3,000 (three thousand) prior to the commencement of work.
3. Compliance with the requirements of the State Pollution Control Commission.
4. Truck access to the site to be restricted to Freemans Reach Road.
5. Any damage caused to the irrigation line owned by Mr and Mrs S Vella is to be repaired immediately.
6. All work to be completed within 6 (six) weeks of the date of this consent.
7. The access track between Freemans Reach Road and the works area is to be periodically watered to minimise dust.
8. The applicant to undertake any road maintenance works on Freemans Reach Road which can be directly attributed to the works.
9. A further application is required to be submitted to and approved by Council for removal of sand resulting from future floods.

ITEM 12:	(File DA 175/88) [10.331]	Michael
APPLICANT:	DENNING PROPERTIES PTY LTD	
DEVELOPMENT APPLICATION:	DISCOUNT STORE	14-4-89
OWNER:	DENNING PROPERTIES PTY LTD	
LAND & LOCATION:	LOT 1 DP 740132, KABLE STREET, WINDSOR (WINDSOR TOWN CENTRE)	
AREA:	221.3 SQUARE METRES	
ZONING:	a) HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1984 - GENERAL BUSINESS 3(A) b) DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN, 1987 - GENERAL BUSINESS 3(A)	
ADVERTISING:	NOT REQUIRED UNDER COUNCIL'S POLICY	
DATE RECEIVED:	16TH FEBRUARY, 1989	

REPORT (M.T.P.)

The Proposal

The subject site is a small vacant piece of land on the riverside of the Kable Street access to the Windsor Town Centre. On 7th February, 1989 delegated authority approval was issued to allow the erection of a restaurant on the land. On 7th November, 1986, consent was also issued for the use of the land as a retail plant nursery.

The applicant now seeks to amend the restaurant approval to permit the operation of a discount store. The plans submitted for the discount store are similar to the plans for the approved restaurant. It is proposed that the discount store occupy the whole site, no provision being made for off-street parking or loading.

A survey sketch submitted with the restaurant application indicates that the land has a level of between 13.26 and 15.24 metres. The 1 in 100 year flood frequency level is 16 metres.

Statutory considerations

A discount store or shop is a permissible use of land zoned General Business 3(a).

Clause 35(5) of Hawkesbury Local Environmental Plan, 1984 stipulates that the floor level of a building used for commercial purposes shall be at a level not less than the 1 in 100 year flood frequency level. However, Clause 35(6) allows Council to consider an application for the erection of a commercial building with a floor level below the 1 in 100 year flood frequency level, where existing site levels and the existing buildings make compliance with Clause 35(5) impractical.

A survey sketch submitted with the restaurant application indicates that the Kable Street frontage of the land varies between 13.26 metres and 13.81 metres.

It is considered that to make the building comply with the 1 in 100 year level would result in an aesthetically unattractive building when viewed from Kable Street. This comment is based on the elevation of the Kable Street floor between 2.7 metres in the western corner and 2.2 metres in the eastern corner. It is considered preferable that the floor level be set at the 1 in 50 year flood frequency level or 15 metres. The applicant's architect has advised that the applicant would have no objection to such a condition.

Planning Assessment

The development consent issued for the Windsor Town Centre included use of the subject site as shops. Condition No. 5 of the consent provided:

"An on-site area for parking and loading is to be provided that is commensurate with the development of the site and its surroundings to the satisfaction of the Manager of Town Planning, and is to be of a suitable all weather construction to the satisfaction of the Manager of Engineering Services."

Council's off-street parking provision for a discount store is 1 space per 30 square metres of gross floor space. This provision is slightly higher than that for shops which is 1 space per 40 square metres of gross floor space. Consequently, as the use of the site for shops has already been approved and provided for in the original consent, it is possible to seek additional off-street parking or a contribution for the difference between the two ratios. The difference between these two ratios is 2 spaces or \$11,000.

The revised application for the discount store makes no provision for off-street loading, however the plans indicate a roller door at the rear of the building. As the existing car park almost abuts the rear of the land, use of the roller door for loading will make a number of spaces inaccessible. The number will depend upon the size of the delivery truck. The traffic authority guidelines indicate that a large rigid truck is approximately 11 metres in length while a small rigid truck is approximately 6.6 metres in length. These trucks would overlap 4 spaces and 2 spaces respectively taking into account the 2 metre separation of the first space from the rear of the land.

Unlike the restaurant, it is considered that there should be some formal arrangement for off-street loading. Further, the size of the proposed shop suggests that a small delivery truck would likely be used, therefore resulting in the loss of access to 2 off-street car spaces. It is considered that a contribution should be paid for these spaces as their value will be seriously compromised by loading operations.

The proposed design of the discount store is generally satisfactory, however the proposed entry protrudes onto the existing driveway access by approximately 1 metre. To avoid conflict in the use of the driveway it is considered that the entry should be relocated such that the steps are wholly beneath the building's awning.

During the preparation of parking report for Council (to be reported next meeting) consideration was given to recommending acquisition of this land. However, the site could only provide an additional 5 (five) spaces and accordingly its acquisition is not viable.

Recommendation

That the application be approved generally in accordance with the sketch plan dated 4th December, 1988 subject to the following conditions:

- 1-3. Standard Conditions (DA) 1, 18 and 28.
4. Floor level of the discount store to be 15 (fifteen) metres Australian Height Datum (1 [one] in 50 [fifty] year flood frequency level). Should the applicant wish to have the floor level at 16 (sixteen) metres an amended front elevation will need to be submitted which takes into account the design of the sub floor elevation.
5. The proposed entry steps are to be relocated so that they are within the curtilage of the building and not protruding onto the driveway.
6. The payment of a contribution of \$22,000 (twenty two thousand), being a contribution for 4 (four) off-street parking spaces, 2 (two) arising from the change in ratio from 1 (one) per 40 (forty) square metres to 1 (one) per 30 (thirty) square metres and the other 2 (two) from the 2 (two) spaces which will be compromised by loading operations.

COMMITTEE'S RECOMMENDATION

THAT FURTHER NEGOTIATIONS be held with the developer concerning the design of the proposal.

Councillor Stubbs left the meeting at this stage, the time being 1.20 p.m.

ITEM 13: (File DA148/87) [10.332]

Sc/6m 14-4-89

SUBJECT: CONSTRUCTION ASSOCIATED WITH HAWKESBURY HIGH SCHOOL AND FREEMANS REACH PRIMARY SCHOOL

REPORT (S.C.)

Members of Council have raised the question of the gas storage tanks recently constructed on the Kurmond Road frontage of the Hawkesbury High School development. The tanks are not shown on the development plan provided to Council and, accordingly, the matter has been taken up with the Department of Education to advise as to why they were placed in that particular location and, thus, detracting from the development.

There has also been a long outstanding dispute over the imposition of conditions relating to the construction of bus turning bays and associated roadways. It has been reported to Council previously that the Department has advised that they do not see themselves as a developer but as the providers of community facilities. In this regard, they have been advised the Environmental Planning & Assessment Act does not make any provision for such consideration and that any developer, either public or private, should comply with conditions that minimise the impact of developments and avoid expenditure by other levels of government in the future, where this would normally have not been required. With the development of both Schools and the associated increased traffic including heavy vehicles servicing the School, there will undoubtedly be a deterioration of the roadway and, particularly, the gravel shoulder of the Kurmond Road which will result in pressure on Council to increase maintenance and provide for improvement.

There has also been a continuing issue regarding the construction of a bus turning bay for the Primary School. The Department wish to construct a small bay that was not considered adequate by Council's staff and the State Traffic Authority. The Department's response has been that if Council would not be willing to compromise the position then it would make the students of the Primary School walk from the High School bus turning bay. This type of threat is not seen as the means of resolving a situation where the Traffic Authorities involved have indicated quite clearly what is required to provide for reasonable traffic safety.

It is considered unfortunate that a government instrumentality is not prepared to follow the guidelines of its own government's traffic guidelines.

Recommendation

That Council seek assistance from the Minister of Education and the Member for Hawkesbury to have the matter resolved.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 14: (File S87/90) [10.333] *Angela (Lynning)*
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SUBJECT: REQUEST FOR AMENDMENT OF CONDITION - SUBDIVISION
PORTION 104 PARISH KURRAJONG, DERRING LANE,
KURRAJONG - F AVATI

REPORT (M.E.S.)

The application to subdivide the above land into two lots of 4.5 hectares and 4.85 hectares was approved subject to various conditions including:-

- "5. The construction of a 3.5 metre wide sealed pavement in Derring Lane over the frontage of the subdivision."

The applicant has now written objecting to the extent of work required and requesting that the pavement works be terminated 15 metres past the common boundary of the two lots, which is 82 metres short of the full frontage of the land. He points out that this will service both lots, that only one resident lives beyond the subdivision and that they are agreeing to construct 215 metres of pavement which benefits both sides of the road. He argues that it is unfair to require his client to construct full width for the full length of the road and that the financial burden imposed may cause abandonment of the subdivision.

The applicant is being required to construct the equivalent of a half width pavement, however as Derring Lane is only 10 metres wide and has steep crossfalls, no further widening of the pavement is likely in the foreseeable future. Again, due to the topography, no access is gained to the road from the land opposite over this section of the road.

Council has recently shaled Derring Lane which is now trafficable for its full length.

Council's adopted policy requires half width (3.5 metre) sealed pavement over the frontage of the subdivision, which is what has been required. A person who claims to have a contract to purchase the far lot has verbally objected to the pavement construction being reduced on a number of occasions, stating that he wishes to gain access to the lot from near the end of the road. Although the access would require heavy cut given the unusual shape of the lot, it is likely that any house would be situated towards the end of the road and his argument therefore has merit.

The cost of the additional 82 metres of road is not great and would be in the vicinity of \$5,000, with the total cost of the road works required for the subdivision being approximately \$18,000.

Recommendation

Council adhere to the conditions of approval of the subdivision as set out in Council's letter dated 26th November, 1987 and Development Consent No. 561/1987.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 15: (File DA 609/87) [10.334]
SUBJECT: KURRAJONG VILLAGE RESTAURANT

Michael 14-4-89

REPORT (M.T.P.)

In the report to Council's meeting of 14th March, 1989 it is stated in the second paragraph that the approved hours of operation are 6 pm to 11 pm, Thursday to Saturday and 12 noon to 3 pm on Sunday. In fact, the hours of operation approved by Council at its meeting on 8th March, 1988 are 6 pm to 11 pm Thursday to Sunday and 12 noon to 3 pm Sunday. It would appear that these approved hours were confused with the hours approved with the original consent (not the consent for the extensions).

The particulars of the development consent issued by Council from its meeting of 8th March, 1988 were detailed in a letter to the applicant on 17th March, 1988. This letter was necessary to clarify aspects of the approval, including possible inconsistencies in the original application. As Council did not condition the hours of operation on the approval, the approved hours were as specified on the development application, ie, 6 pm to 11 pm Thursday to Sunday and 12 noon to 3 pm Sunday. However, other correspondence submitted with the application did not refer to closing times.

The following is a list of the major aspects of the approval from Council's meeting of 8th March, 1988 as stated in a letter to the applicant on 17th March, 1988.

- "* Area of Extensions - As indicated on the plan supporting the application.
- * Design of the Extensions - As indicated on the plan supporting the application.
- * Dining Area - That area indicated in blue on the plans supporting the development application (not including the deck).
- * Hours of Operation - 6.00 pm to 11.00 pm Thursday to Sunday. 12 noon to 3.00 pm Sunday."

On 26th October, 1988 Council's attention was directed to an alleged breach in the approved operating hours in the form of an advertisement in the Gazette of 19th October, 1988 (page 24). Apparently the advertisement indicated that the restaurant would be open on a Wednesday and on Melbourne Cup Day for lunch and also Saturday lunch. In response to this, the operators were instructed to comply with their approved hours of operation or risk Council seeking to enforce its conditions through the Land and Environment Court. Since this letter, there is no evidence to indicate that the applicants have not complied with their hours of operation.

It would appear that the application to extend the operating hours is on the same basis as the reported advertisement in the Hawkesbury Gazette of 19th October, 1988.

Recommendation

That the information be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 16: (File H100-4) [10.335] *Glen 14-4-89*
SUBJECT: REQUEST FROM JOINT COUNCILS RIVER COMMITTEE

REPORT (M.T.P.)

Council is in receipt of a letter from the Joint Councils River Committee which states the following:

"Reference is made to the heads of consideration in Section 90(1) of the Environmental Act, 1979 that must be considered by Council when determining a development application.

The Joint River Committee at its meeting of 6 February, 1989 considered the heads of consideration as they relate to urban drainage and resolved as follows:

'The Joint Councils River Committee recognises that a major deficiency in the effective action and of the effects of urban drainage run-off and as a result of this deficiency, the Committee seeks the support of member councils and make representations to the Minister of Local Government and Minister for Planning to have Section 90(1) of the Environmental Planning and Assessment Act, 1979, amended to include heads of consideration and enable councils adequate power in dealing with development applications to take into account the effects of urban drainage, with the objective of diminishing any future exacerbation of drainage problems that might be brought about in the area by that development.'

You are requested that your Council consider the above resolution and advise the Joint Councils River Committee if you support the proposal. A submission will be made to the Minister when all replies have been received."

Comment

Section 90 of the Environmental Planning and Assessment Act (1979) provides numerous heads of consideration to be used by Council in assessing development applications.

Four of these heads of consideration, namely:-

- (b) the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;

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- (h) the relationship of that development to development on adjoining land or on other land in the locality;
- (m) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (m1) whether that development is likely to cause soil erosion;

enable Councils to condition approvals or to refuse applications so that drainage problems associated with developments are controlled.

The Joint Council River Committee's actions are to be commended, however in this instance the legislation is sufficiently detailed to enable Councils to minimize environmental degradation associated with urban runoff and general drainage problems.

There is nothing untoward in having an extra head of consideration as requested, however it would appear to be unnecessary duplication of existing provisions.

Recommendation

That Council support the Joint Councils River Committee's initiatives with regard to urban runoff in principle, however, the request to amend Section 90 of the Environmental Planning and Assessment Act, 1979, not be supported and advice given to the Committee as to the reasons indicated in the report.

COMMITTEE'S RECOMMENDATION

CONSIDERATION OF THIS matter be deferred to the next Ordinary Meeting of Council.

ITEM 17: (File P160) [10.336]

SUBJECT: DEVELOPMENT ADVERTISING POLICY AND DELEGATION OF
AUTHORITY TO MANAGER OF TOWN PLANNING AND DEPUTY
MANAGER OF TOWN PLANNING

REPORT (M.T.P.)

Advertising Policy

Council's advertising policy for development proposals was adopted at its meeting of 13th November, 1984. The policy provides that in addition to advertising of a statutory nature, all matters that are generally out of character or not normal in the zone, as well as residential flat buildings, are to be advertised. The policy was subsequently altered by the deletion of the requirement for advertising dual occupancies in rural zones. Specifically, the policy provides as follows:

Residential Areas

Adjoining owners being notified of proposals for all development other than normal single occupancy residential development and development ancillary thereto. Residential flat buildings other than Class A being advertised. Signs to be placed on all sites by the applicants involved indicating the nature of the development to be undertaken.

Rural Areas

Adjoining owners being notified of proposals of all development other than for normal single occupancy residential development, development ancillary thereto, dual occupancy and for grazing type agricultural pursuits. Signs being placed on all sites by the applicants involved indicating the nature of the development to be undertaken.

Commercial and Industrial

No advertising or notification where proposals conform with statutory and Council code requirements, including minor departures thereto.

In addition, all Council developments to be advertised other than minor works or extensions to existing development. Development proposals that have shire or regional implications to be advertised. Advertising means an advertisement in a weekly newspaper inviting comments for a period of 14 days.

Application of this policy over time has indicated a number of deficiencies.

Firstly, on controversial proposals, the advertising policy is often criticised in that the development is only brought to the attention of the owners physically abutting or opposite to the subject site. This seems unnecessarily restrictive and should be supplemented with a discretionary power to notify other persons who may have an interest in the development.

Secondly, the requirement that signs be placed on all sites by the applicants indicating the nature of the development to be undertaken is not considered to be as effective as direct notification of adjoining and affected owners. The obligation on the applicant to erect the sign in a visible location is not always fulfilled.

Thirdly, the policy provides for the advertising of many non-controversial applications, the applicants being subject to additional costs through consequent delay in determination.

Delegation of Authority

Generally, delegation of authority to determine applications should correspond to development applications which are not advertised. The major exception to this general provision is that applications which are proposed to be refused should be referred to Council for determination.

The existing list of delegations, like the advertising policy, require review and rationalisation. For example, Clause 2 of the delegation provides that the Manager of Town Planning has the power to refuse applications for development consent which are prohibited under the terms

of the planning instrument. Normally, such applications have been determined by Council and it is appropriate that the power to determine an application by refusal should rest with Council exclusively.

It is considered that there is scope for rationalisation of both the advertising policy and the delegation of authority to the Manager of Town Planning to promote public participation in controversial matters and to increase efficiency where applications are of a routine, non-controversial nature.

Accordingly, it is recommended that the following policy be adopted for advertising and delegation of authority.

Recommendation

1. Council's policy regarding the advertising of development proposals be revised to provide as follows:-

Residential areas

Adjoining owners being notified of proposals for all development other than normal single occupancy residential development, single storey dual occupancy and development ancillary thereto. All other development is to be brought to the attention of adjoining owners.

Rural Areas

Adjoining owners being notified of proposals for all development other than normal single occupancy residential development, development ancillary thereto, dual occupancy and for grazing type agricultural pursuits.

Commercial and Industrial

No advertising or notification where proposals conform with statutory and Council code requirements, including minor departures thereto.

Draft Local Environmental Plans

Notify adjoining owners of draft local environmental plans at the Section 66 stage.

In addition, where the Manager of Town Planning considers it desirable in the interests of public participation, to notify persons other than adjoining property owners, that this be undertaken to the extent necessary.

In addition to the above, Council is obliged to carry out additional advertising of a statutory nature, such as the placement of advertisements in the local newspaper for draft local environmental plans and applications for designated development.

2. The following delegation of authority be provided to the Manager of Town Planning subject to compliance with statutes and any policy of Council, authority to:-

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- (i) Approve development applications which do not require advertising either under Council's advertising policy or under any statutory provisions.
 - (ii) Approve subdivision applications.
 - (iii) Approve development applications which have been advertised and have not been the subject of any public objection.
 - (iv) Act on behalf of Council on conferences convened by the Land and Environment Court on matters under appeal or objection.
 - (v) Approve or refuse applications under Council's tree preservation order.
 - (vi) Approve applications for extensions of time for development applications previously approved by Council where the planning position remains unchanged.
 - (vii) Assume the concurrence of the Director of the Department of Planning in accordance with the Department's Circular No. 151 of 12th September, 1988, and for Sections 65 and 69 of the Environmental Planning and Assessment Act in accordance with the Department's letters of 28th October, 1985 and 24th February, 1986.
 - (viii) Approve applications made pursuant to State Environmental Planning Policy No. 1 where in the opinion of all relevant Council departments involved the planning objectives for the locality will not be diminished.
 - (ix) In consultation with the Shire Clerk institute appropriate action to require the compliance with any planning policy or code of council, the Environmental Planning and Assessment Act and Regulation or the planning provisions of any other law or statute, including the determination of the level of representation and the court in which the action is to be instituted.
 - (x) To process draft local environmental plans under Section 68 of the Act following advertising provided no objections are received.
 - (xi) In consultation with the Shire Clerk to deal with all industrial disputes within the Town Planning Department.
3. The following delegation of authority be provided to the Deputy Manager of Town Planning subject to compliance with statutes and any policy of Council, authority to:-

During the period of any absence from his office by the Manager of Town Planning, exercise the powers and duties and functions delegated to the Manager of Town Planning.

COMMITTEE'S RECOMMENDATION

1. COUNCIL'S POLICY REGARDING the advertising of development proposals be revised to provide as follows:-

Residential areas

Adjoining owners being notified of proposals for all development other than normal single occupancy residential development, single storey dual occupancy and development ancillary thereto. All other development is to be brought to the attention of adjoining owners.

Rural Areas

Adjoining owners being notified of proposals for all development other than normal single occupancy residential development, development ancillary thereto, dual occupancy and for grazing type agricultural pursuits.

Commercial and Industrial

No advertising or notification where proposals conform with statutory and Council code requirements, including minor departures thereto.

Draft Local Environmental Plans

Notify adjoining owners of draft local environmental plans at the Section 66 stage.

In addition, where the Manager of Town Planning considers it desirable in the interests of public participation, to notify persons other than adjoining property owners, that this be undertaken to the extent necessary.

In addition to the above, Council is obliged to carry out additional advertising of a statutory nature, such as the placement of advertisements in the local newspaper for draft local environmental plans and applications for designated development.

2. That Schedules 9 and 10 of Clause 2.9 of the Council's delegations conferred by Section 530A of the Local Government Act be amended by the following, subject to compliance with statutes and any policy of Council, authority to:-
 - (i) Approve development applications which do not require advertising either under Council's advertising policy or under any statutory provisions.
 - (ii) Approve subdivision applications.
 - (iii) Approve development applications which have been advertised and have not been the subject of any public objection. X
 - (iv) Act on behalf of Council on conferences convened by the Land and Environment Court on matters under appeal or objection.
 - (v) Approve or refuse applications under Council's tree preservation order.
 - (vi) Approve applications for extensions of time for development applications previously approved by Council where the planning position remains unchanged.
 - (vii) Assume the concurrence of the Director of the Department of Planning in accordance with the Department's Circular No. 151 of 12th September, 1988, and for Sections 65 and 69 of the Environmental Planning and Assessment Act in accordance with the Department's letters of 28th October, 1985 and 24th February, 1986.
 - (viii) Approve applications made pursuant to State Environmental Planning Policy No. 1 where in the opinion of all relevant Council departments involved the planning objectives for the locality will not be diminished.
 - (ix) In consultation with the Shire Clerk institute appropriate action to require the compliance with any planning policy or code of council, the Environmental Planning and Assessment Act

and Regulation or the planning provisions of any other law or statute, including the determination of the level of representation and the court in which the action is to be instituted.

- X (x) To process draft local environmental plans under Section 68 of the Act following advertising provided no objections are received.
- (xi) In consultation with the Shire Clerk to deal with all industrial disputes within the Town Planning Department.

ITEM 18: (File DA 192/85) [10.337]

SUBJECT: *Michael* 14-4-89. TINDA PARK - SAND EXTRACTION. /

REPORT (M.T.P.)

On 11th November, 1986, Council resolved to approve the construction of a dam for agricultural purposes together with the transport of extracted materials. This consent was subject to 12 conditions. Condition No. 9 limited the life of the operation for a period of 2 years, such time expiring on 11th November, 1988.

Subsequently, a number of reports have been submitted to Council concerning the noncompliance with a number of conditions of consent. In addition, the dam construction has not proceeded in accordance with either the development application or the plan of management.

On 1st September, 1988, Council wrote to the operators indicating that the extractive operations had not been undertaken in accordance with the application or conditions of consent. It was noted that the dam wall had failed as a result of over-topping in floods.

At Council's meeting of 13th December, 1988 it was resolved that the land owner and operators be advised as follows:

- "1. That strengthening of the wall of Pond A, including the construction of a spillway, is to be undertaken by 28th February, 1989.
2. That Council accepts, in principle, the plan of operations indicated on drawing No. 8838-1, prepared by B & P Civil Engineers, however, that a further overall management plan of operations is required to be submitted for Council's consideration by 28th February, 1989.
3. That on receipt of the management plan, referred to in No. 2 above, Council will consider the extension in time of development consent, having regard to the remedial works undertaken and the works required to be carried out to restore the land to an acceptable profile. The operators are advised that any consideration would be as required under the Environmental Planning and Assessment Act and that, depending upon the submissions made as a result of No. 2 above, such may entail a further development application as "designated development" and considered accordingly.

4. That should the works as required in Nos. 1 and 2 above be not completed and the management plan of operations be not received by 28th February, 1989, that Council will call up all monies held by it from the company and seek an order in the Land and Environment Court so that it may perform restorative works on site in addition to seeking an order for cessation of all works."

Council received the plan of management from Poyneed Pty Ltd on 28th February. The overall management plan consists of a scale map indicating the existing and proposed works and a consultant's report together with a covering letter. The covering letter states as follows:-

"As witnessed by Councillors on their recent visit to the site the project is far from completion as a result of numerous setbacks the Company experienced from the commencement of the operation 2 years ago.

While the Company has made a number of improvements to the operation in recent months such as, carried out works to eliminate spillage of silt into Tinda Creek, the reinforcing of dam walls and the removal of waste materials, etc. There is still a great deal of work to be carried out to complete the project and the associated restoration works as required.

In order for our company to carry out this work and to make it a viable proposition the company requires a 2 year extension from Council.

Our proposed management plan is as follows:

1. Complete strengthening of wall on Pond A. - In progress - almost completed.
2. Spillway. - In progress - almost completed.
3. Complete new silt dam. - Complete end of March 1989.
4. Batter dam walls and vegetate. - Complete August 1989.
5. Dredge existing area, Pond A, in use to approximately 5 metres in depth. - Complete March 1991.
6. Re-vegetate all works area. - Complete April 1991. ..."

The plan of management indicates that the future operation (ie, for 2 years) is to redredge the existing dam to a minimum depth of 5 metres. The plan indicates that it is not proposed to increase the works area to any significant extent.

Inspection of the site indicates that the western wall of the dam has been considerably widened and there has been general "tidying up" around the plant site and some battering of the pits on the eastern side of the dam. A concrete pipe has also been provided to serve as a spillway pending completion of the dam.

However, in terms of Item 1 of Council's resolution of 13th December, 1988 it is apparent that further work is required, particularly on the northern

wall of the dam. The operators have been aware of these shortcomings since September, 1988. Taking into account wet weather, there has been ample time for the strengthening of the dam wall to be completed. Until such work is completed, the life of the approval should not be extended.

The proposed management plan for the future operations is, in principle, satisfactory. The extractive operations will be confined to the existing works area, approximately 5.9 hectares. This area is chiefly comprised of the existing Pond A, so that the ultimate impact of the extraction will be mitigated by the creation of a dam/lake.

Given that the proposed extension only relates to the existing works area, it is not considered that the requested 2 year extension should be considered as designated development under the Act. Consequently, upon completion of the outstanding works there should be no "in principle" objection to the extraction proceeding in accordance with the management plan for a period not exceeding 2 years.

Recommendation

1. That the application for a 2 (two) year extension to the life of the operation be refused for the following reasons:
 - (a) Non completion of the strengthening of the wall of Pond A as required by Council's resolution of 13th December, 1988.
 - (b) Non completion of the battering of the extraction pits to the east of the existing pond.
2. That the applicants be advised that upon completion of these outstanding works, the application for the extension of time will be reconsidered.
3. That the applicants be advised that should the works indicated in 1. above not be completed within 6 (six) months of the date of this resolution, Council will call up all monies held by it from the company and seek an order in the Land and Environment Court so that it may perform restorative works on site.

Mr. R.Stout, Director of Poyneed Pty.Ltd. and Mr. N. Diamond addressed the Committee.

COMMITTEE'S RECOMMENDATION

THAT THE APPLICATION be approved for an extension of 2 (two) years with all restoration works to be carried out on the site within 6 (six) months subject to allowances being made for wet or inclement weather conditions. Further that a cost of \$100 (one hundred) be payable by the applicant for bi-monthly inspections for the period of 12 (twelve) months and then at Council's discretion after.

ITEM 19: (File H105/15) [10.338]

SUBJECT: HERITAGE ADVISORY COMMITTEE - OUTSTANDING REPORT

Clerk 24/4/89

REPORT (M.T.P.)

Perusal of the minutes of the Heritage Advisory Committee over the past four years reveals a number of anomalies inherent in its structure and function, as well as a lack of achievement in terms of policy formulation.

The Committee was formulated in 1984 with its stated role being to receive reports in respect of applications for financial assistance from the Heritage Restoration Fund with advice from the then Heritage Advisor being passed on to Council. However, Council subsequently resolved that the receipt of reports in respect of applications for financial assistance not be part of the Committee's role with authority for this function being vested in the then Deputy Shire Clerk and Shire Planner.

The Committee has effectively operated as a forum for complaints and criticisms against Council and its staff and has involved itself in minor and routine matters to the exclusion of important issues such as policy formulation for heritage items. Routine matters are more appropriately dealt with by Council staff who have expertise in the areas required rather than by members of the Committee.

The Committee comprised of representatives of the two Chambers of Commerce, Macquarie Towns Preservation Society, three Councillors and three senior officers. Whilst all Committee members may table reports at each meeting the only members to do so were the senior officers and Councillors. The contribution of other members to date, has been to raise matters of a routine nature, such as safety at Windsor Post Office, which already has or would be dealt with in due course by Council staff.

Despite the problems experienced to date with the operation of the Committee, it should continue to function albeit with proper terms of reference and revised membership. Advisory Committees are an appropriate means of ensuring that residents, councillors and Council staff are represented at all stages on policy development from definition of the problem through to formulation of solutions for Council's consideration. Further, if Council is to achieve its conservation objectives it is of paramount importance that the community is not only aware but also supportive of Council's conservation policies. Through activities such as a program of publicity and education the Heritage Advisory Committee can prepare the community for this supportive role and greatly assist Council in the achievement of its objectives.

In order that the problems which have previously beset the Heritage Advisory Committee are overcome and that, following review, the Committee operates in an effective and efficient manner, new terms of reference are suggested as follows:

- i) to foster public awareness of the Shire's heritage both built and natural
- ii) to promote conservation of both the Shire's built and natural heritage
- iii) to identify and advise Council of conservation planning issues requiring policy formulation and to recommend appropriate policy.

It is considered appropriate that the new terms of reference relate to both the built and natural environment as they are equally significant.

To this end the Committee will have a particularly important role to play in fostering public awareness of the Shire's natural heritage as well as promoting conservation of environmentally sensitive areas.

In order that Council is provided with appropriate technical support in its decision making the Committee must comprise professionally qualified or experienced representatives. Membership of the Committee should desirably comprise two to three Councillors - one of whom is the chairman, the Manager of Town Planning and the Manager of Environment and Building Services or their representatives, three local citizens and one local conservation architect/planner. The three local citizens should be chosen from nominations called for by advertisement in the local newspaper. Committee membership should be reviewed each year with new nominations being sought.

Further, the effectiveness of the Committee would be improved were it to meet only when and if business arises rather than whether or not there is any business. Onus for much of the Committee's work would thus be placed on Committee members equally rather than primarily on Council's staff.

It is considered that when the Heritage Advisory Committee reconvenes a statement paper outlining Council's position on conservation, including philosophy and practice, should be prepared and presented to the first meeting of the new Committee so that the members are aware of the current situation.

Members would also benefit from the address of a number of guest speakers dealing with issues similar to that experienced by Council. It is considered that the adoption of the measures outlined above will overcome the problems which have previously beset the Heritage Advisory Committee enabling it to function in an efficient and effective manner.

Recommendation

1. That the information in respect of the Heritage Advisory Committee be received.
2. That the Heritage Advisory Committee's terms of reference be:-
 - i) to foster public awareness of the Shire's built and natural heritage.
 - ii) to promote conservation of the Shire's built and natural heritage.
 - iii) to identify and advise Council of conservation planning issues requiring policy formulation and to recommend appropriate policy.
3. That the Heritage Advisory Committee comprise two Councillors, one of whom shall be the Chairman; the Manager of Town Planning and Manager of Environment and Building Services or their representatives; two local citizens and one local conservation architect/planner with the latter group being appointed for one year with new nominations being sought each year.

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4. That a statement paper on conservation be prepared for information and presented to a further meeting of Council and thence to the first meeting of the new Committee for their information.

Mr.A.Hendrikson addressed the Committee.

COMMITTEE'S RECOMMENDATION

1. THAT THE INFORMATION in respect of the Heritage Advisory Committee be received.
2. That the Heritage Advisory Committee's terms of reference be:-
 - i) to foster public awareness of the Shire's built and natural heritage.
 - ii) to promote conservation of the Shire's built and natural heritage.
 - iii) to identify and advise Council of conservation planning issues requiring policy formulation and to recommend appropriate policy.
3. That the Heritage Advisory Committee comprise 2 (two) Councillors, 1 (one) of whom shall be the Chairman; the Manager of Town Planning and Manager of Environment and Building Services or their representatives; 3 (three) local citizens and 1 (one) local conservation architect/planner with the latter group being appointed for 1 (one) year with new nominations being sought each year.
4. That a statement paper on conservation be prepared for information and presented to a further meeting of Council and thence to the first meeting of the new Committee for their information.
5. That Councillor Books and Councillor Stubbs be appointed the 2 (two) Councillor representatives on the Committee.

ITEM 20: (File P160-61) [10.339]

michael
14-24-89

SUBJECT: CONTRIBUTIONS IN RESIDENTIAL AND RURAL AREAS FOR
THE PROVISION OF OPEN SPACE AND COMMUNITY
FACILITIES

REPORT (M.T.P.)

Section 94 of the Environmental Planning and Assessment Act provides that Council may require the dedication of land or the payment of a contribution as a condition of any development consent. These conditions may only be imposed where the development will or is likely to require the provision of or increase the demand for public amenities and public services. The Act also specifies that such a contribution or dedication must be reasonable.

Circular 42 issued by the Department of Planning clarifies the intention and effect of Section 94. Prior to the Environmental Planning and Assessment Act, Councils were able to levy contributions for items such as:

- the acquisition of land for open space;
- the acquisition of land for, and construction of, subdivisional roads;
- in certain cases, the acquisition of land for, and construction of, drainage systems.

Under Section 94 Councils are able to seek contributions in addition to those listed above, for other items including:-

- the embellishment costs associated with open space and recreation;
- the acquisition of land for, and development of, a range of community amenities and services.

Council, at its meeting of 9th April, 1985, resolved to require the following contributions for the acquisition and embellishment of open space and community facilities.

1. Subdivision of residential zoned land excluding Urban Development Program land (per additional lot)	\$840.00
2. Subdivision of rural zoned land (per additional lot)	\$725.00
3. Residential flat development (per additional dwelling)	\$572.00

As these figures have not been adjusted for a number of years and have been subject to land and building inflation, it is appropriate that they be brought up to date.

To achieve a "per lot" or "per dwelling" contribution it is necessary to make a number of assumptions concerning open space requirements, occupancy rates and land values. The following assumptions have been applied to the formula provided in Circular 42.

- (i) Open space land is required at the commonly accepted standard of 2.83 hectares per 1,000 additional persons. In addition there is a requirement under Circular 42 for 4.8 square metres of land per dwelling for community buildings.
- (ii) The average occupancy of houses is 3.7 persons and the average occupancy of flats is 2.5 persons. Therefore the open space and community land requirement per house (and therefore lot) is 109.8 square metres while the open space and community land requirement per flat is 75.8 square metres.
- (iii) An average value for 4 hectares of rural zoned land in the Shire is \$200,000 (\$5 per square metre).

The current indexed amount for the embellishment of open space and community facilities (non land costs) as provided for in Circular 42 is \$789 per house and \$533 per flat.

The land costs in accordance with assumptions (i) - (iii) are \$549 for houses and \$379 per flat.

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Therefore the contributions for subdivision and residential flat development would be as follows:

- * Subdivision - \$1,338 per additional allotment
- * Residential flat development - \$912 per additional dwelling

The subdivision contribution should not generally be applied to large urban development program releases as facilities in these areas should be supplied in kind. It is not considered necessary to distinguish between rural and residential subdivision.

Recommendation

1. That the standard conditions for subdivisions be amended to provide as follows:-

"A contribution of \$* based on \$1,338 (one thousand three hundred and thirty eight) per additional allotment being the contribution for open space and community facilities as a consequence of the subdivision of land."

2. That the standard conditions for development applications be amended to provide as follows:-

"A contribution of \$* based on \$912 (nine hundred and twelve) per additional dwelling being a contribution for open space and community facilities as a consequence of residential flat development with the exception of dual occupancy."

COMMITTEE'S RECOMMENDATION

1. THAT THE STANDARD conditions for subdivisions be amended to provide as follows:-

"A contribution of \$* based on \$1,338 (one thousand three hundred and thirty eight) per additional allotment being the contribution for open space and community facilities as a consequence of the subdivision of land."

2. That the standard conditions for development applications be amended to provide as follows:-

"A contribution of \$* based on \$912 (nine hundred and twelve) per additional dwelling being a contribution for open space and community facilities as a consequence of residential flat development with the exception of dual occupancy."

3. That the charges be reviewed annually.

ITEM 21: (File 68A/485/72) [10.340]

SUBJECT: RELINQUISHMENT OF BANK GUARANTEE FOR AN EXTRACTIVE
INDUSTRY OPERATED BY BRICKSAND PTY LTD - SACKVILLE
ROAD, EBENEZER

Michael
16-4-89

REPORT (M.T.P.)

In 1974 the Local Government Appeals Tribunal approved the establishment of an extractive industry on land in Sackville Road, Ebenezer, being part of Portions 245 and 246 in the Parish of Wilberforce. In 1979 Council considered a request for an extension to the period of operations. The extension was granted subject to a number of conditions including the submission and approval of a plan of management with its incorporation in a deed of agreement relating to restoration works, a bond of \$20,000. In 1982, Council again extended the life of the operations for a further three years subject to the same conditions and bank guarantee (ie, \$20,000).

In 1987, Council was advised that the land had been sold, the new owner being Bricksand Development Pty Ltd. Despite the similar company name, the new owner apparently has no connection with the principals of the former owner. Following the sale, the former owners (Bricksand Pty Ltd) sought from Council the relinquishment of the bank guarantee of \$20,000.

Initially, the former owners were advised that Council was unable to release the bank guarantee until the land was restored to Council's satisfaction. In this regard it was noted that a site inspection revealed the existence of unsightly stockpiles and derelict equipment. While the former owners had no objection to such work, they advised that the current landowner was not disposed to let them enter the land to carry out the required works. Attempts have been made to confirm this with the current landowner but, to date, no contact has been made with him.

It is doubtful whether Council can direct the previous owners to carry out works without the permission of the current landowner. However, Council may be able to direct that the current landowner carry out the restoration as the outstanding conditions of consent are attached to the land and not the owner. However, this latter course is difficult as the new owner was not connected with the extractive operations and purchased the land (including the derelict equipment) on a "walk in - walk out" basis.

Council may also be perceived to have been tardy in its enforcement duties as there appears to be no evidence on file of Council carrying out supervision of the works on the property after 1982. Additionally, the new owner obtained a consent for a motel complex and it may have been possible to require restoration works as a condition of that consent. However, if that consent was acted upon, the motel complex would have rectified the outstanding works in any case.

The previous owners have been advised that the outstanding works will cost in the vicinity of \$4,000-\$5,000. The former owners have now offered to settle Council's requirements for \$2,500. This amount will cover the cost of laying a new culvert under Sackville Road. The existing culvert, in terms of hydraulic capacity, is inadequate and needs to be amplified. As this work is external to the site it can be undertaken without the owner's approval.

It should be noted that the previous extractive operations are not visible from Sackville Road as there is a substantial earthmound, heavily vegetated, along the entire road frontage.

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On the basis of these circumstances, it is recommended that the settlement offer for the release of the bank guarantee for \$2,500 be accepted and that the funds be directed to the supply and installation of a new parallel culvert under Sackville Road.

Recommendation

That upon payment of \$2,500 (two thousand five hundred) in settlement of outstanding conditions, Council notify the ANZ Bank, Burwood North area branch, that it no longer requires the bank guarantee for \$20,000 (twenty thousand) held on behalf of Bricksand Pty Ltd.

COMMITTEE'S RECOMMENDATION

THAT THE \$20,000 (twenty thousand) bank guarantee be retained until such time as an inspection can be carried out of the site.

ITEM 22: (File L8/88) [10.341]

Michael
24-4-89

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 5 DP-262467
MOUNTAIN LAGOON ROAD, MOUNTAIN LAGOON.
OWNER - L BUCKET.

REPORT (M.T.P.)

Council, at its meeting of 13th December, 1988, resolved that it reaffirm its previous resolution to prepare a draft local environmental plan to permit the proposed subdivision and that upon dedication the road be constructed by the applicant to the satisfaction of the Manager of Engineering Services.

Subsequently, the Department of Planning was requested to issue a Section 65 Certificate to enable the draft plan to be advertised. A response has now been received from the Department of Planning as follows:-

"The Department notes that the National Parks and Wildlife Service requires the Crown reserve road to be maintained, and sees no need to dedicate it as a public road. As advised previously it is considered that the proposed subdivision could be achieved under these circumstances by means other than a local environmental plan.

Council might reconsider developing a comprehensive approach to the issue of lands traversed by Crown reserve roads in proximity to National Parks, and/or in this instance consider an application for subdivision under State Environmental Planning Policy No. 1."

The Department's advice is ambiguous but seems to suggest that the Department may favourably view a development application for subdivision under State Environmental Planning Policy No. 1.

Council has also received correspondence from the National Parks and Wildlife Service confirming their "In principle" objection to the subdivision as it is contrary to zoning provisions. They also note that

should the application be approved, they would anticipate that the applicant would construct the road (or contribute to its construction) to the standard set by Council.

The likely future use of the Crown reserve road and the desirable standard of construction has been discussed with both the National Parks and Wildlife Service and the applicant. The Service indicates that the Crown reserve road is proposed to be used as an access point for the public to Wollemi National Park, with a car park to be located beyond the subject land. As such the Service would desire a reasonable standard of access suitable for conventional vehicles. The applicant is agreeable to constructing and sealing the Crown reserve road to the access point to the proposed rear lot (approximately 70 m from Sams Way). From this point the road traverses the side of a gully for a further 80 m, before entering Wollemi National Park.

The engineering construction requirements for subdivisions and development adopted by Council at its meeting of 13th December, 1988, would require the applicant to undertake the following works:-

1. Dedicate or provide land required for road widening at no cost to Council (the site inspection suggested the existing track may not be wholly within the Crown Reserve Road);
2. Full width road construction of the Crown reserve road across Lot 5, ie, 7 m seal, shoulders and necessary drainage;
3. Potential to require upgrading of Sams Way and Mountain Lagoon Road to the nearest sealed section of Mountain Lagoon Road, approximately 2.8 km from the site.

On the basis that the Crown reserve road will provide general access, it is considered that the applicant should be responsible for its construction (including sealing) within Lot 5. However, because of topography it will not be physically possible to construct the road to Council's normal rural road specification. It also does not seem reasonable to require upgrading of Sams Way and Mountain Lagoon Road for a distance of 2.8 km. Therefore, it is recommended that the applicant be required to construct and seal the Crown reserve road through Lot 5 to a standard to be determined by the Manager of Engineering Services, having regard to its future usage, the topography and the attractive environment. If the applicant is not agreeable to this standard the specific works can be referred to Council for determination.

Some consideration has been given to the development of a comprehensive approach to the issue of Crown reserve roads, and this is included in this report as background to the subject application.

Legal Standing of Crown Reserve Roads

According to the Senior Land Manager of the Department of Lands, Crown reserve roads were instituted in the 1800's to provide access to all lots in the State. Subsequently, there have been numerous changes to the land use pattern so that now, in many instances, they are redundant. Consequently, in general terms they are more akin to an historic relic than a purposeful access.

It is significant to note that, generally, the land comprising the Crown reserve road is in the ownership of the Crown and not the landowner. The Department of Lands advise that use of the Crown reserve road by the adjoining (or surrounding) landowner requires a road permit. Such a permit costs \$60 per year and normally only allows the grazing of animals. As a matter of policy, the Department does not support the erection of permanent structures on Crown reserve roads nor does it permit their fencing. Therefore, in many instances, land which is traversed by a Crown reserve road is not contiguous as the land is comprised of two or more separate physical parts by virtue of "severance" by the Crown reserve road. In general terms the Crown reserve roads permit public access and indeed in the subject application, the road is required by the National Parks and Wildlife Service for access to Wollemi National Park.

In response to previous enquiries, Council obtained legal advice from Mr Peter McClellan QC on whether "severance" by a Crown reserve road constituted a subdivision within the meaning of the Environmental Planning and Assessment Act, 1979. Mr McClellan's advice is to the effect that development consent is required for the subdivision of land by virtue of a Crown reserve road, and as a consequence the lots must comply with the minimum area provisions of the zone.

The Department of Lands advised that the procedure for closing unnecessary Crown reserve roads is the same as that for public roads. In addition, the owner of the land which surrounds the Crown reserve road would be required to acquire the road, at market value, from the Crown. As a consequence, there is no real incentive for redundant Crown reserve roads to be closed.

Planning Considerations

There are hundreds of lots in the Shire which are traversed by Crown reserve roads. Many of these lots are in more remote areas of the Shire, eg, Mountain Lagoon, Bilpin, Blaxlands Ridge, Wheeny Creek, St Albans, etc. There would appear to be no justification for treating Crown reserve roads in proximity to National Parks any differently to Crown reserve roads in other locations. It is likely that some Crown reserve roads in other locations will have access requirements (either public or private) similar to the subject application. Therefore, any policy on Crown reserve roads cannot be specific as to location or circumstances. However, where Crown reserve roads provide access to National Parks, any application should be referred to the National Parks and Wildlife Service as it may be possible to rationalise existing access points in accordance with the Management Plans for each National Park. That is, a condition of subdivision approval may be the closure of the Crown Reserve Road.

A policy which allows subdivision by virtue of a Crown reserve road may not necessarily result in the immediate creation of large numbers of unserviced "paper" subdivisions. Many of the lots which may have potential for subdivision by virtue of Crown reserve roads would likely be excluded by application of Council's normal rural subdivision standards, eg, road construction, all weather access handles, etc. In other words, the cost in providing the necessary services to the subdivision would likely render it uneconomic.

Should Council be of the opinion that the existence of a Crown reserve road justifies, in principle, a subdivision, it may be possible to proceed with a policy on a staged basis, ie, parish by parish. Such a staged

approach would keep the numbers of applications within reasonable limits and would allow the whole policy to be easily reviewed should unforeseen results occur.

As Council has received numerous enquiries regarding subdivision by Crown reserve roads in the Mountain Lagoon area, it may be appropriate that any policy commence with the Parish of Wheeny.

With respect to the subject application, the advice from the Department of Planning, whilst being ambiguous, suggests that an application for subdivision could be considered under State Environmental Planning Policy No. 1. As Council has previously resolved to support the application, it is suggested that it proceed with the subdivision via a development application under State Environmental Planning Policy No. 1 as indicated by the Department of Planning.

It is clearly desirable that Council assess applications for subdivision by Crown reserve roads on a consistent basis. A "one-off" approval makes it difficult for the staff to advise the public on the likely outcome of a similar application on other land. Therefore, it is suggested that approval of the subject application necessitates the preparation of an overall policy for Crown reserve roads as suggested by the Department of Planning.

The policy would take the form of a Local Environmental Plan and its basis could be as discussed above.

Recommendation

1. The applicant be requested to lodge a development application in accordance with State Environmental Planning Policy No. 1 and that the Manager of Town Planning be given delegated authority to approve the application subject to conditions and forward it to the Department of Planning for concurrence in the normal manner.
2. A draft local environmental plan be prepared for the subdivision of land traversed by a Crown reserve road in terms of the principles outlined above.

Mr.L.Bucket addressed the Committee.

COMMITTEE'S RECOMMENDATION

1. The applicant be requested to lodge a development application in accordance with State Environmental Planning Policy No. 1 and that the Manager of Town Planning be given delegated authority to approve the application subject to conditions and forward it to the Department of Planning for concurrence in the normal manner.
2. A draft local environmental plan be prepared for the subdivision of land traversed by a Crown reserve road in terms of the principles outlined above.
3. The developer provide a single lane sand stone road construction to the satisfaction of the Manager of Engineering Services.

SECTION 3 - FINANCE

ACCOUNTS PAID

COMMITTEE'S RECOMMENDATION

THE ACCOUNTS SUBMITTED be confirmed as shown hereunder:

General Fund Nos.	76613 - 77233	\$6,997,215.85
Trust Fund No.	6896 - 6957	1,202,983.84
		\$8,200,199.69

STATEMENT OF BANK BALANCES, INVESTMENTS AND FORM 2

COMMITTEE'S RECOMMENDATION

THE STATEMENT OF Bank Balances as shown in Form 2 showing the position of the Bank Accounts be received.

ITEM 1: (FILE C44/1) [20.187]

SUBJECT: FINANCIAL MANAGEMENT PRACTICES - DEPT LOCAL
GOVERNMENT CIRCULAR

REPORT (S.C.)

In 1988 the Department of Local Government forwarded a circular attempting to encourage Councils to review their financial policies, systems and internal reporting procedures. To assist with that review a series of questions was provided, which are the key financial and budgeting factors that have been addressed. The answers to those questions have been detailed, including recommendations of corrective measures to be implemented.

The Department indicated that many of the problems encountered by others or initiatives introduced by other Councils have been included in the questionnaire.

BUDGETING & FINANCIAL PLANNING

Budget Format

Preceding 1988 Council had adopted the traditional budget format of line items similar to the statutory requirements of the Annual Statements of Accounts. 1989 saw the introduction of the first stage of Programme Performance Budgeting.

Forward Long Term Budgets

In the past, a five year Capital Works and Revenue Programme has been adopted by Council. Following the recent report of the Management Consultants, a three year Capital Works and Revenue Programme was recommended and it is anticipated that this will be completed and presented to Council in the first half of 1989.

Budget Timing

Budgets are prepared in the second half of each financial year and submitted for Council's consideration in November. This enables the "making" of rates in sufficient time to enable the rate notices to be levied in the first week of January of the subsequent year. The Inspector of Local Government, in his recent report, indicated that Council should levy the rates in early January and thereby greatly assist with Council's cash flow and interest earned on investments. It is felt that this should be adopted as a policy of Council.

Financial Models

A modern management tool available with an effective computer system is financial modelling. This tool enables the projection of long term financial plans and measures, over time, and enables the assessment of the real cost of a particular service that will be imposed on Council's financial resources. It is anticipated that with the implementation of a new computer system financial modelling can be commenced and will greatly assist with forward financial planning.

Rolling Works Programmes

Rolling Works Programmes are those which are financed or developed on a continuing basis and affect more than one financial period. The implementation of Programme Performance Budgeting and Forward Financial Planning will enable this process to be more effectively implemented and monitored.

Plant and Vehicle Replacement Programme

The replacement of Council's public works plant has generally been reviewed on an annual basis. A forward three year replacement programme will be submitted in conjunction with the Capital Works Programme. Council has a policy of replacement of the motor vehicle fleet at 40,000km or two years, whichever is the earlier, for each vehicle. This policy is effective as the majority of vehicles currently return a cash flow to Council.

Cash Management Policy

A major part of Council's revenue each year is achieved by efficient utilisation of funds allocated, but not used, for its works and services. This available cash is invested on the short term money market at the best

interest rates and terms available. Investments are made in accordance with the Local Government Powers of Investment Act and particularly through the Council's Banker and the Local Government Investment Service.

Risk Management Programme

Following the commencement of the Joint Self-Insurance Group of Councils (WESTPOOL), Council has, in accordance with that Group's requirements, developed a Risk Management Programme. It is anticipated that this will improve over the next twelve months and should achieve a good result with better asset management and reduction of risk for public liability and professional indemnity insurance claims.

Corporate Management

Council has adopted the report of Touche Ross Management Services for the implementation of a corporate management plan and organisational structures. The first stages of this process have been implemented and will be continued over the next twelve months.

USE OF FINANCIAL RESOURCES

Banking Arrangements

Council has established a very satisfactory arrangement with the Commonwealth Bank of Australia and has achieved a good result from having its Overdraft and Trust Fund bank accounts offset against one another. This offset, in principle, enables the nett amount between these two accounts to be contained as low as possible. Interest on the overdraft balance is charged at 0.05% and at the full overdraft rate where the nett balance between the General Fund and Trust Fund is negative. Any surplus and unused funds are invested on the short term money market.

Because of the difficulties which were experienced with regard to an on line computer facility to the bank to obtain daily bank balances, this service has been terminated. However, with the new computer system it is anticipated this facility will be recommenced and will achieve a better management of cash flow and investment opportunities through this on line service.

Utilisation of Reserves, Trust Fund Monies, Etc.

It has been Council's practice to utilise internal borrowing, particularly from reserves, for the purchase and replacement of computer and office equipment. This has enabled the Council to increase its financial resources from those funds which are required to be held in reserve or trust fund, but would not necessarily be utilised in the short term.

Sundry Debtors and Outstanding Rates

The prompt issue of accounts for monies due to Council after services have been rendered is important for effective cash flow. In 1987/88 a major review was undertaken of the amount outstanding for rates and charges and sundry debtors. The position at that time was less than satisfactory and

a new policy was developed in early 1988 for the recovery of this amount. A substantial improvement was gained in rate collection that year, whereby 96% of the outstanding amounts were recovered and it is felt that this will be improved on in 1989. The result of this action will achieve a better cash flow and more interest earned on investments.

Loan Funds

The borrowing of loan monies for any programme should coincide, as near as possible, to the time when the money is to be expended on works. Interest cost on overdraft is greater than the money which is borrowed from traditional financial sources. In addition, the difficulties Local Government is experiencing in obtaining loan allocations restricts a works programme being spread across more than one loan programme, unless it is absolutely necessary because of the size of the works programme. Loan funds should not remain unexpended for more than two years, however, Council has occasionally experienced this due to the type of works which have been funded from these programmes and particularly where approval or funding was required from other public authorities, i.e. Heritage Council and Water Board.

Experience in past years of reduced loan allocations has not made it possible for Council to expend monies from loan programmes in anticipation of raising those funds from future programmes because of the uncertainty of obtaining the loan allocation.

NSW Treasury Corporation

In 1988 Council resolved to investigate the borrowing of funds from the NSW Treasury Corporation. As this Corporation had been operating in Local Government for only a short period of time and difficulties have been experienced with funding programmes and budgeting for debt servicing, Council resolved to obtain information from other Councils on their experiences in using this Corporation. It is understood that there may be some reduced interest cost with borrowing from this financial resource, however, with the recent significant increase in interest rates, it is anticipated that this would not be so in the current financial climate.

FINANCIAL POLICY

Working Funds

In theoretical terms, a Council should raise only sufficient funds to meet its expenditure requirements in any one year which would result in a working funds balance of zero, however, an appropriate position is where the Council has sufficient working funds to meet any extraordinary cost which may occur in the current year, such as a major disaster (flood or fire). The Department of Local Government has not established a policy for working funds, however, it is felt that this Council should endeavour to achieve a working funds position of 7% of its general purpose rates. In 1989 this would amount to approximately \$630,000. The estimated accumulated working funds balance as at 31 December 1988 for the General Fund amounted to \$420,229.

Overdraft

Council has, for a number of years, had an overdraft balance approved by the Bank of \$800,000. This balance has been reduced from \$1.5m approved after the amalgamation of Councils in 1981. It is considered that this overdraft limit is quite satisfactory to meet Council's requirements.

Reserves - Plant Replacement, Employees' Leave Entitlements

The new global limit requirements for loan borrowing established by the NSW Loan Council has prevented Council from borrowing funds through traditional sources for plant replacement. In 1988 a reserve of \$150,000 was established as the first stage of providing funds for this commitment. This reserve will be reviewed along with the long term plant replacement programme and, if necessary, further funds provided on an ongoing basis.

The alternative to establishing a plant replacement reserve is to enter into operating leases, which are a significantly higher cost than borrowing the funds through financial institutions.

The Employees' Entitlements Reserve has been established based on a certain criteria of age of employee and likely commitments for retiring staff. The level of the reserve, if achieved in accordance with the policy adopted by Council in 1983, would be in excess of current requirements. It is now felt that that policy should be reviewed in terms of current financial management practices.

Fees & Charges

Council reviews annually all non-statutory fees and charges and endeavours to achieve a level of charges wherever possible, which is cognisant with the cost of the service (user pay). These fees and charges are adopted by Council in December each year for commencement on the subsequent 1st January.

Rating

In 1988 Council, through the Rating Review Committee, in conjunction with its Estimates, reviewed its rating structure, minimum rates and rating policies. Since 1981, the level of rates has been raised to the maximum of the rate pegging legislation and, in 1989, Ministerial approval was given to raise rates in excess of that statutory limit.

Loans as a Source of Capital Income

Each year Council provides a Loan Borrowing Programme relative to the works required to be carried out, the importance of those works and the cost of servicing the loans. Loan funds are generally utilised for capital works or major construction works of infrastructure in urban centres, including roads construction, kerbing and guttering, drainage and parkland improvements. In addition to loan borrowing, entrepreneurial activities such as residential and industrial subdivisions, and sale of non-revenue producing assets have supplemented loan funds for capital income.

Debt Service Ratio

The debt service ratio of a rapidly developing area such as this Shire would normally have a high debt service ratio. The department of Local Government has indicated that a reasonable level would be 25% of the aggregate of general purpose rates, revenue sharing grant, garbage charges, pensioner rate subsidy and ex gratia payments in lieu of rates. The debt servicing ratios for the years 1986-1988 inclusive are as follows: 1986, 28.7%; 1987, 26.67%; and 1988, 28.55%.

Loan Indebtedness

With the introduction of financial modelling and long term budgeting, better analysis of the effects of future loan indebtedness will be achieved.

Plant & Fleet Management

Currently fleet management is recorded on manual and computer systems. With the introduction of a new computer system, it is felt that the plant management process will be more effectively appraised and maintained.

Purchasing

Council has developed a purchasing function which takes advantage of government contract and bulk purchasing for stores, materials, works and services. The monitoring of stock levels of stores and materials has generally been undertaken on a manual or visual process. This management requirement will be improved with the new computer system.

Insurance

The development of self-insurance for Workers' Compensation and Public Liability and Professional Indemnity Insurance has proved of great benefit to the cost of Council's insurance premiums. Improved work practices and considerable savings have been achieved as well as a reduction in potential claims. Other insurances are arranged and negotiated through Insurance Brokers, Sedgwick Abrahams.

Business/Commercial Enterprises

A regular review is undertaken of Council's leases, properties and other commercial-type enterprises to ensure that the income derived is that which can be expected in the general commercial environment. The level of costs related to these activities is also reviewed and will be improved with the processes of Programme Performance Budgeting.

SYSTEMS MANAGEMENT PROCEDURESProgramme Cost Control

The implementation of Programme Performance Budgeting will enable the responsibility of costs to be directed to those officers who are appointed

to control cost centres and programme performance measures. The existing computer system falls short in some areas regarding internal financial reporting, however, it is anticipated that with the establishment of performance criteria for programme budgeting analysis and with the implementation of the new computer system, which will include commitment costing, then greater internal financial control and job cost control will be achieved.

Standard Costs and Performance Measurement

A significant advantage of Programme Performance Budgeting is the development of criteria for measurement of work performance. Once this criteria has been established it is then possible to better develop standard costs or unit cost rates for a majority of work functions. This will be achieved in the second stage of Programme Performance Budgeting implementation and will assist in the appraisal of effectiveness and comparison with similar activities on a local and state-wide basis.

Quarterly Financial Statements

The quarterly financial statements are a major tool used for reporting the directions which the overall budgetary processes are taking for the current year. These statements are used both by Council and Management as a review of financial performance. Any major variation between forecasts and actual results is reviewed regularly. This also takes place in conjunction with the preparation of the annual Estimates and following completion of the annual Statements of Accounts.

Level of Administrative Expenses

This Council has adopted an approach whereby its community halls, child care centres and major sporting facilities are run by community management committees delegated authority under Section 530A of the Local Government Act. The major benefit which is achieved through the use of community management committees is that the service delivered best meets the community needs if the community manages it. Additional benefits are reflected in the overall costs of management and administration borne by the Council. This approach to the management of many of the community services enables the overall administrative costs for this Council to be much lower than experienced by many of the adjoining Council areas.

Computerisation

In comparison with many other Local Government Authorities, this Council is highly computerised. With the implementation of the new computer system, the level of computerisation will be improved further. Such areas as engineering, drafting and design, roads management systems, drainage systems, flood level forecasting and sewerage flow management systems are currently not computerised, but will be developed in conjunction with the implementation of the new computer. Further on-line computer systems will be developed and will result in much more effective management reporting systems.

The level of security on hardware, software and information systems has been examined by Council's Auditor and the Local Government Inspector in his recent inspection. The security was found to be very good in all areas.

Internal Audit Practices

The internal audit practices are reviewed regularly by Council's staff in conjunction with the External Auditor. It is felt that there is a fairly high level of internal audit control.

External Audit

Council's External Auditor has not found it necessary to address Council. Matters are discussed freely with him and any necessary alterations made. His reports have always been positive and indicated sound control.

Labour and Plant Utilisation

Although many processes for the analysis and review of labour and plant utilisation, as to effectiveness and efficiency, are undertaken at management level, it is felt that this will be improved with the implementation of Programme Performance Budgeting and forward programmes of replacement.

Annual Statements of Accounts

The Annual Statements of Accounts for the last three years have been prepared and audited within the prescribed time and forwarded to the Department of Local Government and the Commonwealth Statistician. Results of the Annual Statements each year and other important matters are reported to Council.

State of Accounts Work

This report is prepared and submitted to Council at the first Ordinary Meeting following the completion of each quarter in accordance with Ordinance 26.

Plant Management

A review of the efficiency and effectiveness of Council's public works plant is undertaken each year and the report, in accordance with Ordinance 26, is submitted to Council detailing the results of the operations and condition of each plant item.

A forward financial plan is being prepared and will be submitted with the Capital Works Programme on a Forward Financial Plant Replacement Programme. The hire of contract or private plant is frequently undertaken with Council works.

Budget Considerations

The process of developing the annual budget has been, in the past, predominantly prepared at management level. With the introduction of Programme Performance Budgeting, this has been further expanded to enable the Budget or Cost Centre Managers to have more input into the budget preparation process. As further stages of Programme Performance Budgeting are implemented and the performance criteria established, then there will be a greater input by more junior levels of the staff complement.

Following the initial preparation stage, the Departments and Programme Managers then submit a proposed budget to the Management Executive Committee and, following that Committee's assessment, a report is prepared and submitted for Council's consideration.

Works Programmes Planning

As far as is possible, works are planned and developed by the available resources before the commencement of the majority of projects. Obviously, there are circumstances when emergency works are required where the planning process is not able to be, or has only partially been, implemented.

Payment Facilities

Council has provided modern payment facilities for ratepayers and customers. These include credit card, direct deposit at the Commonwealth Bank, Telebank and post office agency services. This has provided a much improved service facility for amounts due to Council.

Payment for Salaries and Wages

All salaries and wages are paid by direct deposit to bank accounts, building societies or credit unions, except for some employees at remote locations, where payment is made by cheque. This has reduced the amount of cash handled in Council offices to an absolute minimum.

Leave and Overtime

The control of annual, sick, long service and special leave is conducted by Department Heads, the Management Executive Committee and the Personnel Management System. Excessive leave taken and accrued leave is managed and reviewed through these processes.

Staff Training

The size of the Council organisation has demanded that greater emphasis be placed on staff training. In recent years, funds have been provided in the Annual Budget for training of staff. This has included in-house training and attendance at specific and approved courses.

Overexpenditure on Works

In addition to management reporting mechanisms, Council has the opportunity for expenditure on works to be monitored through the General Purpose Committee Works Section via the Works Cost Statement. Any major variances between projected cost and actual are reported to Council with the appropriate reasons for the cost overrun.

Garbage Services, Sewerage and Water Local Accounts

These accounts are managed and financed as separate operating entities. Where the General Fund provides administrative and other services, these are costed to the account/fund and, in any year when there is a surplus of income over expenditure, this is transferred to a reserve to meet future costs of the account/fund. In the case of the Sewerage Fund, this is operated as a separate fund and is in an excellent financial position.

A regular review of the cost of the garbage services to the ratepayers is undertaken and compared with adjoining Council areas. The service provided to the residents of this Shire is one of the cheapest and most effective in Western Sydney.

SUMMARY

The results of continued annual and interim audits by Council's External Auditor and the recent inspection by the Department of Local Government would indicate that Council's financial management practices are sound and in accordance with good practices of the industry. Obviously, review and improvement are ongoing functions and will be pursued strenuously. With the completion of the implementation of the Management Consultant's Report, the Inspector's Report and the provision of a new computer system, there will be a high degree of organisational and financial management practices.

Recommendation

That the report on the Circular from the Department of Local Government on Financial Management Practices be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 2: (FILE R190, M130)- [20.188]

SUBJECT: ADMINISTRATIVE REVIEW OF THE STATE ROAD FUNDING

REPORT (S.C.)

A further meeting of representatives from Sydney Metropolitan Councils was held on 20 March, 1989, to consider the proposed new State/Arterial and Regional/Sub-Arterial road network for the Metropolitan area and funding options.

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At the meeting, a plan was displayed showing that MR182 King Road/Sackville Road; MR519 Comleroy Road/Blaxland Ridge Road and that part of MR181 past the Webbs Creek Ferry will be classified as Regional/Sub-Arterial Roads.

As well, SR2063 Londonderry Road, Grose Vale Road, Freemans Reach Road/Gorricks Lane, Terrace Road, Boundary Road, Maraylya and Pitt Town/Dural Road are included in the Regional/Sub Arterial Road network.

1.

Within the Shire the present arrangements for road funding and maintenance construction responsibility is as follows:

- Total financial responsibility of RTA, with RTA undertaking works: MR184 (Bells Line of Road), MR503 (Singleton Road), MR182 (Windsor to Wilberforce Section), MR570 (Springwood Road), MR181 (McGraths Hill to Cattai), MR155 (Castlereagh Road).
- Total financial contribution by RTA with works undertaken by Council: MR182 (Wilberforce to Sackville Ferry), MR519 (Blaxlands Ridge - Comleroy Road), MR181 (Webbs Creek Ferry to Bucketty).
- Financial contribution by RTA and Council: secondary road 2063 (Londonderry Road).

In addition, the ferries at Wisemans Ferry, Webbs Creek and Sackville are operated by Council under contract, with maintenance undertaken by Council staff with full financial funding by the RTA. No mention has been made of the ferries to date and representations have been made to have them included in the status of the main roads where full financial responsibilities remains with the RTA.

MR181 from Windsor through Pitt Town to Maroota has been now shown as a State road.

Further, following a report to Council at the General Purpose Committee meeting on 29 November, 1988, it was resolved that representations be made on the feasibility of part of the Council's area being classified within the Rural and Provincial Cities area as a basis for funding of the regional road system within the Shire.

No response (written) has been received from the working group on this matter. Representations have also been made to K. Rozzoli MP, Member for Hawkesbury.

Council was advised that there will be a round of consultations between individual councils and the Roads and Traffic Authority in February.

It has now been indicated that the programme is currently running two months behind schedule and that consultation will now take place in the next few weeks.

Further, the Local Government Association has requested response to the following circular by Friday 28 April.

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1. Does Council support the establishment of State and Regional Road Classes in New South Wales?
2. Does Council support the proposed division of responsibilities between the RTA (DMR) and councils?
3. Does Council support the proposal for Divisional Local Government Advisory Committees?
4. Will Council accept the altered classification of roads within its area for the level of funding being offered?

It should be noted that the review is set for implementation by the 1st July, 1989.

The Local Government Association has recommended as a position statement "that in Sydney, funding should be sufficient to maintain levels of current traffic facility assistance and provide for an improvement program to proposed Regional roads. Without a commitment for additional funds to the road budget the viability of the whole package should be seriously questioned."

It has now been suggested that maintenance works be funded on a 50:50 basis with the provision of special grants for construction works on similar lines. As the length of the road network is now four times that previously funded by the Department (RTA) on a presumption of the same quantum of funds the Council would be further disadvantaged.

2.

In the 1988/89 programme, the RTA funded Council to the extent of \$389,581 for the maintenance and improvement programme for those main roads for which Council undertakes the works. This does not include construction works or emergency damage repair.

A major problem in dealing with this matter is knowing the criteria established for the road classification system, the base funding level to be provided following the change and, the indexation which will occur on that for the various items of construction, maintenance and improvement in ensuing years. These matters will be stressed during the forthcoming consultations as well as a request for a response to those issues raised by the Working Group.

Recommendation

That Council advise the Roads & Traffic Authority of N.S.W. as follows:

- Council considers the vehicular ferry operations and maintenance on the Hawkesbury River system should remain with funding maintenance being undertaken as presently exists.
- That the Authority advise the basis on which roads have been reclassified and a clear indication be given of the funding level to be provided for the period from which the change is to take place and the indexation from that time.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

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ITEM 3: (File DA 448/88) [20.189]

SUBJECT: REQUEST FOR ACCESS TO RECORDS - THE ISLANDS
NEIGHBOURHOOD COMMITTEE

REPORT (S.C.)

The following letter has been received from Mr. Bernd Raftl on behalf of The Islands Neighbourhood Committee.

"Reference is made to

- i) letter by the Islands Neighbourhood Committee (The Committee) dated 20.12.1988.
- ii) Hawkesbury Shire Council letter dated 24.1.1989.
- iii) letter by the Committee dated 24.2.1989.

all of which in full or in part deal with the Committee's request to allow the viewing of public authorities submissions under supervision.

Reference is also made to discussions between senior Council staff and members of the Committee on 1.3.1989 when again the Committee's request was further discussed.

The Committee is extremely disappointed at Council administration's negative approach to the request. In particular, the response to the Committee's request as stated in Council's letter dated 24.1.1989 is not considered by the Committee in the best interest of having the Islands matter resolved.

You will recall the reasons for refusal were as follows:

- 1. Legal action in progress regarding a different and earlier development approval for The Islands
- 2. A number of discussions are still taking place with various authorities
- 3. Matters of the provisions of the Local Government Act relating to disclosure of Council files

The Committee rejects all the above reasons as valid reasons in particular to achieve an early result for The Islands development based on informed decision making, public scrutiny, participation and debate.

We now wish to respond to Council's reasons for refusal as follows:

- a) In the Committee's view there is no reason to refuse the viewing of public authorities submissions as they relate specifically to DA 448/88 as this development application is neither determined nor under legal challenge.

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- b) Knowledge of the nature of discussions taking place can only enhance public analysis of environmental safeguards proposed and if considered appropriate encourage public debate at the Council Committee stages.

Matters of the provisions of the Local Government Act are only supportive to the Committee's request for disclosure by way of viewing the documents under supervision and attention is drawn to Ordinance 1, Section 56 of the Local Government Act 1919 which provides for the Committee's request to be granted by leave of the Council.

The Committee is of the very firm opinion that as early as possible disclosure of public authorities submissions as they relate to this particular development application is most certainly in the public interest, in the interest of Council and applicants.

The Committee fails to understand why in the interest of finding the most appropriate nature and level of development for The Islands subject to appropriate and optimal environmental safeguards the request can be refused.

Further the Committee fails to understand why the earliest possible disclosure should be refused given that the public authorities which have made submissions are funded by way of public money.

The Committee therefore now kindly requests Council to grant leave as provided for under Ordinance 1, Section 56 of the Local Government Act 1919 and deal with the request of immediate access to the public authority submissions by resolution at both a Council Committee Meeting and Ordinary meeting prior to The Islands development application determination being dealt with by Council.

It is envisaged by the Committee that this matter together with the matters raised in its letter dated 24.2.1989 will be dealt with at the next scheduled Council Committee and Ordinary Meetings or alternatively if The Islands matter is ready to be dealt with by Council prior to the scheduled meetings, at a special meeting prior to that.

The Committee wishes to be on record of thanking Council for the opportunity of raising a number of concerns at a meeting last week with senior Council staff.

Further the Committee wishes to thank Council for the early consideration of its request regarding the immediate disclosure to the public of the public authority submissions which it believes is in the public interest."

Council's policy in dealing with development matters has been to distribute the Business Paper to Councillors and the Press on the Friday prior to the General Purpose Committee, on the following Tuesday. Applicants are advised of the staff recommendation to be made as soon as

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this is determined and a copy of the report in the Business Paper is available to applicants, or other interested parties, on the Friday. Copies of the Business Paper as a whole are distributed on the Tuesday morning at the Committee Meeting. For the Ordinary Meeting, again Business Papers are distributed to Councillors and the Press on the Friday, with interested parties advised of the staff recommendations and then a copy of the Business Paper is available to any interested party from the Monday morning onwards.

In dealing with development matters, applications are reviewed by the Development Panel which comprises senior professional staff from the area of Town Planning, Engineering and Health & Building. Applications are then referred, where required by Statute, to appropriate external bodies for advice. Where it is seen that additional advice is required and it is not required by Statute, again referrals are made and advice sought. It is not unusual for the process to involve a number of discussions and various matters of correspondence. During the assessment process often a number of issues are raised that were not foreseen when the original submission was prepared and there is an ongoing process to bring the matters to a conclusion in a form where Council can then make a determination.

Matters that are raised in submissions by Public Authorities or other groups and individuals, if they are of concern, are raised where appropriate with an applicant, so that the impact of the development taking place can be reported including any measures to minimise or control.

If submissions, as they are received from Public Authorities, are made available during the assessment of development applications, then this can be only seen as a means of extending the processing time as the various issues are reviewed by members of the community and their various representations before being dealt with by both Council staff and the Public Authority concerned. This is beyond the accepted ambits of public participation and not conducive to keeping processing times within acceptable limits.

The members of The Islands Committee, as with other members of the community, have made submissions regarding the project and there has been lengthy discussions between staff and various members of the Committee regarding matters of concern to them. Clause 56 of Ordinance 1 referred to in the letter from Mr. Raftl is as follows:

- "56(a) All records of the Council (other than the minute book and other books, and other than rolls and other records relating to elections except Returning Officers' declarations of elections or of polls) shall be duly registered by the Clerk, and such documents shall, except where otherwise specifically provided, be in the custody of the Clerk.
- (b) Except as otherwise provided by law, no member or employee of the Council shall be at liberty to show, lay open, or expose any record of the Council to any person other than a member, without the leave of the Council.
- (c) Any member or person who removes any record of the Council from the Council Chamber, or the place where, by the direction of the Council, such record is usually kept, without

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authority for such removal having first been obtained from the Mayor, President or Council, or without other lawful cause for such removal, shall be guilty of an offence.

- (d) Any person who, without lawful authority, destroys, defaces or alters any record of the Council shall be guilty of an offence."

It is considered that the processes used by Council in dealing with development applications are fair to all parties involved and provide for full disclosure of all aspects of applications, including those made by developers and submissions received from Public Authorities, community groups and individuals.

Specifically, in relation to The Islands application, the final Public Authority submissions will be printed in full in the Business Paper and made available to interested members of the community at the same time as they are made available to Council.

Recommendation

That The Islands Neighbourhood Committee be advised Council adheres to its current policy for the processing and reporting on development applications.

Mr.B.Raftl addressed the Committee.

COMMITTEE'S RECOMMENDATION

THAT THE DEVELOPMENT Application report related to The Islands Development proposal be made available to Council and interested public committees and individuals one month prior to the proposed Special Meeting to deal with the application.

THAT THE ISLANDS Neighbourhood Committee be advised Council adheres to its current policy for the processing and reporting on development applications.

ITEM 4: (File 625-140) [20.190]

SUBJECT : BELLBIRD HILL LOOKOUT

REPORT (S.C.)

Further to Council's consideration of this matter at its last meeting, the following is a letter received from the Rotary Club of Kurrajong:

"As I am sure you are aware this Rotary Club constructed the Lookout at Bellbird Hill, Kurrajong Heights several years ago as a Community project, and that it continues to demonstrate an interest in it by conducting regular clean-ups of the area.

The Club was concerned to learn this week that a Committee of the Council had decided to recommend to Council that a kiosk be developed at the lookout incorporating the existing (Rotary) lookout, I write now to put before Council the following requests:

1. The 'foundation' efforts of this Club in turning an undeveloped, poorly maintained Community facility into a major attraction in the Shire must be acknowledged by preserving the name 'Bellbird Rotary Lookout', with the existing signposting remaining as the prominent sign in the area no matter what further development of the area occur.
2. That Council give immediate consideration to the long standing request of this Club that the area be developed into a useable park by the construction of an access road to the grassed area below the lookout platform. This Club will continue its commitment to assisting with the development of picnic and BBQ facilities in the park in a phased development.
3. That the proposed development of a kiosk associated with the existing Rotary platform be referred back to the Committee to allow representatives of this Club to present information and address the Committee.

Could you please advise me of the outcome of these requests as soon as possible."

The area now known as Bellbird Hill Lookout became the matter of controversy in the early 1970's when significant clearing was undertaken, without approval, involving the removal of large Sydney Blue Gums. Following, the Australian Government provided Council with finance from the then Area Improvement Programme to acquire the land in 1975. Later, in 1976, further funds were provided to undertake replanting and to construct the existing parking area and amenities block.

In 1979, the Rotary Club of Kurrajong submitted a proposal, under the Western Sydney Area Assistance Scheme, to construct a timber lookout facility off the edge of the sealed parking area and, in the report to Council at the time, it was indicated that the Club also proposed to establish a walking trail, picnic area and undertake some tree planting.

The Club indicated that it was necessary to have the project proceed to name the Lookout "Bellbird Hill Reserve - Rotary Lookout" and Council resolved to raise no objection to a sign with that wording in the area.

In this regard, the title of the land contains a covenant which states "it will not be named, called or signposted by any name other than the name 'Bellbird Hill Lookout'". It is understood that the Australian Government will, on the basis of its funding of the land's acquisition, look at action in regard to the covenant should the area have any other name.

As indicated in the report to Council last month, the proposal to look at establishing a privately run refreshment room in the area was to assist in minimising the substantial costs of operating the existing amenities block and associated vandalism while, at the same time, providing a financial

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return to Council. It is proposed within that redevelopment to maintain the Rotary Club's stand and appropriate signposting indicating the Rotary Club's continued work. To satisfy all parties, should the project continue, there could be a suitably inscribed plaque indicating the Australian Government's significant contribution to the project, the Council's ongoing maintenance and development and the work of the Rotary Club.

The Rotary Club have been advised of this meeting and that the opportunity would be extended to them to address the Committee should they so wish.

Recommendation

That the information regarding the Bellbird Hill Lookout be received.

Mr.N.Burnett of the Rotary Club of Kurrajong addressed the Committee.

COMMITTEE'S RECOMMENDATION

THAT THE INFORMATION regarding the Bellbird Hill Lookout be received and further that Council prior to proceeding with establishing a refreshment room/kiosk seek submissions as to the future of the Bellbird Lookout and Reserve.

ITEM 5: (File A1/11) [20.191]

SUBJECT: ANNUAL STATEMENTS OF ACCOUNTS

REPORT (S.C.)

The 1988 Annual Statements of Accounts have been completed and audited by Council's External Auditor, L.G. MacDonald & Co.

The results from operations on the working funds for the year 1988, for both the General and Sewerage Funds, are detailed below. In addition, the accumulated working funds position as at 31st December, 1988 is also shown.

	<u>General Fund</u>	<u>Sewerage Fund</u>
Working Funds Surplus/(Deficit) for 1988	77,915.84	(1,834.79)
Accumulated Working Funds Surplus as at 31st December, 1988	420,228.94	306,668.34

Detailed below are the nett movements between the various reserves showing the opening balance, nett transfer and closing balance for the year 1988. It is to be noted that these reserves have been set aside for future specific works and services and are part of the long term forward financial planning.

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<u>Reserve</u>	<u>Balance 1.1.88</u>	<u>Nett Transfer</u>	<u>Balance 31.12.88</u>
<u>GENERAL FUND</u>			
Employees Leave Entitlements	111,861	100,000	211,861
Cordners Corner	(90,297)	84,376	(5,921)
Parking (Developers)	312,606	13,989	326,595
Parks and Gardens	109,597	121,392	230,989
Drainage	176,768	(52,664)	124,104
Trees	4,960	-	4,960
Kerb and Gutter	25,308	(1,696)	23,612
Roads	139,815	(41,772)	98,043
Property Development	578,484	507,706	1,086,190
Loans Repaid by Water Board	Nil	845,151	845,151
Plant	-	150,000	150,000
Risk Management	-	42,841	42,841
Sewer Account Surplus	234,024	(13,657)	220,367
Water Account Surplus	263,137	(188,610)	74,527
Workers' Compensation	629,883	8,597	638,480
Extractive Industries	41,949	24,653	66,602
Heritage Programme	55,933	(9,144)	46,789
Bligh Park Estate	329,284	1,765,967	2,095,251
Garbage Services	264,552	239,100	503,652
Loan Repayments Sinking Funds	235,000	205,000	440,000

SEWERAGE FUND

Industrial Area	4,736	(561)	4,175
Emergency Breakdown	20,000	-	20,000
New Treatment Works	1,713,327	770,508	2,483,385
Bligh Park Treatment Works	-	-	-

PROVISION FOR DOUBTFUL DEBTS

Provision has been made in the 1988 Annual Statements of Accounts for a Doubtful Debt of \$137,845.29. This amount represents the difference between the second mortgage to Denning Properties Pty Ltd and the settlement value for the sale of Windsor Town Centre to Morvdan Pty Ltd. As detailed in the report to Council at its meeting on 30 June 1987, the settlement of the sale for Windsor Town Centre consisted of a number of agreements with both Morvdan Pty Ltd and Denning Properties. Subsequent agreements have been entered into to discharge the Deeds of Agreement and mortgage documents for the tax losses payable to Council and the mortgage over the private property of Mr. A. Kenny.

Council may eventually recover some, or a major part, of the amount provided to be written off through the legal action which is currently being undertaken. However, it has been recommended by the Auditor that the Annual Statements of Accounts should reflect the possible loss of this amount, particularly as it may be some considerable time before the legal action is finally brought to fruition.

In the original accounting for the sale of Windsor Town Centre, the total mortgage value was brought to account and even though the final discharge of that mortgage was less than the full amount, there was still a considerable profit made on the disposal of this asset.

Recommendation

1. The report on the 1988 Annual Statements of Accounts and movements in the reserves be adopted.
2. The amount of \$137,845.29 (one hundred and thirty seven thousand eight hundred and forty five dollars and twenty nine cents) for Windsor Town Centre be written off.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 6: (FILE A1) [20.192]

SUBJECT: ACQUITTANCES FOR DISBURSEMENTS - ORDINANCE 26, CLAUSE 28(d)

REPORT (S.C.)

Circular No. 89/2 from the Department of Local Government referred to the requirement of Ordinance 26, which required an acquittance for all payments and disbursements by Councils. The accepted practice of Councils has been to require its Banker to return all cheques, when paid, to the Council as an acquittance, or receipt, by the creditor that the claim for payment had been made. The alternative being the attainment of a receipt for all payments.

Following representations from the Local Government Auditor's Association of N.S.W., the Department obtained legal advice which indicated it was not a requirement to recover paid cheques from Councils' Bankers.

In a recent letter, and at his annual audit, the Auditor has raised certain matters in regard to the need for Council to obtain paid cheques from its bank. Although there are some costs involved in Council having this facility provided, it is felt that the advantages for internal control of payment for creditors warrants the practice being continued.

The annual costs are approximately \$2,000.

Recommendation

That Council continue to obtain its paid cheques from its Banker.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

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ITEM 7: (FILE D 64) [20.193]

SUBJECT: HAWKESBURY DISTRICT AGRICULTURAL ASSOCIATION
DONATION

REPORT (S.C.)

A letter dated 12th September, 1988, was received from the Hawkesbury District Agricultural Association thanking Council for past donations and requesting a donation of \$300 towards the 103rd Annual Hawkesbury Show's prize fund.

Council has in the past contributed an amount of \$300 to the Association's prize fund and it is felt this should be continued on the basis that a prize should be provided in the Council's name. Provision has been made in the 1989 estimates for a donation of \$300.

Recommendation

That a donation of \$300 (three hundred dollars) be made to the Hawkesbury District Agricultural Association for a prize to be given in Council's name.

Councillor Michael declared an interest in this matter.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 8: (Files, \$186/3, R186/1, A1/2) [20.194]

SUBJECT: 1988 REPORT ON RATES & CHARGES

REPORT (S.C.)

1. ABANDONMENT OF RATES AND EXTRA CHARGES FOR THE YEAR 1988

Council's Auditor has now completed the Annual Audit and, in accordance with Section 161 and Ordinance 26 Clause 41 of the Local Government Act, an amount of \$336,441.34 has been abandoned representing Rates and Extra Charges for the year 1988, and is authorised by the Auditor to be written off.

A dissection of these abandonments is listed below:

Pensioner Rebates of Rates	\$	\$
Section 160AA	225,229.59	
Section 160B	45.03	
Ordinance 26 Clause 21	26,150.40	
		251,425.02

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Write off of Postponed Rates in Accordance with Section 160C	6,522.76
Write off of Interest Charges Pertaining to Postponed Rates	87.29
Other Rates Abandoned	58,896.88
Interest Charges and Legal Costs Abandoned	14,821.88
Garbage Charges Abandoned	4,687.51
	\$336,441.34

The amount of \$58,896.88 for other rates abandoned relates to Abandonments in connection with levies for Water Rates outside the benefit area, \$4,600; Supplementary Rate levies for previous years now written off \$34,000; Rates levied in error, \$1,000; Permissive Occupancies of State Government properties which were cancelled during the year, \$3,000; Amendments to Valuations provided by the Valuer General, \$2,500; Rates levied at the General Rate and re-rated as Rural, \$13,400.

These abandonments are reported to Council and require a resolution to be written off as is the position for each year following the Annual Audit.

2. RECONCILIATION OF RATES LEVY AND SEALING OF RATE BOOK

In accordance with the provisions of Clause 6 of Ordinance 26, I hereby certify that the entries in the Rate Book for the year 1988 have been duly completed, that the rates levied as shown on the Schedule submitted to this meeting have been brought to account and that the valuation figures upon which the rates have been levied have been checked with the valuations as shown in the valuation lists.

I further certify that the list of non-ratable properties have been examined by me and that such properties are exempt or have been exempted by the Council under the provisions of the Local Government Act.

Particulars of the total amount of the levy, of the arrears in respect of each rate and of the valuations on which the rates were levied are shown in the Schedule attached to the Annual Statements of Account.

3. ABANDONMENT OF UNRECOVERABLE DEBTS

Council has recorded, in its accounts records, several debts which have been outstanding for a number of years. Every endeavour has been made to recover these debts and it is now necessary to have the amounts written off as being unrecoverable.

At his recent annual audit, the external auditor examined these records and is of the opinion the amounts should be written off.

The total amount which is outstanding and determined as being uneconomical or unable to be recovered as they are beyond the statute of limitations is \$1,366.21.

Provision was made in the 1988 Annual Statement of Accounts for Bad Debts of the above amount. This amount will be written off in 1989 and will have no effect on working funds.

Recommendation

1. An amount of \$336,441.34 (three hundred and thirty six thousand four hundred and forty one dollars and thirty four cents) as detailed in the Abandonments Register, be written off and the Seal of Council be affixed to the Register.
2. Council affix the Seal to the Schedules referred to in the report incorporating the Rate Book Levies, Reconciliation of Levy and the Schedule of Non-ratable Properties for the year 1988.
3. That the amount of \$1,366.21 (one thousand three hundred and sixty six dollars and twenty one cents) be abandoned in accordance with the Local Government Act.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 9: (File B28) [20.195]

SUBJECT: BUSH FIRE ESTIMATES 1988/89

REPORT (F.C.O.)

The following are the Bush Fire Estimates for the period 1988/89 which need to be lodged with the Bush Fire Council before 31 March, 1989.

Maintenance and Running Expenses

Station	5,000	
Vehicles	23,000	
Pumps	4,000	
Radio	4,000	
Petrol	10,000	
Freight	800	
Telephone	2,200	
Electricity	2,500	
Insurance	7,000	
FCO Travelling Exps	200	
Rates/Lighting/ Printing & Stationery	2,400	
		61,100
Fire Control Salaries (FCO, DFCO & Assistant)	73,846	
Mazda 4 x 4 Fire Tanker	45,000	
Vehicle, secondhand 4 x 4	35,000	
Fireground Communications	15,000	
Bushfire Station - Glossodia	30,000	
Miscellaneous fire fighting equipment (hose, knapsacks, hand tools, helmets etc.)	31,677	

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Feeding of fire crews	600
Training	1,500
Protective Clothing	2,000
Supplementary Charges	28,000
Pagers	2,500
Facsimile Machine	3,500
Supply of DFCO Vehicle (S/Sedan)	18,000
	286,623
Total	\$347,723

=====

The estimates of expenditure are in accordance with Council's adopted estimates for expenditure with the exception of the vehicle for the Deputy Fire Control Officer at \$18,000. Even if this is provided in these estimates, it will not be received before late 1990 and the cost only incurred at that stage. The supplementary charges of \$28,000 indicated are co-ordination costs for emergencies and administrative expenses of the Bush Fire Council.

Recommendation

That the Estimates as submitted be approved and forwarded to the Bush Fire Council.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 10: R186-3 [20.196]

SUBJECT: PENSIONER REBATES

REPORT (S.C.)

In accordance with the Local Government Act, Council's Auditor has certified that the total reductions shown below were granted to eligible pensioners under Section 160AA of the Local Government Act. In all cases the reductions claimed are supported by confirmation from the Department of Social Security and the Department of Veterans Affairs. Details of the reductions are listed below:-

	<u>Write Off</u>	<u>Subsidy Claim</u>
Current Years	\$214,770.78	\$107,385.39

Recommendation

That application be made for subsidy in respect of rates owing by pensioners, written off or reduced in 1989, and that an undertaking be made under the Seal of Council in respect of writing off or reductions of rates owing by pensioners in pursuance of Section 160AA of the Local Government Act and that proceedings shall not be taken in their recovery.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 11: C51-8 [20.197]

SUBJECT: SHOP 6 - WILBERFORCE SHOPPING CENTRE

REPORT (S.C.)

The Council at its meeting on 21st February, 1989, gave consideration to an application received from the lessee of the abovementioned shop premises, Mr Taranto, for approval to use a section of the grassed area immediately fronting the subject shop premises for use as an outdoor eating area.

The proposal involved paving of an area of approximately 5m x 8 m to accommodate approximately four tables with chairs and it was proposed to extend the existing liquor licence from the restaurant premises to cover the paved area.

At that meeting the Council resolved to raise no objection to the provision of the paved area and to raise no objection to the proposed extension of the liquor licence.

Advice has now been received from Mr Taranto that there is a legal technicality associated with the issuing of the liquor licence in that the covered verandah area outside the subject shop is deemed to be a public way from the point of view of the liquor licensing board and consequently Mr Taranto is not permitted to pass from one licensed premises over a public way to another. That is, the proposed extended licensed area must be immediately adjacent to the restaurant. The Liquor Licensing Board has indicated that this can be achieved by the placing of barriers from the restaurant building over the verandah area to the proposed paved area. However this could not be supported.

Mr Taranto has now submitted an alternative which involves the roping off of a small area by way of temporary rope and post type barricade under the covered verandah area for placement of approximately four tables on the basis that the tables would be placed immediately adjacent to the shop frontage and there would be no interference with the free flow of pedestrian movement around this area under the covered verandah. It is proposed that the area to be utilized will be a maximum of half the verandah width along the front frontage. It is noted that in the main this area will be used in the evening with the majority of patronage to the Centre being those people attending the restaurant. In view of the foregoing no objection is raised to the proposal.

Recommendation

1. That Mr Taranto be advised no objection is raised to the proposal to rope off a small area under the covered verandah immediately fronting his restaurant premises for the provision of placing tables and chairs for outdoor dining on the strict understanding that there is to be no interference with pedestrian traffic utilising the covered verandah area.
2. That Council raise no objection to the proposed extension of the liquor licence to this area.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 12: C51-12 [20.198]

SUBJECT: LEASE OF LODER HOUSE BY MESSRS KEEN & PEPPER

REPORT (S.C.)

The Loder House building on the Windsor Mall is currently leased to Messrs Keen & Pepper, who operate a restaurant business known as The Governor's Choice.

The proprietors of the business have now approached Council officers on the basis that they have been experiencing trading difficulties and have submitted audited financial statements to verify this situation which have been perused by Council's external auditor, Mr L McDonald.

The lease between Council and Messrs Keen and Pepper commenced on 1 March 1988 and, at that time, based on their market research strategies, they were confident of operating and maintaining a successful business, notwithstanding the fact that there would be a certain initial period for establishment of the business and recognition within the community. Whilst a restaurant business was previously operated within the subject premises, such business being undertaken by Mr. Peter Hammond, there was a change in business name and, therefore, new promotional strategies were required. It is noted that the previous lessee, Mr. Hammond, also experienced trading difficulties.

The current financial situation being experienced by the lessees appears to be attributable to a number of factors, particularly an apparent downturn in patrons utilising restaurants of this style over the last few months. This situation has resulted, despite the fact that the lessees have undertaken extensive advertising which has been at a cost of 3.5% of their gross takings.

The lessees have submitted forecasts for 1989 in which they anticipated being in a stronger financial position at the end of the year. Furthermore, in order to attract a greater market, there is a proposal for providing a bistro/cafe in the back courtyard area of the building at an

estimated cost of \$55,000. The lessees believe that the provision of this facility is critical in order to broaden the type of product they can offer and also extend their catering ability for larger specialty functions.

Under the terms of the leasing arrangement, the current rental, which was reviewed in March 1989, is \$32,109.16 per annum. In addition, outgoings associated with the premises are shared on a 50/50 basis between the Council and the lessees. The submission now presented by the lessees is for the Council to consider accepting a rental of \$22,000 per annum. It should be noted that the lessees have submitted this figure after apparent consultation with local real estate agents as to a fair and reasonable rental for the subject premises.

The current lease between Messrs Keen and Pepper and the Council is identical to the lease previously between Council and Mr Hammond which commenced on 1st September, 1982. The commencing rental at that time was \$20,800 per annum and was subject to CPI increases.

With regard to an appropriate rental of the premises it is noted that the subject property is to a degree affected by an adjacent development proposal on the former Hawkesbury Valley Motors site which, under the terms of the proposal, will possibly result in the loss of the rear car parking area currently servicing the restaurant. In addition, the amount of land required at the rear of Loder House is still unclear, however it would appear that proposals by the lessees to expand the outdoor entertaining area and storage facilities generally may be seriously limited.

The proposed rental as submitted has been discussed with Council's valuer who has indicated that, having regard to all the circumstances, a rental figure at this time of \$25,000 per annum is considered reasonable.

As previously mentioned in the report, outgoings are shared on a 50/50 basis, however, it is noted that to date the cost of internal and external maintenance of the premises and grounds has been totally met by the lessees at no cost to Council. The lessees have indicated that they estimate the costs of such maintenance to be in the order of \$7,020 p.a. which is calculated at four hours per week on the gardens and surrounds and five hours a week on miscellaneous repairs, maintenance and painting to the building at the rate of \$15 per hour. With regard to the latter, as the Council will appreciate, due to the age of the building there is often movement which necessitates regular maintenance attention. There are also problems associated with dampness in the structure.

In addition to the above, the lessees are proposing major repair work to the building and surrounds, which would be the Council's responsibility under the terms of the lease agreement. Such works include the following:-

1. Regrade front area flagstones. Approximately 80 blocks requiring a lifting device to be raised and the ground to be graded away from the building, drainage to be constructed and stones to be refitted.

.....Estimate \$2,128.00

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2. Drainage system along north eastern wall.

.....Estimate \$950.00

3. Render to be replaced on north eastern wall to prevent further erosion and egress of moisture to the inner walls.

.....Estimate \$3,465.00

4. Replacement of complete guttering and downpipe system.

.....Estimate \$1,500.00

TOTAL - \$8,043.00

Under the terms of the submission now to hand the lessees are proposing that they will continue the regular maintenance of the premises and undertake the abovementioned repair works which are considered essential to alleviate further serious water damage to the building on the basis that an amount equal to the value of such works, which would be Council's responsibility would be deducted from the rental payable.

The use of the subject building as a restaurant is considered both desirable and appropriate and it is noted that, in conjunction with the establishment of their restaurant business, the lessees undertook extensive refurbishment of the subject building to a standard where it has significantly improved compared to its previous condition.

In view of the foregoing the proposal, as submitted, is supported on the basis that the rental be levied at \$25,000 per annum and a review is made at the end of the year and the rental assessed accordingly. The reduction in rent is proposed to be effective from the 1st January, 1989.

With regard to the terms and conditions of the lease, as is the case with commercial leases generally, it is felt that Council should be responsible for payment of Council and water rates with the lessees paying any excess water rates on the property.

Recommendation

That Messrs Keen and Pepper be advised that Council has considered their proposal and, given all the circumstances, has agreed to reassessment of the rental to a figure of \$25,000 (twenty five thousand dollars) per annum effective from the 1st January, 1989, on the basis as outlined in this report with the situation to be reviewed at the end of the year at which time the lessees are to submit audited final statements as to their profitability at that time.

Mr.B.Pepper, Managing Partner of The Governor's Choice Restaurant, addressed the Committee.

COMMITTEE'S RECOMMENDATION

THAT MESSRS KEEN and Pepper be advised that Council has considered their proposal and, given all the circumstances, has agreed to reassessment of the rental to a figure of \$22,000 (twenty two thousand dollars) per annum effective from the 1st January, 1989, on the basis as outlined in this report with the situation to be reviewed at the end of the year at which time the lessees are to submit audited final statements as to their profitability at that time.

ITEM 13: (File C51-7) [20.199]

SUBJECT: POSSIBLE DEVELOPMENT - STAGE 2 - GLOSSODIA
SHOPPING CENTRE

(REPORT S.C.)

Representations have been made by a local businessman regarding the possible extension of Council's Shopping Centre located off Golden Valley Drive, Glossodia.

The proposal submitted is for Council to construct Stage 2 of the Shopping Centre incorporating four (4) shops being of a similar style of construction to that existing. In return, the applicant has guaranteed long term tenancies of each of the shops. At this stage, it is envisaged that there would be a doctor's surgery, a chemist and two other speciality shops. A preliminary estimate of cost has been made for the construction of such a development on the subject land which is in the order of \$375,000. Based on the current level of rental applying to the existing Glossodia shops the anticipated income would yield less than 10% return initially having regard to the estimated project cost. On this basis Council could not justify expenditure of Loan Funds on the development proposal.

The matter has been discussed with the applicant and it has been indicated that, at this stage, it was considered that Council could not proceed with such a development considering priority of funds and loan allocations.

There is no doubt that there exists a strong demand for additional shopping facilities in the Glossodia area generally and such demand will continue to grow. In view of this, an option for Council's consideration would be the joint venturing of a Stage 2 shopping development on the basis that the Council offer the land component, either for sale or on a long term lease basis, and then inviting expressions of interest for the construction of the shops thereon. The rental return would go to the owner/lessee. The offer would be on the basis that long term tenancies of the shops would be guaranteed up front and it is felt that consideration could also be given to the possibility of offering for sale, in the package, the existing shops at Glossodia. With regard to the latter, it is noted that the Council has previously resolved to consider the sale of its shops in conjunction with the long term Financial Plan to be considered this year.

Recommendation

1. That expressions of interest be invited for the possible construction of four (4) new shops on the Council owned land adjacent to the existing shops off Golden Valley Drive, Glossodia on the basis that Council offer its land either for long term lease or for sale to facilitate such development with the offer to include the option of purchasing the existing shops.
2. Following receipt of expressions of interest a further report be submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

QUESTIONS WITHOUT NOTICE [20.200]

Councillor Rotherham asked if Council would consider a further motion in the matter of the poultry sheds at the Race Course, as follows :

"That Council support the National Trust in its attempt to gain Heritage listing for the poultry pavilion situated within the Hawkesbury Race Club grounds and the matter to be heard by the Land and Environment Department on April 6th."

The motion was lost.

Councillor Michael stated that along Kurrajong Road/Bells Line of Road between Chapel Street and the North Richmond Bridge about half way along on the southern side going towards the hills there is a lot of debris there by the way of clothing which has been there for about a month. He asked if this could be cleaned up.

Councillor Sledge stated that the West Market Street intersection with Windsor Street at the pedestrian crossing is full of potholes and asked if maintenance work could be carried out.

The President stated that the Manager of Engineering Services would have this matter investigated.

Councillor Books referred to the tidiness of Thompson Square, the grass and weed growth, and all around the Museum. He asked who is responsible for this work.

The President stated that this would be investigated.

Councillor Benson stated that he would like to see this Council encourage the support of aged care facilities within the Shire and for the Council to look into this matter.

Councillor Benson referred to the recent inspection of the quarries, and felt that it would be prudent to introduce at this time a programme to identify the resources of material, like sand and metal, etc. within the Shire with a view to establishing an equity for a source of supply for the future of this Council.

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Councillor Benson was advised that this is already being done.

Councillor Sheather stated that there is a triangular sign between the Coffee Shop in Fitzgerald Street and George Street, on the eastern side which is far too low. He stated that it has been placed in such a way so that buses can pull up alongside it.

Councillor Sheather stated that at North Richmond Bridge, the area which is used for picnicking and fishing has been washed out during the recent rains and asked if this area could be graded.

The President then invited four of the five school children who had been selected as exchange students with Tamba Japan, and who were going to Japan during April, to meet the elected members of Council. The following students then introduced themselves - Fiona Machon from Richmond High School, Jamie Fleeting from Richmond High School, Liesa Otterson from Hawkesbury High School and Priscilla Edwards from Comleroy Road Public School. Mrs. Carole Burrell apologised on behalf of Natalie Weber of Hawkesbury High School who was unable to attend the meeting.

The meeting terminated at 4.20 p.m.

REPORTS OF COMMITTEES

MANAGEMENT EXECUTIVE COMMITTEE MEETING held on 23rd March, 1989.

SECTION 4

Minutes of the Meeting of Management Executive Committee held on
Thursday, 23 March, 1988 in the Council Chambers commencing at 2pm.

PRESENT:

G. McCully, Shire Clerk/General Manager;
J. O'Grady, Manager of Environment & Building
Services; R. Gilmore, Manager of Engineering
Services; C. Daley, Manager of Operations;
G. Falson, Manager of Town Planning; Julia
Brown, Chief Librarian; L. Weatherstone,
Manager of Financial & Administrative
Services; D. Hagger, Finance Manager.

1. MATTERS ARISING FROM MINUTES OF MEETING HELD 21 DECEMBER, 1988 - Computer Replacement Programme - Manager of Financial & Administrative Services advised that he saw no problems in meeting the programme adopted for the computer replacement.
2. DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS - the following circulars were noted, these being:
National Safety Council of Australia, requesting N.S.W. to favourably consider the use of dogs and horses to assist in search and rescue operations; Councils were requested to consider the unique requirements of the N.S.C.A. and offer any assistance should this be required during emergencies. Changes in prescribed charges for sewerage services to non-ratable lands, noted.
Rise in statutory fees for various certificates of qualification issued under Ordinance 4, noted. [40.101]
3. OPERATIONS OF NINE DAY FORTNIGHT - nine day fortnight was introduced some years ago for all but senior staff, to enable the office to be open additional hours Monday to Friday and being 8 am to 4.30 pm. A few adjustments are seen as necessary to cater for current circumstances with these being the Health & Building Surveyors taking a similar rostered day off, Planning staff having their days adjusted around business paper reporting and Computer staff in accordance with operational needs. The changes are to be for a trial period of three months following which the matter will be reassessed. At the same time to cater for the changes, need to adjust any time due to leave at the end of each period of six months. [40.102]
4. REPORT OF THE STATE ELECTORAL OFFICE - advice from the Electoral Commissioner as an update on electoral matters. Since December, 1987 there have been 25 extraordinary elections, two having been uncontested. The elections have been without any great deal of incident although there were problems for candidates and their supporters. Amendments have been made to Ordinances as follows:

Permit the canvassing of pre-poll votes, require pre-poll voters to complete only one form instead of two, permit electoral staff to begin preliminary scrutiny of envelopes containing postal, pre-poll and declared institutions votes at 8am on election day and tighten security for these votes, clarify procedure for notifying candidates of election results, require ballot boxes not be locked, modify the penalty notice and clarify the current position that a group of candidates can appoint only one scrutineer. [40.103]

4. ENVIRONMENTAL ASSESSMENT ACT - advice from the Department of Planning drawing attention to the need for public authorities to ensure environmental impact of projects not requiring development consent are properly assessed under part 5 of the Act. Council's current procedures which were adequate, are to be reviewed by the Manager of Town Planning and Manager of Engineering Services with a report to the next meeting regarding any changes considered necessary. [40.104]
5. GLOSSODIA COMMUNITY CENTRE - detailed submission received from the Community Centre indicating the need for extra space, the activities currently being undertaken and expenditure by the Committee on the hall. Community Services Co-ordinator to provide report on the need and surrounding facilities to the next meeting. [40.105]
6. WESTPOOL MANAGEMENT COMMITTEE MEETINGS - Sub-committee of WESTPOOL has been formed comprising Engineers and Recreation Planners to arrive at standards in respect of construction and use of skateboard ramps. Hawkesbury is to be invited to be a member of that Committee. Noted there was considerable pressure on Councils to establish skateboard facilities. Fairfield has installed a facility of championship standards in a sports centre. This is in an enclosed area, supervised by staff and where there is an admission charge. Also, the wearing of full safety equipment is compulsory. [40.106]
7. MINUTES OF OCCUPATIONAL HEALTH & SAFETY COMMITTEE - minutes of this meeting were noted. [40.107]
8. REPORT ON OPERATION 2VTR FM - submission was received from 2VTR FM some time ago regarding equipment and facilities they require. As a result, the Chief Librarian was to look into the matter and report. Progress report indicated the Federal Minister has approved an upgrading of the station's signal and, prior to the next meeting, an assessment is to be made of the station's use within the community and further consideration given at that time. [40.108]
9. DEVELOPMENT - FIRE RADIATION BARRIER, BLIGH PARK - noted

there is an 88b restriction on this area of land adjoining the proposed National Park area which does not allow any building to be erected, placed, constructed or permitted to remain on that part of the land burdened without the written consent of Council. Development guidelines were established to be presented to the next meeting of Council for consideration and determination. [40.109]

10. FINANCIAL MANAGEMENT PRACTICES - a detailed consideration to the Department of Local Government's circular requesting Councils to review financial policies, systems and internal reporting procedures. A detailed review of current procedures was undertaken and responses to the Department's circular prepared for report to next meeting of Council. [40.110]

G.M. McCully,
Shire Clerk/General Manager

REPORTS FOR DETERMINATION

SHIRE CLERK/GENERAL MANAGER'S REPORTORDINARY MEETING - 11TH APRIL, 1989

President and Councillors:

FINANCE AND ADMINISTRATION1. LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW - CONTRIBUTION TO
LEGAL COSTS. L128-5

In 1987 the Associations established a method for calculation of contributions for legal costs by member councils. The Associations have forwarded a judgement of a court case in the matters of Capital Quarries Pty Ltd v. Gunning Shire Council and Capital Quarries Pty Ltd v. Yass Shire Council.

The matter dealt with an appeal against a decision of the two respondent councils for a development in regard to the extraction of sand, gravel, topsoil and red sand deposits, Yass River Road, Gundaroo.

The total costs involved were \$89,939.74 and \$8,664 for Gunning and Yass Shires respectively. The contribution payable by Council amounts to \$1,190.

In regard to the development consent, the standards set by the Gunning and Yass Shires are similar to the standards that have been set by Hawkesbury for developments of this nature, particularly extractive industries. It is, therefore, felt that Council should contribute to the costs of this court case.

IT IS RECOMMENDED THAT a contribution of \$1,190 (one thousand one hundred and ninety dollars) be paid to the Local Government and Shires Associations for legal costs in the cases of Capital Quarries Pty Ltd v. Gunning Shire Council and Capital Quarries Pty Ltd v. Yass Shire Council.

2. SYDNEY AIRPORT A4/3

The Municipality of Rockdale has forwarded further correspondence regarding the Government's decision to construct a third runway at Sydney Airport. The letter indicates a number of resolutions of Rockdale Council and seeks Council's advice regarding two of them as follows :

"3. That the Council support the following actions :

- (a) An urgent meeting of local Mayors being convened to discuss the response of local Councils immediately affected by Sydney Kingsford Smith Airport to the Government's decision."

- "7. That the Council write to affected southern, eastern, western and north shore councils urging them to join the Second Sydney International Airport Supporters Group and to financially support the Group in its efforts to have the Government's decision reversed."

In the past the Council has taken the position when considering sites for a second airport outside of Hawkesbury to advise that comments relating to the suitability and/or desirability of other sites are not considered appropriate by the local authority when there is no direct effect on the district and the matter is not within local government's responsibility.

IT IS RECOMMENDED that Rockdale Municipal Council be advised this Council does not consider it appropriate to comment on the suitability and/or desirability of civil aviation matters that do not affect the district.

3. URBAN CONSOLIDATION PROGRAMME. P160

The Minister for Local Government and the Minister for Planning has advised that the Government is fully committed to the urban consolidation policy and to implementing it in full consultation with local government. That the Government's objective is to achieve a level of urban consolidation of about 9,000 multi-unit dwellings each year, including 6-7,000 in the established areas of Sydney. Accordingly he requests that each Council give serious consideration as to how it can assist in the achievement of this goal.

The Minister has approved the establishment of a formal urban consolidation programme to facilitate the development of medium density housing. He proposes there be sub-regional consultative working parties involving the Department of Planning, Councils, Water Board and housing industry representatives. The role of these working parties will be to identify local strategies for the implementation of urban consolidation objectives. Accordingly this will allow Councils to have a central role in formulating initiatives which would best suit their areas.

The working parties will report through a sub-committee of the Urban Development Committee which in turn reports to the Cabinet Committee on Urban Development.

The Minister has requested that Council nominate its Chief Town Planner as a representative on the working party for the planning region of this area.

IT IS RECOMMENDED that Council nominate its Manager of Town Planning, Glenn Falson, as its representative on the Working Party established by the Minister for the Urban Consolidation Programme.

4. AUSTRALIANA PIONEER VILLAGE. C51/54

Set out below are the financial details in relation to the operations of the Village for the month of March, 1989.

	\$
<u>Income:</u>	8,977
<u>Expenditure:</u>	
Buildings/Grounds Maintenance (including Wages) and Animal Feed	8,679
Attendants' Wages	4,167
Demonstrations	5,138
Promotion, Printing and Administration Costs	1,595
Services	1,619
Train Maintenance	579

With regard to expenditure it is noted that there were 5 pay periods in March for both salaries, wages and entertainers, therefore these costs were considerably higher than usual. Furthermore, electricity costs were paid totalling \$1,619 part of which is recoverable from the Tropicana Hotel as the Village sewerage pumping system services the toilets in the hotel.

Attendance figures for the month of March were as follows:-

Ticket Sales

Family	155
Adults	291
Children	47
Pensioners	111

The following tours were conducted:-

- (i) 7 schools consisting of 347 students
- (ii) 4 Senior Citizens groups with 223 persons participating
- (iii) 3 Disabled groups consisting of 80 persons
- (iv) 4 visits by the Lady Hawkesbury cruise ship with 114 passengers visiting the Village during the month

It should be noted that due to the inclement weather which frequently prevailed during the month of March attendances were comparatively down against the same month last year, however, such figures were still an improvement on the same month in previous years.

It is pleasing to note the significant increase in senior citizens visiting the Village and this is directly attributable to recent promotional programmes directed specifically at senior citizens groups.

On Thursday, 30th March, an inaugural meeting was conducted for the establishment of a "Friends of Australiana Pioneer Village Society". The meeting was held at the Oxboro Inn and was well attended with twenty seven persons in attendance. There was a good cross section of interests and skills which could be utilised to benefit the Village and above all there was an extremely high level of enthusiasm. The next meeting of the "Friends" will be held on Wednesday, 12th April at 7.30 pm in the Oxboro Inn within the Village. It is anticipated that at the meeting elections will be held for executive positions on the Committee. It is noted that the Committee is to be formally appointed as a Council Committee pursuant to Section 530A of the Local Government Act and specific Council authority is required in this regard. It is further noted that the Committee will become incorporated under the terms of the Associations Incorporations Act for voluntary groups/organisations.

During the month discussions were also conducted with the former proprietors of the Royal Oak Inn at Rouse Hill who are interested in conducting regular bush dances at the Village. At this stage it is proposed that the Machinery Shed, which will be subject to some improvement works, will be utilised as the venue and it is expected that the applicants will be submitting a formal proposal in the near future.

The current tenant within the Oxboro Inn has advised that reluctantly she will be terminating her occupancy of the premises in the near future due to family commitments. However, the tenants of the Bee Hive building, Kate and David Flanagan, have submitted an application to take over the tenancy of the Oxboro Inn as well. In their proposal they have submitted a number of interesting ideas including menus and promotional activities. It is noted that there have been some discussions between the tenants and the licensee of the Tropicana Hotel with a view to extending the liquor licence from the hotel to the Oxboro Inn. This action was taken on the basis that the tenants of the Oxboro Inn receive numerous requests for alcoholic beverages to be served with meals and there is no doubt that because of their current inability to provide same, patrons are discouraged from dining at the Inn. It is further noted that many visitors to the Village bring their own refreshments and beverages and often same are purchased from the Tropicana Hotel and brought into the Village grounds. The licensee of the Tropicana has indicated his approval in principle to the proposal on the basis that the tenants of the Oxboro Inn will purchase their stock from him. It is anticipated that in order to satisfy licencing requirements specific Council approval will be required as owners of the Village.

It is noted that other similar venues such as Timbertown, Old Sydney Town and Sovereign Hill (Victoria) all have licensed premises within their grounds.

IT IS RECOMMENDED THAT:

1. The report concerning the operations of the Australiana Pioneer Village for the month of March be received.

2. Council formally appoint the "Friends of Australiana Pioneer Village Society Committee" as a Council Committee under the provisions of Section 530A of the Local Government Act in accordance with the powers defined by the Constitution developed for incorporation under the Associations Incorporation Act.
3. Council raise no objection to the proposal to extend the existing liquor licence from the Tropicana Hotel to cover the Oxboro Inn within the Village grounds.

5. CONTRACTS AND DOCUMENTS FOR EXECUTION UNDER SEAL OF COUNCIL.
3123C, S197.1

IT IS RECOMMENDED THAT the Seal of Council be affixed to the following documents:-

- | | | |
|-------------------|-----|---|
| Residential Lease | ... | 4 Macquarie Road, Wilberforce to Mr C Hickey
- weekly rental of \$140.00 and period of
lease being six (6) months. |
| Transfer | ... | Wilberforce School of Arts - Transfer from
Trustees to Council. |
| Lease | ... | Former Grose Vale School site to the Scout
Association of Australia and Girl Guides
Association of Australia. |
| Agreement | ... | Sale of land, transfer and other documents
relating to the purchase by Council of land
for the Bi-Centenary Road from Grono and
Storm. |

ENGINEERING1. RICHMOND R.S.L. SUB-BRANCH - ANZAC DAY COMMEMORATIVE MARCH AND SERVICE. C40-6

Requesting permission to conduct its Annual Anzac Day Commemorative March and Service at approximately 2.20 pm, Sunday 23rd April, 1989. Proposed route:-

Assemble Richmond Ex-Servicemen's Club, proceed along East Market Street, Windsor Street, West Market Street, March Street thence enter Richmond Park; upon completion of the service directly along East Market Street to Richmond Ex-Servicemen's Club.

(M.E.S. Subject to the Sub-Branch obtaining Police Department approval to the route of the march, the application is supported).

IT IS RECOMMENDED THAT approval be granted to the Richmond R.S.L. Sub-Branch to conduct its Anzac Day Commemorative March and Service at 2.20 pm, Sunday 23rd April, 1989, subject to the Sub-Branch obtaining Police Department approval to the proposed route of march.

PLANNING

Michael
Gleam 13-4-89

1. LISTINGS IN THE REGISTER OF THE NATIONAL ESTATE. H105-12

The Australian Heritage Commission has advised that two natural areas within the Shire are nominated for the interim list of the National Estate. The interim list contains all those items which the Commission intends to enter in the Register of the National Estate.

The natural areas which have been nominated are the Riverstone natural area comprising part of Bligh Park and land to the south owned by the Riverstone Meat Company. The second area is the Long Neck Lagoon natural area involving Crown land at Long Neck Lagoon but also extending into land the subject of a proposed joint venture between Council and the Department of Housing.

Both of the nominated listings are inconsistent with existing and future zonings. In particular, the proposed Riverstone natural area will affect a significant portion of Bligh Park which is currently zoned Residential 2(a) and also a large part of the proposed Rural/Residential development by the Riverstone Meat Company. The extent of the affectations is indicated on the attached plans.

The proposed listing of the Long Neck Lagoon natural area may pre-empt Government deliberations on the future use of the Crown land at Scheyville. In this regard, Council has made a submission to the Department of Lands through the Department of Housing for the urban development of the land. However, Council's submission recognised the importance of much of the proposed natural area and generally conforms with the proposed boundary.

According to the Australian Heritage Commission, the register of the National Estate is the national inventory of places "that have aesthetic, historic or social significance or other special value for future generations as well as for the present community. It is a list of the nations heritage resources which can be particularly useful to planners and decision makers by assisting them to take into account national estate matters when projects are planned."

It is stated that private, local or State Government owners of properties or places in the register are not subject to any legal constraints, or limitations on the use of those properties arising solely from being placed in the register.

The Commission invites any person to comment or object in writing to places which are intended to be entered in the register (those in the interim list) within three months of the publication of the public notices. The correspondence indicates that the major notices are to be published on the 18th April. The Register now has significant status as the national list of items of the Environmental Heritage. Consequently, even though it has in itself, no legal constraints or limitation, it has potential to influence decision making at the State and Federal levels.

As the proposed listing could seriously compromise the ultimate development of Bligh Park and the adjoining land owned by the Riverstone Meat Company it is recommended that Council object to the extent of the

land to be listed. In this regard, Council has already provided for a significant nature reserve which will adequately protect an example of remnant Cumberland forest.

In relation to the proposed Long Neck Lagoon natural area listing it is also recommended that Council object to the extent of the listing on the basis that the proposed area is more than adequate to protect an example of remnant Cumberland Forest as well as the Long Neck Lagoon wet land environment.

IT IS RECOMMENDED THAT:-

1. The Australian Heritage Commission be advised that Council objects to the extent of the proposed listings for the Riverstone Natural Area and the Long Neck Lagoon Natural Area for the reason that they are unnecessarily large.
2. That the submission to the Australian Heritage Commission include maps indicating suitable natural areas which are consistent with Council's existing and proposed future zonings.

2. REGIONAL PROMOTIONS, KURRAJONG ROAD, RICHMOND: PROPOSED SUBDIVISION DA 878/88

Council is referred to Item 2 in the Planning and Development Section of the General Purpose Committee Meeting reported in this business paper.

Subsequent to the Committee recommendation, the applicant and landowner have had discussions with the Manager of Town Planning concerning the proposal.

The result of these discussions is that the applicant wishes the application to be deferred from consideration of Council, following which he will submit a revised proposal on the basis of a strata subdivision of the land, generally with lots as previously proposed. Such a proposal, however, is considered to have the benefits that may overcome the Committee's objections and, in particular, will provide for ongoing maintenance and control of the property by virtue of the Body Corporate having control of such items as access, fencing, stable structures and general ground maintenance and land usage.

It is understood that the revised proposal will incorporate these provisions as part of the Body Corporate aims and objectives. Basically, such a proposal would overcome the difficulty that Council might have with a multiplicity of landowners. The difficulty, as in the previous proposal, with a multiplicity of landowners is that no real control exists over subsequent land uses or land maintenance. The Body Corporate, of course, would be an effective controlling body as any departure from the envisaged land use and maintenance practices could only be by a majority vote in a Body Corporate meeting.

The landowner indicates that it is his intention to provide new fencing, stable structures and internal access roads with common rights of way to Council's ultimate satisfaction.

The applicant did indicate that these items could be controlled in the previous proposal by the placement of a "Restriction as to User" via Section 88B of the Conveyancing Act over subsequent titles created, however, Council is advised that covenants, such as proposed, are specifically excluded from Council's control in Clause 52 of Hawkesbury Local Environmental Plan 1984.

A strata plan of subdivision and, hence, co-ordinated management, would appear to be the most suitable means of achieving both the applicant's and the Council's objectives for the locality.

IT IS RECOMMENDED THAT consideration of the application be deferred pending the applicant's submission of a revised proposal for strata subdivision.

NAME OF PLACE LONGNECK LAGOON NATURAL AREA

016373 114040011801

NOMINATION - TO BE ENTERED IN THE INTERIM LIST

LOCATION/BOUNDARIES:

Approximately 500ha, located 1.5km east of Pitt Town, comprising the that area referred to in the New South Wales Heritage Council's Interim Conservation Order No. 755 (Plan H.C. 1437, NSW Government Gazette No. 107 of 19/6/87), plus the area enclosed by a line commencing at the intersection of Old Stock Route Road and Pitt Town Dural Road, then proceeding westerly via the southern side of the latter road to AMG easting 9030-1-N-'Wilberforce'-0314, then directly to AMG point: 03368236, then directly to the eastern side of Old Stock Route Road at AMG northing: 8228, then via the eastern side of that road to the commencement point.

TITLE INFORMATION:

NOT AVAILABLE

STATEMENT OF SIGNIFICANCE:

THE OCCURRENCE OF A VIABLE STAND OF THE RARE AND ENDANGERED WATTLE SPECIES, *Acacia pubescens*, ON THE SITE IS OF MAJOR BOTANICAL SIGNIFICANCE. THE EXISTENCE OF A VARIETY OF VEGETATION COMMUNITIES WITHIN A RELATIVELY SMALL AREA IS AN IMPORTANT EDUCATIONAL AND SCIENTIFIC ASSET. THE AREA IS SEEN AS A REPRESENTATIVE FLOODPLAIN SYSTEM. DELICATE RELATIONSHIPS EXIST BETWEEN THE GEOLOGY, SOILS, VEGETATION AND FAUNA OF UPPER AND LOWER CATCHMENTS. THE EXISTENCE OF A WETLAND ENVIRONMENT WITH PERMANENT WATER EXCEPT IN MOST SEVERE DROUGHT IS OF MAJOR IMPORTANCE TO A LARGE POPULATION OF BIRDS AS WELL AS MIGRATORY BIRDS. THE SOUTHERN AREA FORMS THE UPPER CATCHMENT OF LONGNECK AND LLEWELLYN CREEKS WHICH ARE IMPORTANT TO THE LONG TERM PRESERVATION OF THE LAGOON. THE WOODLAND, OPEN FOREST AND SWAMP REPRESENT REMNANTS OF THE ORIGINAL VEGETATION OF THE CUMBERLAND PLAINS MOST OF WHICH HAS MOSTLY BEEN CLEARED FOR AGRICULTURE OR URBAN GROWTH.

DESCRIPTION:

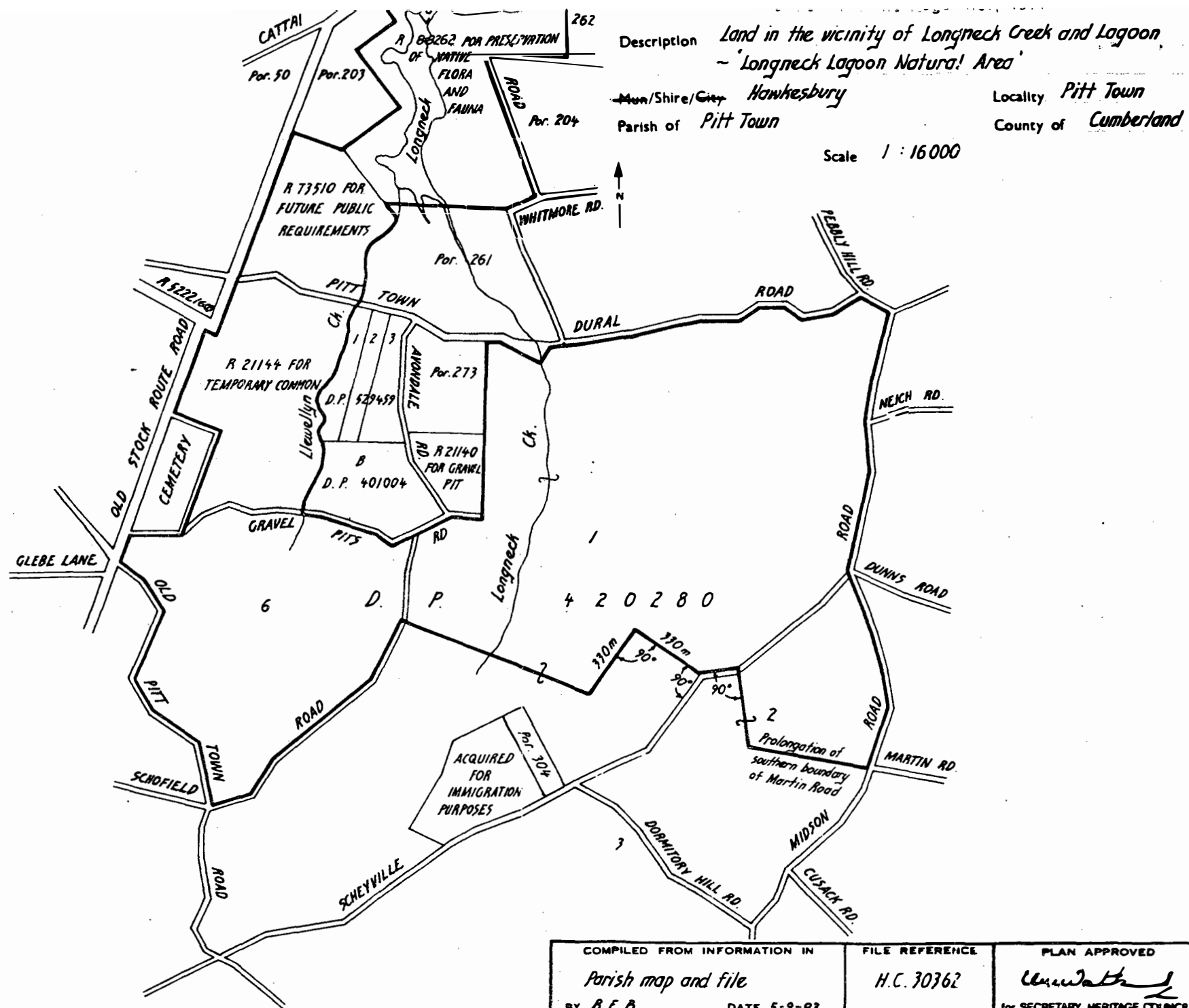
FRESHWATER LAGOON FORMING A PERMANENT WETLAND WITH CHANNELS AND POOLS ABOUT 2-3 M DEEP AND WITH GENTLY SLOPING MARGINS. UPPER SLOPES ARE WIANNAMATTA SHALES. LOWER SLOPES ARE TERTIARY GRAVELS, SAND, SILT AND CLAY. THERE ARE SIX SOIL ASSOCIATIONS WITHIN THE COMPLETE CATCHMENT; FIVE OF THESE ARE REPRESENTED WITHIN THE SITE. SIX VEGETATION COMMUNITIES HAVE BEEN IDENTIFIED: 3 TYPES OF WOODLAND, ONE OF WHICH CONTAINS A POPULATION OF THE RARE SPECIES *Acacia pubescens*; 1 WOODLAND OPEN FOREST COMMUNITY; 1 OPEN FOREST; AND 1 SEDGELAND/RUSHLAND. THE AREA INCLUDES MOST OF TWO CATCHMENTS: I.E. THOSE OF LLEWELLYN AND LONGNECK CREEKS. PRESERVATION OF EACH IS VITAL FOR THE MAINTENANCE OF THE OTHER. THERE IS A WIDE VARIETY OF FAUNA INCLUDING INSECTS, FISH, HERPETOFAUNA AND BIRDS, OF WHICH 99 TERRESTRIAL SPECIES AND 42 WETLAND SPECIES HAVE BEEN OBSERVED.

CONDITION:

TO THE SOUTH OF PITT TOWN AND WEST OF THE AREA, GRAVEL EXTRACTION HAS OCCURRED, BUT NATURAL REVEGATION HAS LEFT LITTLE TRACE OF THIS. SOUTH OF THE PROPOSAL, A EUCALYPTUS WOODLAND HAS BEEN MOSTLY CLEARED FOR AGRICULTURAL AND URBAN DEVELOPMENT. A WEIR ACROSS THE LAGOON MOUTH STOPS NATIVE FISH FROM MOVING UPSTREAM TO BREED, AND CARP HAVE TAKEN OVER. THE REMAINDER OF THE AREA REPRESENTS REMNANTS OF ORIGINAL VEGETATION TYPES AND IS MOSTLY UNDISTURBED. URBAN DEVELOPMENT AND REMOVAL OF NATIVE VEGETATION IN THE UPPER CATCHMENT MAY INCREASE RUNOFF AND ACCELERATE EROSION OF THE HIGHLY DISPERSIBLE B HORIZON OF THE DUPLEX SOIL, EVENTUALLY SILTING UP THE LAGOON AND DESTROYING THE WETLAND ENVIRONMENT.

BIBLIOGRAPHY:

1984 N.S.W. N.P.W.S. REPORT: PROPOSED LONGNECK LAGOON NATURE RESERVE.



COMPILED FROM INFORMATION IN	FILE REFERENCE	PLAN APPROVED	PLAN NO.
Parish map and file	H.C. 30362	<i>Chen Wath</i>	H. 14
BY A.E.B.	DATE 5-9-83	for SECRETARY, HERITAGE COUNCIL	

THIS IS THE PLAN REFERRED TO IN INTERIM/PERMANENT CONSERVATION ORDER No. 755

N.S.W. GOVERNMENT GAZETTE No. 107 OF 19-6-87

NAME OF PLACE RIVERSTONE NATURAL AREA
----- RIVERSTONE WILDLIFE REFUGE (PART)
016372 114040011701
NOMINATION - TO BE ENTERED IN THE INTERIM LIST

LOCATION/BOUNDARIES:

Approximately 550 ha, located 5km south of Windsor, comprising the area bounded by a line commencing on the southern side of Thorley Road, South Windsor, at AMG easting: 9030-1-S-'Riverstone'-948; then proceeding directly to the north-eastern side of Richmond Road at its intersection with The Northern Road; then south-easterly for about 1.5km via that side of that road to the western corner of the property containing a radio tower; then via the northern and eastern boundaries of that property to its easternmost corner; then directly to AMG point: 96737218; then via straight lines joining the following AMG points sequentially: 97207272; 97347330; 976736; 97407379; 97757441, 97587500; 96417546 and 95777508; then directly to the commencement point.

TITLE INFORMATION:

WILDLIFE REFUGE

STATEMENT OF SIGNIFICANCE:

THE AREA IS OF CONSIDERABLE SCIENTIFIC INTEREST AS IT IS ONE OF THE LAST, AND LEAST DISTURBED REMNANTS OF THE ORIGINAL CUMBERLAND PLAINS VEGETATION. TWO RARE SPECIES OF PLANT, *Pultenea parviflora* AND *Dillwynia tenuifolia* OCCUR. THE ONLY FLORISTICALLY SIMILAR VEGETATION OCCURS IN CASTLEREAGH STATE FOREST, BUT RIVERSTONE IS IN BETTER CONDITION WITH A GREATER DIVERSITY OF BOTH SPECIES AND FOREST TYPES. TERTIARY SEDIMENTS ARE PRESENT, INCLUDING AN APPARENT LEVEE WITH *Eucalyptus mollicana* ON IT. THE AREA IS VERY UNDISTURBED, WITH A GOOD DIVERSITY OF FAUNA. IT IS IMPORTANT AS A REMNANT STAND OF ONE OF THE FOREST TYPES OF THE SYDNEY REGION.

DESCRIPTION:

THE AREA IS FLAT; BETWEEN 15M AND 20M ELEVATION. IT IS VIRTUALLY ALL TERTIARY ALLUVIALS FROM FORMER LAKE DEPOSITS. THE MAIN SOIL TYPE IS A RELIC RED PODZOLIC OF LATERITE RESIDUALS, BUT SOME AREAS CONTAIN SANDY CLAYS AND RECENT ALLUVIALS. IN GENERAL THE AREA IS POORLY DRAINED DUE TO ITS FLATNESS WITH THE WATER TABLE CLOSE TO THE SURFACE. ONE PART CONTAINS AN APPARENT RELICT LEVEE, WHICH SUPPORTS *Eucalyptus moluccan* WOODLAND. OTHER PLANT ASSOCIATIONS PRESENT INCLUDE OPEN FOREST TO WOODLAND *E. fibrosa*, *E. parramattensis* AND *E. sclerophylla* OPEN FOREST, *Angophora bakeri* WOODLAND, *E. moluccana* - *E. fibrosa*, CLOSED LOW FOREST *Melaleuca linearifolia*, *M. decora*, *E. amplifolia* AND CLOSED SHRUBLAND *M. decora* *M. nodosa*. LOCALISED SWAMPS ALSO OCCUR.

CONDITION:

VERY GOOD, LITTLE DISTURBED AND WELL FENCED.

BIBLIOGRAPHY:

23/02/89

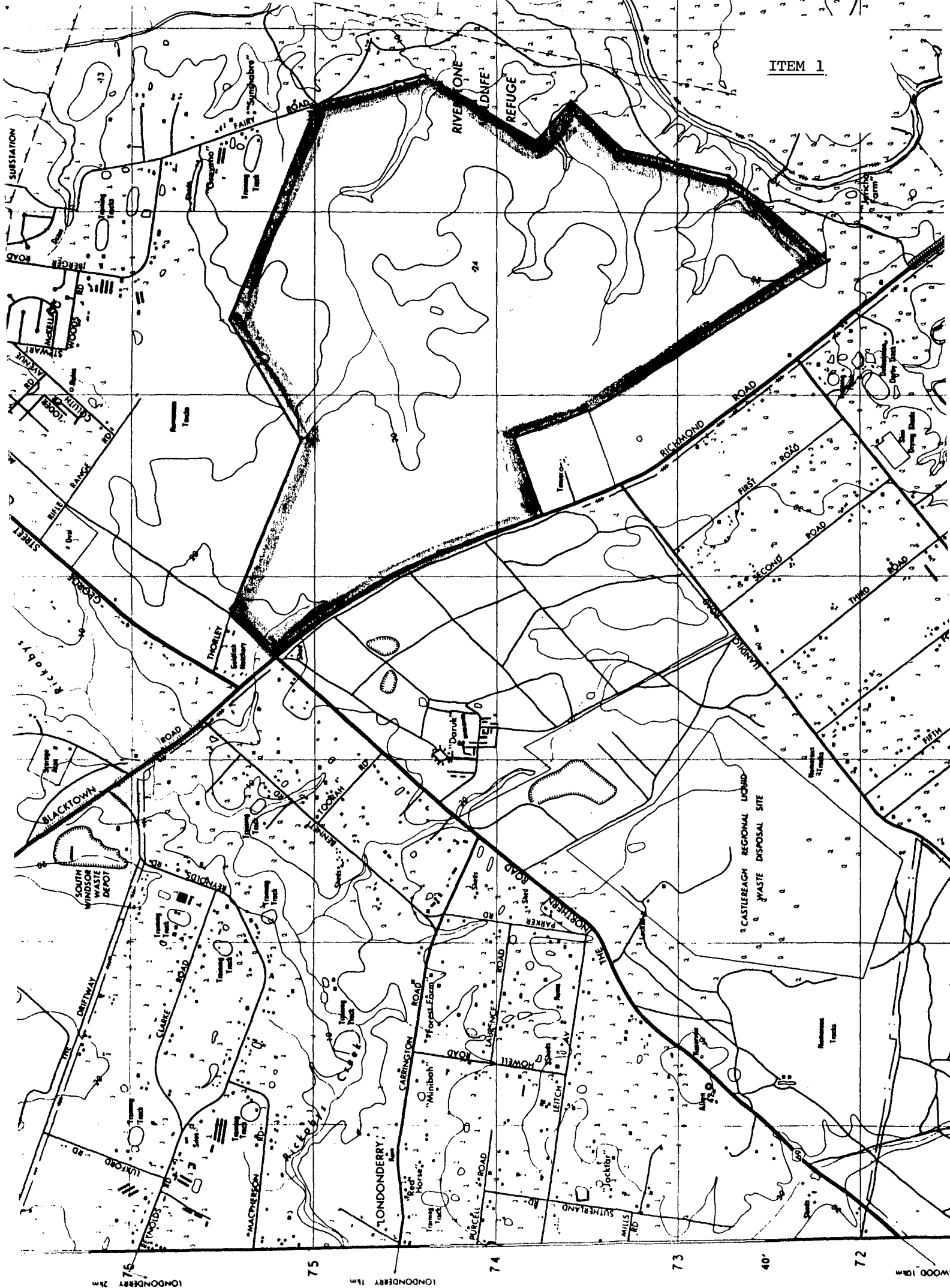
LISTING FOR NOMINATION - TO BE ENTERED IN THE INTERIM LIST

ITEM 1

BENSON, JOHN: VEGETATION SURVEY OF RIVERSTONE HEATWORKS PROPERTY,
SOUTH WINDSOR. VEGETATION REMNANT ON TERTIARY ALLUVIALS
NSW NPWS REPORT, OCTOBER 1985.

WILLIAMS, JANINE, WYN JONES AND JOHN BENSON: CONSERVATION VALUES OF
RIVERSTONE WILDLIFE REFUGE. NSW NPWS REPORT, OCTOBER 1985.

WIND: GOOM



1. BUILDING APPLICATIONS B25

The following is a summary of building applications received during the month of March, 1989. Applications received during March, 1988, shown in brackets.

<u>No.</u>	<u>Type of Building</u>	<u>Estimated Value</u>	
57	(80) New Dwellings	\$ 5,209,582	(\$ 4,975,823)
71	(88) Additions to Dwellings	816,459	(555,764)
1	(5) Residential Flat Buildings	450,000	(735,000)
10	(5) New Buildings other than Residential	1,797,200	(1,080,700)
4	(5) Additions to Buildings other than Residential	33,000	(65,000)
16	(11) Swimming Pools	252,829	(136,840)
3	(2) Additions to Dwellings - Dual Occupancy Unit	310,135	(17,700)
<u>162</u>	<u>(196)</u>	<u>\$ 8,869,205</u>	<u>(\$ 7,566,827)</u>

Building Applications received up to the end of March, 1989. Approvals for the corresponding period during March, 1988, shown in brackets.

<u>No.</u>	<u>Type of Building</u>	<u>Estimated Value</u>	
156	(172) New Dwellings	\$14,420,820	(\$11,034,225)
208	(199) Additions to Dwellings	2,346,413	(1,984,283)
3	(5) Residential Flat Buildings	910,000	(735,000)
21	(12) New Buildings other than Residential	6,422,648	(1,689,700)
10	(13) Additions to Buildings other than Residential	1,733,758	(2,162,000)
37	(39) Swimming Pools	538,139	(397,730)
14	(2) Additions to Dwellings - Dual Occupancy Unit	1,129,765	(17,700)
<u>449</u>	<u>(442)</u>	<u>\$27,501,543</u>	<u>(\$18,020,638)</u>

2. REPORTS REQUESTED BY COUNCIL - STATUS - AS AT 11TH APRIL, 1989. C50-1

FILE NO REP DATE	SUBJECT REFERRED TO		COMMENT	COMP DATE
10-Nov-87	Shaws Island MES	Development of Island and adjacent areas	Report following discussion with DOP & other parties	
17-May-88	Mushroom Compost Operations MTP	Future long term planning - buffer zones	Under investigation by Committee	
12-Jul-88	Off-street parking MTP	Parking requirements Windsor generally incl. possibility of tier parking	Under investigation	
12-Jul-88	Strategy Plan MTP	Wisemans Ferry area	Waiting response from other councils	
12-Jul-88	Access Windsor Town Centre MES	Upgrading access between Windsor Town Centre and George Street	Report 2nd May GPC	
12-Jul-88	Park & Street Bins MES	Investigation into installation of Sulo bins to replace existing bins	Report 30th May GPC	
9-Aug-88	Dredging Works MES	Freemans Reach, Rickabys Creek and Windsor Wharf	Report 2nd May GPC	
9-Aug-88	Swimming Pools MEBS	Feasibility and expressions of interest - Leasing from end of 1989 season	Report end of 1988/89 season	
9-Aug-88	Maintaining Parks MES	Cost of maintaining all parks in Shire and listing costs individually	Report 30th May GPC	

FILE NO REP DATE	SUBJECT REFERRED TO		COMMENT	COMP DATE
9-Aug-88	Cooleys Creek MES	Removal of soil from bank	Report 2nd May GPC	
9-Aug-88	Ratios - subdivision Lots MTP	Existing ratios required for subdivision lots particularly industrial lots - parking and on site issues	To be done in conjunction with Control Plan in LEP 1987	
9-Aug-88	Section 94 contributions MTP	Policy	Subject to report from Sub-Committee	
9-Aug-88	Bligh Park Development MTP	Development of freehold land to north of Estate	Being dealt with in conjunction with LEP 1987	
13-Sep-88	Athletic Facility MES	Provision of facility including synthetic track	Report 30th May GPC	
11-Oct-88	Boundaries SC/GM	Possible changes	Report 30th May GPC	
13-Dec-88	Wimbow/Faischi Place MES	Drainage	Report 2nd May GPC	
21-Feb-89	History of Local Government in the Shire - CL	Report with estimated costing on Stage 2.	Report August GPC	
14-Mar-89	Carparking MTP	Assessment of contribution Commercial Development - and cost as compared to rate.	Report 30th May GPC	

FILE NO REP DATE	SUBJECT REFERRED TO		COMMENT	COMP DATE
14-Mar-89	Development Standards MTP	Location of intensive rural industries	Report June GPC	
14-Mar-89	Jacqueline Place MES	Undermined and broken up	Report 2nd May GPC	

3. DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY. P160/33

The following is a list of development applications which were approved under delegated authority subject to conditions.

Other Developments

Applicant/Land	Type of Development	Date Received	Date Approved	Comments
L Caughey Lot 7 DP 246106 Moles Road Wilberforce	Dual Occupancy DA 16/89	16.01.89	01.03.89	
Z Pavlicevic Lot 1 DP 27378 Creek Ridge Road Glossodia	Extensions to General Store DA 4/89	05.01.89	01.03.89	
M Bull Lot 2 DP 245536 Hanover Street Wilberforce	Erection of Duplex DA 20/89	18.01.89	01.03.89	
V Hanson Lot 51 DP 240218 Rohan Place North Richmond	Dual Occupancy DA 12/89	14.01.89	01.03.89	
M & J Horsfall Lot 13 DP 244920 5 Dowling Place Windsor	Extension for Storage DA 33/89	23.01.89	02.03.89	
Bennetts Real Estate Lot 1 DP 606282 East Kurrajong Road East Kurrajong	Three (3) Lot Subdivision DA 42/89	31.01.89	02.03.89	
Maria A Montagliani Lot 2 DP 246106 Singleton Road Wilberforce	Dual Occupancy DA 63/89	14.02.89	02.03.89	

Other Developments

Applicant/Land	Type of Development	Date Received	Date Approved	Comments
D Matthews & Associates Lot 37 DP 246385 James Meehan Street Windsor	Strata Subdivision DA 879/88	15.12.88	02.03.89	
J Lancaster Lot 10 DP 577425, 675 Kurmond Road Richmond	Stables DA 37/89	07.02.89	02.03.89	
W P Alchin Lot A DP 366851 Avoca Road Grose Wold	Stable/Shelter Sheets DA 18/89	17.01.89	02.03.89	
Mr G Bastian Lot 23 DP 776370 Jacaranda Place Kurrajong	Shed DA 75/89	17.02.89	02.03.89	
R Mork & J Mckenzie Lot 18 DP 263025 Blackman Crescent South Windsor	Strata Title Subdivision 589/11	27.01.89	06.03.89	
J Bowden & Co Lot 1 DP 785796, Lot 13 DP 621394 Pt Lt 7 CONV 844 BK 2906, Lot 8 CONV 822 BK 3171, Lt 9 CONV 822 BK 3179 Lot 10 CONV 736 BK 3399	Subdivision & Adjustment of Boundaries, 20 Allotments	16.11.88	07.03.89	
R J Tolson Lot 1 DP 603811, 182 Boundary Road Glossodia	Agricultural Shed DA 95/89	22.02.89	08.03.89	
Scout Association of Aust Lts 11 & 12 DP 577053 Laws Farm Road Lower Portland	Accom Block DA 695/88	27.09.88	08.03.89	

Other Developments

Applicant/Land	Type of Development	Date Received	Date Approved	Comments
M & V Ekman Port 44 Psh Colo, Wheelbarrow Ridge Road, Upper Colo	Farm Shed DA 67/89	13.02.89	08.03.89	
Endeavour Homes Pty Ltd Lot 217 DP 732220 Colonial Drive Bligh Park	Display Home DA 865/88	06.12.88	08.03.89	
R Cambridge Lot 29 DP 240926 Arcadian Road Kurrajong	Subdivision two (2) Allotments DA 869/88	07.12.88	08.03.89	
Stirton Holdings Pty Ltd Lot C DP 401125 Mileham Street Windsor	Industrial Units DA 975/88	14.11.88	08.03.89	
M & E Bacic Lot 10 DP 740634 Grose Vale Road Grose Vale	Restaurant & Amenities Building DA 10/89	10.01.89	08.03.89	
P J Salminen Lot 68 RP 2014, 158 Settlers Road Wisemans Ferry	Shed & Pergola DA 99/89	14.02.89	08.03.89	
Brogan Box Pty Ltd Lot 37 DP 261756 Ti-Tree Place Wilberforce	Industrial Units DA 884/88	16.12.88	10.03.89	
Camp Scott Furphy Pty Ltd Lots 1 DP 544786 & 2 DP749146 Bells Line of Road North Richmond	Sewage Pumping Station DA 69/89	14.02.89	10.03.89	

Other Developments

Applicant/Land	Type of Development	Date Received	Date Approved	Comments
Memtec Ltd Lots 26, 40, 41 DP 263025 Blackman Cres & White Place South Windsor	Extension of a Factory/Office Bld DA 58/89	13.02.89	10.03.89	
Max Johnson Lot 1 DP 576179 & Lot C DP 159635 Cnr Church & Bathurst Sts Pitt Town	Subdivision by adjustment of boundaries S 88/131	30.12.88	10.03.89	
Akot Pty Ltd Lot 641 DP 260381 Andrew Thompson Ave McGraths Hill	Dual Occupancy DA 910/88	23.12.88	10.03.89	
J Bowden & Co Lot 2 DP 579885 Bells Line of Road Kurmond	Three (3) Allotments S 89/19	31.01.89	14.03.89	
GLF Martin Svcs Pty Ltd Pt Port 24 Fitzroy Hotel 161 George Street Windsor	Installation of bathroom DA 34/89	21.02.89	16.03.89	

4. DEPARTMENT OF LOCAL GOVERNMENT - REQUEST FOR NOMINATIONS.-
APPOINTMENT OF COUNCIL OFFICERS TO THE HOME AND COMMUNITY CARE
PROGRAMME. C44-1, C45-39

Describing the community service programs for aged and handicapped people provided under the former States Grants agreements and the expanded range of services including community transport, home modification and maintenance, respite care and a range of services for younger disabled people. Stating that the local government sector has been leader in the field of community care for the elderly and has played an important role in the development and delivery of Home and Community care services.

Advising that the Department of Local Government has agreed to nominate a suitably qualified Council officer to each Regional HACC Planning Group. These groups co-ordinate regional needs assessment and service planning and recommend new HACC funding for priority service projects. Nominations are invited for a regional pool of qualified Council officers from which the appointments shall be made.

The Council's Community Services Co-ordinator has been nominated for appointment to the position.

5. WINDSOR FUNCTION CENTRE - MARCH BOOKINGS. C51/3

As required under Ordinance 26, Clause 9, following are details from the Hall Letting Register for March, 1989.

<u>Date of Engagement</u>	<u>Purpose</u>	<u>Person or Body Responsible for Engagement</u>
2/3	Disco	Bede Polding School
4/3	Speech Contest	* Hawkesbury Toastmistresses
4/3	Wedding	* H Richards
6,7,8,9/3	Band Practice	RAAF Operational Command Band
7,14,21,28/3	Music Practice	Macquarie Towns Junior Symphony Orchestra
8,15,22,29/3	Dancing Practice	* Mrs D J Greenaway
10/3	Disco	* St Pauls Grammar School
11/3	Wedding	* C Mahoney
15/3	Senior Citizens Concert	Hawkesbury Shire Council
16/3	Senior Citizens Mini Concert	Hawkesbury Shire Council
17/3	Blue Light Disco	* Windsor Police
18/3	Wedding	* G Korn
18/3	Wedding	* K Devries
19/3	Family Reunion	* L Packer
23/3	Immunisation Clinic	Hawkesbury Shire Council
25/3	Wedding	* L Mathie
25/3	Wedding	* A Casey
		* Paid Functions

6. CERTIFICATE AS TO STATE OF ACCOUNTS WORK. A1/15

In accordance with the provision of Clause 45A, Ordinance 26, I hereby certify that the state of accounts work as at 31st March, 1989, is as follows:

1. Rates and Charges

	1988	1989
Total Collectables as at 31st March	11,913,245	13,102,015.84
Actual Collection as at 31st March	3,333,339	4,558,905.08
Balance Outstanding	8,579,906	8,543,110.76
Percentage Collected	27.98	34.80

The levy date for the 1989 rate issue was the 26th January, 1989, compared to the 22nd February, 1989.

From the 26th January levy 9,266 ratepayers have nominated to make payment by instalments.

The arrears of rates and charges as at 31st December, 1988, was \$877,446.47, excluding postponed rates and rates levied in 1989 for 1988. This balance has been reduced to \$458,637 as at 31st March, 1989. This is a very good result which has been achieved by constant personal contact through telephone and interview in addition to legal action and judgement debts being enforced.

A total of ninety nine summonses have been issued and a further two hundred and fifty arrangements have been entered into for payment of overdue rates and charges.

2. General Ledger

The trial balance of the General Ledger has been completed to 31st March, 1989.

3. Cash Book Reconciliation

The bank reconciliation of all funds is completed to 31st March, 1989, and has been reconciled to the general ledger.

4. Creditors Accounts

The majority of creditors accounts have been paid to 28th February, 1989, with extensions and computations of invoices to 31st March, 1989, being currently prepared for payment.

5. Annual Audit

As previously reported L G MacDonald and Company completed the annual audit of the 1988 Statements of Accounts on 15th March, 1989.

7. COMMUNITY SERVICES REPORT - MARCH, 1989. C45A. CO-ORDINATOR'S REPORT

Management Committees for Neighbourhood Centres, Child Care Centres and other Committees with powers designated under Section 530A of the Local Government Act, have been holding Annual General Meetings. It is anticipated these will be finalised during April.

There is still no response from the NSW Department of Planning to applications for funding under the Area Assistance Scheme where recurrent funding by other Departments is involved. With the 1989 Scheme to be announced later this month it is hoped that an announcement on the 1988 applications will be made prior to new applications being advertised.

B. COMMUNITY ARTS OFFICER'S REPORTSenior Citizen's Week - 12th to 18th March

The Council sponsored a free concert and afternoon tea on Wednesday, 18th March which was attended by over 400. The artists; Johnny Ashcroft, Gay Kayler and Betty Rieman were very popular and had prepared a programme especially for the occasion. With the assistance of Jan Booth, Community Transport Co-ordinator and Jenny Le Meier, Rehabilitation Co-ordinator, groups from nursing homes and day care centres were transported to the concert. Assistance of \$800 was received from the Premier's Department, N.S.W., and \$100 each from the Richmond Ex-Servicemen's Club and Windsor RSL.

Assistance was given to the Senior Citizen's Centre who conducted an Open Social Day, combined with St Patrick's Day celebrations. Approximately 100 attended and some new members were enlisted.

Assistance at both events was offered by 2VTR-FM, who are involved in a Senior Citizen's radio programme.

C. YOUTH/RECREATION OFFICER'S REPORT

Easter holiday Vacation Care was conducted at Richmond and Bligh Park from 28th to 31st March, 1989.

Both Centres had full bookings for every day with a waiting list of parents needing care of approximately 7 children every day.

An excursion to Taronga Zoo on the 30th was enjoyed by 72 children. The Centres were also visited by Mr Beeper from Telecom and two policemen from the Cycle Safety Section of the Parramatta Station.

8. RURAL RATE APPEAL - N. HUNGERFORD. 10264-01W

It was reported to Council at its Ordinary Meeting of 21st February, 1989, the result of the appeal for rural rating by Mr N Hungerford in the Land and Environment Court on the 30th September, 1988. The judgement of the Court was provided to Council on 10th January, 1989, and reported to Council at the first Ordinary Meeting following the receipt of that decision. A transcript of the judgement has been received and confirmed the information previously provided to Council.

The land in question has an overall area of 12.3 hectares, of which approximately 1 hectare is under cultivation from which vegetables have been produced and subsequently sold. The owner also has 18 beehives on the remainder of the land from which 75 kg of honey was produced. In the fenced area of the land, fruit trees and waratahs have been planted. However, the major part of the property, approximately 11.2 hectares, is uncleared bushland, which the appellant claimed is essential to the enterprise of beekeeping.

The questions raised were whether this residual land was used to sufficient magnitude to be wholly or mainly used for the business of beekeeping and whether such business was a viable enterprise established for a commercial purpose. At the time of the hearing, Mr Hungerford had made an annual profit of \$500.00 from the beekeeping but it was his opinion that upon development of the enterprise an annual income of \$1,000.00 could be expected.

The Court ruled that the beekeeping enterprise was established to be a commercial business and to supplement the appellant's other income. With regard to the question of the land being wholly or mainly used for rural purposes, the Court agreed with the appellant that to remove bushland where an apiary is intended would be to the detriment of the activity.

The appeal was subsequently upheld by Senior Assessor P R Jensen who handed down his decision on 23rd December, 1988.

Advice has been received from Council's solicitors that an appeal against the judgement of the Court can only be made on the grounds that there was an error at law made by the Assessor. In addition, Council's solicitor has advised that an appeal could no longer be lodged because the time for lodging such an appeal has lapsed.

In regard to the 1989 rates an application has been lodged by Mr Hungerford for rural rating in that year. Following the receipt of the decision in regard to the 1988 appeal, Mr Hungerford was advised that his property would be subject to the rural rating for the 1989 year based on the fact that there was no substantial change in the use of the land between the two years, as detailed on the application form.

Given the decision of the Court and the advice to Mr Hungerford in regard to the 1989 rating year it is felt that the rural rate should now be levied on his property for 1989. In regard to 1990 rates it is considered that a further application should be lodged by Mr Hungerford and the qualification for rural rating be reassessed both in terms of the use of the land and the new legislation relating to rural rating.

9. PUBLIC WORKS. S205/3/A

Rainfall was recorded on twenty three (23) days during March with high precipitation on 27th and 31st resulting in increased flow along the river system. As a result of torrential rain in the early hours of Sunday, flooding occurred on local creeks with the bridges at North Richmond and Windsor overtopped on Sunday afternoon, 2 April, 1989. The river, subject to only minor fluctuations maintained the peak over a 32 hour period.

With the river commencing fall at time of writing, damage to Council road system to this time has been identified on Argyle Reach Road, MR181, St. Albans Road, Settlers Road and Upper Macdonald Road in addition to potholing throughout the area.

West Portland Road

On Tuesday 28th March, the bridge over Roberts Creek failed under the passage of a truck transporting bricks.

The bridge is subject to a 10 tonne load limit with the all-up weight of the truck being in excess of the posted load. Action is being taken to arrange repair. The appropriate legal action is being instituted.

KERB & GUTTER CONSTRUCTION**Longleat Road, Kurmond**

Further work including attention to drainage at Bells Line of Road end.

Golden Valley Drive

Work has commenced with kerb and gutter in place on west side.

Maintenance

Reconstruction of the deck on the timber bridge Argyle Reach Road has been completed.

A programme of cleaning pipe culverts using a high pressure water jet was undertaken during the month.

Patching, gravelling and grading included work in Brabyn Street, Windsor and Dight Street, Richmond; Wheelbarrow Ridge Road; Upper Colo Road; Blaxlands Ridge Road; East Kurrajong Road, Kurmond Road and Terrace Road.

BUILDINGS**Works Depot, Wilberforce**

Work during March included earthworks for the bulk storage area and depot yard. Concrete kerb and vehicular entry with placement of the asphaltic concrete overlay in the car park and garbage section.

Attention to plumbing and electrical services (including fire service) and fitting out has continued.

Shire Clerk/General Manager's Report

Ord. 11/4/89

McQuade Park Dressing Sheds

Work is in progress on extension to the kiosk area to provide for equipment storage and renovation of the dressing rooms.

SEWERAGE

McGraths Hill Wastewater Plant

Average Daily Flow March - 2889kl/day.

South Windsor Wastewater Plant

Average Daily Flow March - 1044kl/day.

Spraying of weed growth around the maturation pond and sludge lagoon.

A break and enter into the plant and amenities building on 25th resulted in some minor damage.

Pump Stations

Installation of a flushing valve in Station "G" Rifle Range Road, to assist in removal of debris build up in the well.

Interruptions as a result of electrical storms on 10th and 12th March.

Sewers

Attention to eight mainline sewer chokes and repairs to manholes, Mileham Street and Alsop Place, Bligh Park, following damage by construction plant or motor vehicles.

Land Irrigation and Silviculture Project

Planting of the red gums in the area to north of the plant.

10. BLIGH PARK ESTATE. P160/46/A

Road and drainage works for Precinct 20 are near completion. Contract work on sewer reticulation and construction of the rising main from Pump Station "G" Rifle Range Road through to the new pump station to be constructed off Colonial Drive has reached practical completion.

Work has been delayed by wet weather with work still to be commenced on the new pump station.

Water reticulation is now available to Precincts 9 and 10 with cleaning up and road reinstatement outstanding. Electrical reticulation for Precinct 10 will commence as soon as ground conditions allow.

Road construction will commence shortly for Precinct 22 to provide forty five (45) allotments for medium density development.

Shire Clerk/General Manager's Report

Ord. 11/4/89

11. DRAFT LOCAL ENVIRONMENTAL PLAN - "NEPEAN PARK", HAWKESBURY ROAD, YARRAMUNDI. L9/87Michael
13-11-89

At its meeting of 10th May, 1988, Council resolved to prepare a Draft Local Environmental Plan to permit Rural/Residential development at "Nepean Park", Yarramundi.

The proposal was forwarded to the Department of Planning with a request that they issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act, 1979, to enable the next step of processing of the Draft Plan, being its public exhibition.

The Department by letter dated 18th August, 1988, declined to issue a Section 65 certificate.

Subsequently, on 20th October, 1988, Council officers and the applicant met with officers of the Department of Planning to discuss the application. At that meeting the Department indicated a number of concerns with the proposal, particularly in regard to visual aspects, water supply, sewerage disposal and precedent. They required the applicant to provide them with some information concerning water and sewerage and, from Council, an indication as to the precedent effect. This information was provided to the Department (both by Council and the applicant) in late 1988.

Correspondence has now been received from the Department indicating that the Department has reviewed its position as a result of the meeting. The Department now requires that an environmental study be prepared before the Director would reconsider the issue of a certificate under Section 65 of the Act. The study would be in accordance with the provisions of the Draft Sydney Regional Environmental Plan - Hawkesbury/Nepean River. In particular, it is stated that the study should address the following matters listed in Schedule 4 of the Draft Regional Plan:-

- (a) On site disposal of water;
- (b) Withdrawal of water from the river;
- (c) Runoff from the site;
- (d) The impact of development on water clarity and turbidity."

The Department also advises that Council should consult with the Soil Conservation Service as to the appropriate lot size, land use, conservation measures and the suitability of soils for on site water storage and sewerage disposal.

While the change in the Department's attitude is promising, the Department still has not provided any support "in principle" for the rezoning. It is possible that after preparing a satisfactory environmental study the Director may still refuse to issue a Section 65 Certificate on other grounds.

The Department's correspondence has been discussed with the applicant who is agreeable to meeting the cost of an environmental study. However, the applicant is understandably anxious that the Department has not provided any indication of its support "in principle" to the rezoning. Consequently, a

letter has been forwarded to the Department requesting an indication of their "in principle" support. The letter notes that most of the matters to be considered in the Environmental Study concern physical parameters and not more general issues relating to precedent or regional policy. The Department's reply to this correspondence will be reported to Council.

12. INQUIRY INTO MAKING OF PERMANENT CONSERVATION ORDER -
SIMMONS HARDWARE STORE. 1808-W

Alice 134

Council is in receipt of correspondence from the Office of the Commissioners of Inquiry for Environment and Planning in respect of the inquiry into the making of a permanent conservation order on the building and site known as Simmons Hardware Store, 226 George Street, Windsor.

The Inquiry has found that the primary historic building is an item of environmental heritage and that the remaining part of the site comprises the buildings' curtilage. The Inquiry also found that the Arabian Horse Society's objection to the making of the permanent conservation order on the basis that the building was not a heritage item cannot be sustained particularly in view of the development application recently approved by Council, (i.e. conservation of the building for use as an office and construction of a new two storey building at the rear of the land).

The Inquiry further established that the making of a permanent conservation order over the building will not cause undue financial hardship to the Society and that the site and building would not be rendered incapable of reasonable or economic use. The Chairman of the Inquiry, Mr John Woodward, recommended that a permanent conservation order be made over the whole site excluding the sheds/outbuildings to be demolished under the approved application.

13. MCGRATHS HILL SHOPPING CENTRE - ACCESS. C51/6, 665-1641

Council, at its Ordinary Meeting of 11th October, 1988, considered representations from the four lessees of the Council owned shops at McGraths Hill regarding the future viability and growth of their respective businesses, primarily due to the non-access to Windsor Road.

Council resolved that the Department of Main Roads be requested to consider the extension of Red House Crescent to Windsor Road, across the open space buffer, to provide vehicular access from the main road to the shopping centre and the subdivision generally.

The Roads and Traffic Authority has replied as follows:-

"The Authority's principle is to minimise the number of access points onto Main Roads and to minimise potential accident sites. With this in mind access to McGraths Hill subdivision was given via McGraths Road and Old Hawkesbury Road. This was previously agreed to by Council at the time of subdivision. The Authority cannot agree to any additional access onto either Windsor Road or Pitt Town Road

particularly because of the proximity of the signals at the intersection of Windsor Road and Pitt Town Road. The development of the subdivision was with full knowledge of access arrangements."

14. THE PUBLIC LENDING RIGHT SCHEME. L125

The Public Lending Right Scheme makes compensatory payments to the creators of Australian books and their Australian publishers for the use of those books in public lending libraries.

The Scheme operates within the Federal Department of the Arts, Sport, the Environment, Tourism and Territories.

Payment is made annually by the Scheme, where at least 50 copies of an eligible book are estimated to be held in public lending libraries throughout Australia. The estimate is obtained by surveying the book stock of a sample of public lending libraries selected each year by the Australian Bureau of Statistics. In 1987-88, 41 library systems which represented about 52% of the national public library bookstock, were surveyed. With payments made to 4,979 claimants amounting to just over \$2 million.

Eligible authors include editors, illustrators and translators and need to be of Australian nationality.

This year Hawkesbury was selected to participate in the national survey and was sent a copy of the 'Checklist of Titles' in early February. This list has been checked and returned and Council will be reimbursed for costs incurred.

Reimbursement to Council includes gross salaries paid and miscellaneous expenses such as postage. The total amount to be claimed is \$563.38.

1. FLOOD MITIGATION AUTHORITY OF N.S.W. - MINUTES OF MEETING OF THE EXECUTIVE. F84/7

Forwarding the Flood Mitigation Authorities of N.S.W. Minutes for the Executive meeting held on 23 February, 1989.

2. LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF N.S.W. - LOCAL GOVERNMENT RATING. C44-2

The following advice has been received from the Association:-

"The Hon David Hay MP, Minister for Local Government, has announced that an Inquiry will be held this year into Local Government rating as part of the Phase II Review of the Local Government Act.

No details as to the extent of the Inquiry are yet available. From media reports it appears a modified Poll-tax system, similar to the Community Charge in the United Kingdom, will figure prominently.

While the Associations have reservations about its application to Local Government in New South Wales they will co-operate with the Inquiry to ensure all facets of rating - including exemptions, procedures, levels, etc - are considered."

The following is the media release by the President of the Association:-

" **COUNCIL'S COOL ON POLL TAX**

The President of the Local Government Association of New South Wales, Cr Frank McKay, said today that the equity of the rating system had suffered from thirteen years of rate pegging in New South Wales - the only State to introduce such a system.

"My Association expects to play a major role in the inquiry into Local Government funding recently announced by the State Government", he said.

"It's been suggested that the concept of a poll tax enjoys 'considerable support in local government', although that's news to my Association", said Cr McKay.

He said that replacing Council rates with a poll tax where every individual paid a fixed tax had some superficial appeal, however, when examined closely the concept had many flaws.

A fixed personal tax would clearly penalise the low income earner and the disadvantaged and would benefit the well off members of society. A poll tax would create an administrative nightmare. Who would pay it, the residents, including transient population, or the electors?

"It would be difficult to collect and would entrench inequity in Council revenue raising", he said.

Cr McKay said what was needed was a flexible rating system under local control which allowed councils to maintain equity between ratepayers

through the application of differential rates. This would be supported by user charges for certain services and a guaranteed allocation to local government of a specified percentage of total commonwealth tax receipts.

"Until 1984, local government had a guaranteed share of personal income tax. This has since been eroded by the Federal Government to the disadvantage of local ratepayers", concluded Cr McKay."

3. NATIONAL MANAGER, COMMUNITY RELATIONS - TELECOM AUSTRALIA - APPRECIATION. A5, T216

Thanking Council for its contribution to their "Looks Phoney" exhibition at the Museum of Victoria.

4. SENATOR THE HON MARGARET REYNOLDS, MINISTER FOR LOCAL GOVERNMENT - FEDERAL GOVERNMENT POLICIES ON ROAD FUNDING. R190

Clarifying current Federal Government policies on road funding and advising that it must be considered in the light of the country's current economic circumstances, including a high current account deficit and large overseas debt. In spite of these serious constraints, the Government has significantly increased total funding for roads over the past six years (21 per cent higher than the \$7.1 billion of the last six years of the Fraser Government).

Stating that in recognition of the particular importance of local roads to the social and economic needs of local communities, the Government has allocated this year alone an extra \$20 million to the local roads element of total road funding, and guaranteed to maintain this in real terms for three years. Senator The Hon Margaret Reynolds and her Colleague, Mr Bob Brown, MP, Minister for Land Transport and Shipping Support, are aware that a number of councils have specific roads concerns.

5. THE HON TED PICKERING, M.L.C., NEW SOUTH WALES MINISTER FOR POLICE AND EMERGENCY SERVICES - THE INDEPENDENCE OF VOLUNTEER BUSH FIRE BRIGADES. B27

Acknowledging receipt of Council's letter dealing with the above and advising that the Minister has no intention of amalgamating the fire services or establishing a single fire service and is committed to its retention as a separate entity.

Assuring Council that no decision taken by the Minister will lessen the effectiveness of the Bush Fire Brigade organisation in this State.

6. THE COUNCIL OF THE SHIRE OF EUROBODALLA. SUBMISSIONS TO 1989
FLOOD MITIGATION CONFERENCE. C48/2

Requesting motions and background information from Member Authorities to be submitted for consideration at the 1989 Annual Flood Mitigation Conference to be held from 17th to the 19th May, 1989.

(M.E.S. - Immediate details are requested of Notices of Motions, if any, to allow for completion of the business paper.)

7. COLO HEIGHTS & DISTRICT PROGRESS ASSOCIATION - APPRECIATION.
A5, 665-2310

Thanking Council for the sealing of Wheelbarrow Ridge Road and entrance to the Reserve.

8. MINISTER FOR LAND TRANSPORT AND SHIPPING SUPPORT - ROAD FUNDING
R190-38

Replying to some of the claims made by motoring associations in recent publications.

1. Giving details of what the Federal Government applies 80 percent of its fuel tax to including contributions towards over \$12 billion in untied grants to the States and about \$650 million in untied grants to Local Government.

2. Stating that the Federal Government has no constitutional responsibility for roads. The Federal Government has accepted full responsibility for the National Highway System.

3. That fuel taxes were never intended simply to finance roadworks but are part of Government's total tax structure.

4. Advising that since 1983 the three levels of Government have together spent \$20,000 million on our national road network - an outstanding achievement in a period of economic restraint.

Expressing disappointment that some councils would choose to support and assist the AAA campaign and enclosing additional information.

9. LORD MAYOR, CITY OF WOLLONGONG - 1988 KEEP AUSTRALIA BEAUTIFUL,
COUNCIL TIDY TOWNS AND SUBURBAN AWARDS PRESENTATION. G90.5

Congratulating Council, citizens and committee upon receiving a major award and wishing them continued success.

10. SHIRES ASSOCIATION OF N.S.W. - MEDIA RELEASE 17/89 - COUNCILS
APPLAUD PICKERING - C44.2

A NSW Local Government leader today congratulated the Minister for Police and Emergency Services for honouring a commitment on one man police stations and advising that although two one man stations had had to be closed, no further closures would be made.

Mr Pickering had also firmly rejected a proposal to establish a single fire fighting authority in New South Wales, which would have meant, in effect, the overnight disappearance of volunteer bush fire brigades.

11. SHIRES ASSOCIATION OF N.S.W. - MEDIA RELEASE 19/89 - MAINTAIN
KINGSFORD SMITH AIRPORT ACCESS FOR COUNTRY PEOPLE. C44-2

Indicating that any action which would lead to a reduction in access for country people to or through Kingsford Smith Airport is unacceptable particularly when the relentless withdrawal of government services to country areas is considered. Transport facilities in particular have suffered.

12. AUSTRALIAN LOCAL GOVERNMENT ENGINEERS ASSOCIATION - FIFTH NATIONAL
CONFERENCE. C48-5

Advising that the Conference will be held at Darling Harbour from 24th to 29th September, 1989, and that the Conference content is designed for local government generally and is not confined purely to technical matters relating to engineering.

(M.E.S. Councillors interested in attending are requested to contact Mrs. Pye).

13. LOCAL GOVERNMENT ENGINEERS ASSOCIATION OF NEW SOUTH WALES - ANNUAL
GENERAL MEETING AND FIELD DAYS. C48-5

Advising that the Annual General Meeting is being held on Sunday, 24th September, 1989, at the Sydney Convention and Exhibition Centre, Darling Harbour and the Field Days are being held on Wednesday and Thursday, 27th and 28th September, 1989, at Sydney Park.

14. F A ELLIOTT, SECRETARY, DEPARTMENT OF LOCAL GOVERNMENT -
INSPECTION OF COUNCIL UNDER SECTION 212 OF THE LOCAL GOVERNMENT ACT,
1919. L128-4

Referring to Council's letter giving details of the action proposed in respect of the recommendations made in the above report and congratulating Council on its decision to implement such.

Also requesting that Council keep the Minister informed of further progress on these recommendations, and expressing thanks for the co-operation and assistance given to the Local Government Inspector during the management overview.

15. P KNOTT, SECRETARY, HAWKESBURY WATER POLO CLUB - APPRECIATION FOR DONATION. C40-5

Thanking Council, on behalf of Hawkesbury Water Polo Club, for their donation of \$200 towards the purchase of a set of Polo Caps.

16. WISEMANS FERRY SENIOR CITIZENS - APPRECIATION FOR DONATION. A5

Expressing their gratitude for Council's donation towards a "home" for their bus.

17. E NEESER - GRADING OF WHEELBARROW RIDGE ROAD. 665-2310

Thanking Council for the prompt grading of Wheelbarrow Ridge Road earlier this year.

18. SISTER M ALOISE SPIESBERGER - AUSTRALIANA PIONEER VILLAGE - APPRECIATION. C51-54

Expressing thanks, on behalf of the Senior Group of Mount Druitt, to the staff of Australiana Pioneer Village for the friendly welcome and the kind and helpful assistance received during their visit to the Village.

19. PARRAMATTA-HOLROYD AMATEUR CYCLING CLUB - USE OF BRINSLEY PARK, PITT TOWN. 625-213

Approval has been granted to the Parramatta-Holroyd Amateur Cycling Club for use of Brinsley Park, Pitt Town during 8 April, 1989 - 23rd September, 1989, for use as a base for cycle events conducted over local roads, such approval being subject to certain standard conditions regarding use of reserves.

20. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NEW SOUTH WALES - GENERAL CIRCULAR NO. 3/1989. C44/2

Items for Response

1. Development Application Guidelines
2. Operation of Jet Skis
3. Distribution of General Circulars

General Matters

4. The Negotiated Agreements in Children's Services Project
5. Commonwealth Funded Occasional Child Care Centre
6. Report on Community Services Consultations
7. Risk Management
8. Rating Legislation
9. 1989 IBM/IMM Management Forum
10. Councils' Capacity to Give a Registered Mortgage to the Housing Corporation
11. Amendments to Public Health Act 1902 - Regulation
12. Strata Titles (Leasehold) Act 1986 - Regulation
13. Freedom of Information Bill 1988 (No.2)
14. Section 94 Contributions - Commission of Inquiry
15. Mine Subsidence and Urban Development
16. Central Mapping Authority
17. SEPP No.10 - Retention of Low Cost Rental Accommodation (Amendment No.4)
18. Littering
19. State Pollution Control Commission - Extension of Powers to Council Staff
20. Criteria for Selection of Design Levels for Development on Flood Plans
21. Staff Training - Training Development Unit (TDU)
22. Consultative Forum to the Water Board
23. Membership of the Local Government Clerks and Auditors' Qualifications Committee
24. Program for IULA Congress
25. World War Memorial Fund for Disaster Relief
26. Safety Incentive Schemes
27. Quit for Life
28. Fuel Purchases
29. Vehicle Purchasing Survey
30. Cancellation of Telex Facility
31. Payment of Bank Charges Levied on Employees' Accounts
32. Municipal and Shire Council Wages Staff Award
33. Australian Traineeship System.

21. SENATOR P. MCLEAN, SENATOR FOR NEW SOUTH WALES, AUSTRALIAN SENATE - PROVISIONS OF THE AUSTRALIAN CENTENNIAL ROADS DEVELOPMENT ACT (ACRDA).
L128

"In 1988 the Australian Democrats were approached by many councils expressing concern regarding certain provisions of the ACRDA.

Senator Janet Powell, the Democrat Spokesperson on Local Government, immediately contacted the Australian Local Government Association and the Municipal Association of Victoria.

Through a process of negotiation with the Transport Minister, the Hon. Bob Brown, a timely passage of the legislation was achieved while ensuring that all the concerns expressed by local Government were met.

Enclosed are extracts from Hansard and letters from associations indicating the satisfactory resolution of the matter and I am sending them to you as it appears the only way to ensure you are made aware of the

final result of what was a controversial matter. I would appreciate it if you would bring this material to the attention of the members of your Council.

I regret to mention my disappointment that this process was not assisted by the Opposition who, as Hansard records, appeared to have an overriding concern to score political points to the detriment of Local Government's interest in this road funding legislation."

22. THE HON. D. HAY, MINISTER FOR LOCAL GOVERNMENT, MINISTER FOR PLANNING - INCREASE IN CONTRIBUTIONS PAYABLE TO THE N.S.W. BOARD OF FIRE COMMISSIONERS. B27-8, B27-9

"I refer to your letter of 20/12/88 (reference B27-8; B27-9:wlr:Admin) concerning the magnitude by which contributions payable to the N.S.W. Board of Fire Commissioners have increased in 1989.

So that I might be fully informed in this matter, it has been necessary to seek comment from my colleague, the Hon. E.P. Pickering, M.L.C., Minister for Police and Emergency Services as the matter of contributions payable by councils to the N.S.W. Board of Fire Commissioners comes within his administrative responsibility.

However, I will write to you again just as soon as the necessary information is to hand."

23. LEASE AGREEMENT BETWEEN HAWKESBURY SHIRE COUNCIL AND HAWKESBURY DISTRICT AGRICULTURAL ASSOCIATION - HAWKESBURY SHOWGROUND. 3837-2w

The following letter has been received from the Metropolitan Lands Office in regard to the use of the Showground site and the agreement with the Hawkesbury District Agricultural Association.

"When the area of Hawkesbury Showground was first set apart, it was on the sole proviso that the area be for Showground and Public Recreation with Council as trustee for the care, control and management of the area (i.e. lot 187, D.P. 45754, Reserve 97055). It was to be developed and managed by Council as a multi-use recreation facility and showground.

This Office has no objection to the Agricultural Society being part of management committee with Council or having a licence to use parts of the area on specific occasions. However, this Office is not prepared to recommend and approve on behalf of the Minister for Natural Resources any exclusive lease of the whole area to the Agricultural Society."

(S.C. A report was submitted to Council on 21 February 1989 in regard to the development of a Plan of Management for the area and the reconsideration of the former plan. Council subsequently resolved that the Agricultural Association be advised of the need to re-establish the objectives and Plan of Development for the area at Clarendon. Also, that

there be appropriate meetings between Council officers and members of the Association, with a development plan resubmitted for Council's consideration within a period of three months.

In consideration of the comments which have now been received from the Metropolitan Lands Office and Council's previous resolution a new agreement should be prepared in conjunction with the development of the Plan of Management.

The Metropolitan Lands Office also referred to the proposed Indoor Sports Centre on the Showground site, wherein they required detailed plans and specifications before they could agree to the proposal. The Lands Office has been advised of the costs involved in preparing the plan to-date and requested to make a determination based on these.

IT IS RECOMMENDED THAT the letters in this section be received and appropriate replies forwarded where necessary.