

Hawkesbury City Council

BUSINESS PAPER

MINUTES OF MEETINGS

ORDINARY MEETING HELD ON 10TH APRIL, 1990

SPECIAL MEETING HELD ON 19TH APRIL, 1990

SECTION 1

Minutes of the Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 10th April, 1990 commencing at 7.30 p.m.

PRESENT: Alderman J.J. Horrex, Mayor, and Aldermen 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.

An apology for lateness was received from Alderman Michael, which was accepted.

Alderman Michael arrived at the meeting at 8.10 p.m.

Father E.Szondi, on behalf of the Hawkesbury Ministers Fraternal, gave the opening prayer at the commencement of the meeting.

SECTION 1 - MINUTES OF MEETINGS

CONFIRMATION OF MINUTES

- 669 RESOLVED on the motion of Alderman Gibson seconded by Alderman Books that the Minutes of the Ordinary Meeting of Council held on 13th March, 1990, having been circulated amongst the members of Council, be confirmed.

MAYORAL MINUTES

1. ALDERMAN BAZELEY'S LETTER TO THE EDITOR. C50/9 [50.724]

- 670 RESOLVED on the motion of Alderman Horrex seconded by Alderman Gibson that the information be noted.

2. SPORTS COUNCIL C50/2 [50.725]

- 671 RESOLVED on the motion of Alderman Horrex seconded by Alderman Gibson that the proposed structure be endorsed and that Alderman Mackay be appointed the Alderman to serve on the Policy and Management Committee.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

SECTION 2 - NOTICE OF MOTION

By Alderman R.C.Bazeley D64 [50.726]

Moved by Alderman Bazeley seconded by Alderman Sheather that Council assist C.R.A.S.H.E.D. with a contribution of \$10,000 towards their legal expenses before the Land & Environment Court so that Hawkesbury City's resident/ratepayers' concerns about the sandmining proposal at Sackville may be adequately expressed particularly as to :

1. the impact of sandmining on the water quality of the Hawkesbury River system;
2. the possible alteration of the river flow and its impact on existing houses;
3. the impact on the roads of the City;
4. the impact on the existing inadequacy of ferry services in week day peak hours;
5. the impact of noise from the operation and noise from trucks carting materials from the operation upon residents/ratepayers of the City.

Alderman Michael arrived at this stage, the time being 8.10 p.m.

- 672 **AN AMENDMENT** was moved by Alderman Books seconded by Alderman Mackay that Council authorise discussions between representatives from the Group, the Town Clerk/General Manager, the Manager of Town Planning and the Mayor, and that they be given authority to proceed with whatever appropriate assistance is considered necessary at that time. In this regard specifically it is quite likely that the Council could be of greater assistance than the proposed monetary offer in providing technical expertise that could assist the Group in achieving their aim.

The amendment was carried.

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

By Alderman H.J.M.Books R189/1 [50.727]

- 673 **RESOLVED** on the motion of Alderman Books seconded by Alderman Sledge that a report be prepared on the possibility of locating regional sporting facilities in the Clarendon area. Specifically that the matter of an athletics track and the project proposed for the Richmond Swimming Centre be included.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL 1990.

Town Clerk/General Manager

Mayor

That the report include details of the existing development and proposed uses of the Showground area and possible adjoining areas following negotiations with the University of Western Sydney, Hawkesbury.

SECTION 3 - REPORT OF GENERAL PURPOSE COMMITTEE

SECTION 1 - WORKS

LOCAL TRAFFIC COMMITTEE

ITEM 6 - NORTH RICHMOND TRADERS ASSOCIATION - SHOPPING CENTRE ADVISORY SIGNS. 665-243, 665-722 [50.728]

- 674 RESOLVED on the motion of Alderman Michael seconded by Alderman Gibson that in respect of Items 6 & 9 of the Local Traffic Committee's Report, that the Manager of Engineering Services take up with the Local Traffic Committee the installation of "entry only" signs into the shopping complex from Bells Line of Road. Further that consideration be given to an additional 'Give Way' sign at the intersection of Riverview Street and Pitt Lane.

SECTION 2 - PLANNING & DEVELOPMENT

ITEM 9 - LIVESTOCK SALEYARDS - NATIONAL LIVESTOCK BROKERS PTY.LTD, LOT 3 DP 538816, MULGRAVE ROAD, McGRATHS HILL. DA 46/90

Alderman Denne declared an interest in this matter.

ITEM 13 - ADDITIONS AND ALTERATIONS TO EXISTING ABATTOIR - BABLANA PTY LTD - PART PORTION 47 PARISH OF WILBERFORCE, KING ROAD, WILBERFORCE. 69/90

See Minute No. 720

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

ITEM 14 - 30 TOWNHOUSES COMPRISING 20 X 3 BEDROOM UNITS AND 10 X 2 BEDROOM UNITS - TUNCODA PTY LTD - LOT 22 DP 545895, LOT 2 DP 794406, PART LOT 1 DP 597050 & PROPOSED LOT 11 IN SUBDIVISION OF LOT 1 DP 794406 RICHMOND ROAD, WINDSOR. 24/90 [50.729]

Moved by Alderman Rotherham seconded by Alderman Sledge that the matter be deferred for further report at the next Committee Meeting.

675 AN AMENDMENT was moved by Alderman Gibson seconded by Alderman Benson that the application be approved subject to the following conditions;

- 1-9. Standard Condition (Development) - 1 (\$79,000.00) (seventy nine thousand), 6 (\$46,629) (forty six thousand six hundred and twenty nine), 11, 31, 34, 40, 50 (67 spaces), 70, 73.
10. A surcharge path sufficient to carry the 1 (one) in 100 (one hundred) year storm flow to be provided across the site.
11. Construction of road and drainage works are not to commence until three (3) copies of the plan or specifications of the proposed works are submitted to and approved by the Manager of Engineering Services.
12. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Details to be submitted for approval with the building application.
13. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Details to be submitted for approval with the building application.
14. The lane off Richmond Road shall be reconstructed to a standard suitable for garbage truck traffic including pavement strengthening and pavement widening as necessary to allow for garbage truck manoeuvring. Details to be submitted with the Building Application.
15. Claremont Lane shall be dedicated as a public road.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

16. A right of way shall be created over the access road on Lot 1 DP 597050 in favour of the land being developed or alternatively the dedication of this land as a public road.
17. Claremont Lane and the right of way extension thereof shall be constructed of brick paving, concrete kerb and gutter with layback vehicular crossings as necessary. The work shall include a dual crossing at the connection to Claremont Cottage as indicated on the plans as well as any necessary drainage works.
18. Give Way signs shall be provided in Claremont Crescent and its intersection with Moses Street.
19. A painted chevron medium shall be provided in Moses Street and its intersection with Claremont Crescent to delineate Moses Street as a through road and to control turning movements into Claremont Crescent.
20. A Give Way sign shall be provided in Claremont Crescent in the Claremont Crescent bubble to give priority to traffic entering or leaving the development.
21. The development shall comply with the Acoustic Compliance Report as prepared by Peter R Knowland and Associates Pty Limited.
22. The access off Claremont Lane shall be relocated approximately 5 (five) metres to the south so as to maximise the distance between the access road and the nearest adjoining house.
23. A 1 (one) metre wide pedestrian pathway shall be provided in Claremont Lane in the form of a differing coloured paving bricks along one edge of the lane.
24. Details are to be provided in the landscaping plans in relation to the pedestrian link to Richmond Road via the existing Lot 22.

The amendment was carried.

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

ITEM 18 - COMMERCIAL USE OF HERITAGE ITEM - ART AND ANTIQUES DISPLAY AND SALE, AND A SECRETARIAL SERVICE. DA 18/90 [50.730]

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

676 RESOLVED on the motion of Alderman Sledge seconded by Alderman Gibson that the application be approved subject to the following conditions :

1. 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.
2. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Manager of Environment and Building Services.
3. Landscaping shall be maintained to Council's satisfaction.
4. All goods to be stored within the building.
5. Operating hours shall be limited to 9.00 a.m. to 5.00 p.m. daily. Any alteration of these hours will require Council consent.
6. The development shall be 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.

ITEM 22 - THE ERECTION OF EIGHT VILLA UNITS - JIM ANDERSON & PARTNERS - PART LOT 4, DP 63286, SECTION 2, 354 WINDSOR STREET, RICHMOND. DA 29/90 [50.731]

Item 7 of the Town Clerk/General Manager's Report - Planning Section - was considered in conjunction with Item 22 above.

Moved by Alderman Sledge seconded by Alderman Stubbs that the applicant be invited to submit plans for villa units incorporating retention of the existing building and that the application then be approved under delegated authority.

An amendment was moved by Alderman Rotherham seconded by Alderman Bazeley that the application be approved, subject to the following conditions:-

1. The development shall be carried out in accordance with the submitted plan dated the 31st January, 1990.
- 2-12. Standard conditions 11, 16 (5m) (five), 17, 20, 81, 50 (15) (fifteen), 70, 74, 87, 104, 6 (\$12,089.00) (twelve thousand and eighty nine).
13. The building design shall incorporate features to mitigate aircraft noise intrusion to the satisfaction of the Manager of Environment and Building Services (e.g. acoustic insulation at walls and roofs/ceilings and reduced glazed areas).
14. Doors shall be provided between all kitchens and laundries.
15. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the Building Application. In this regard, the garbage bin store shall be removed from the front yard area and relocated in a more central location or otherwise the service yard shall be utilised for the storage of garbage receptacles.
16. The walls of the existing swimming pool shall be demolished to a level at least 1 (one) metre below ground level and a 1 (one) square metre perforation shall be made in the floor of the pool.
17. The development shall make provision for a brick paved manoeuvring area extension from the accessway. In this regard, the private open space courtyards of Units 2, 3 and 6 in addition to the associated brush fenceline which separates each private courtyard shall be reduced in accordance with the amendments marked in red on the submitted plan dated the 31st January, 1990 and be to the satisfaction of Council's Manager of Town Planning.

Alderman Michael foreshadowed a further amendment.

The amendment was lost.

- 677 A foreshadowed **AMENDMENT** was moved by Alderman Michael seconded by Alderman Books that the applicant be invited to submit a design including the Californian style bungalow, if he should so desire.

The foreshadowed amendment was carried.

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

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

ITEM 28 - ESTABLISHMENT OF A TAKE-AWAY FOOD AND COFFEE SHOP - S CHARLESWORTH - LOT 1 DP 540497, NO.79 OLD BELLS LINE OF ROAD, KURRAJONG. DA 35/90 [50.732]

Item 7 of the Town Clerk/General Manager's Report - Planning Section - was dealt with in conjunction with Item 28 above.

678 RESOLVED on the motion of Alderman Sheather seconded by Alderman Michael that premises being Lot 1 DP 540497, No. 79 Old Bells Line of Road, Kurrajong be approved for use as a tourist facility, subject to the following conditions :

- 1-6 Standard conditions (DAs) 31,32,34,38,100,4 (\$17,800 [seventeen thousand eight hundred]).
- 7 The application and approval by the Manager of Environment and Building Services of a refreshment room licence prior to commencement of trading.
- 8 Trading hours to be determined under delegated authority.

Alderman Gibson left the meeting at this stage, the time being 9.35 p.m.

ITEM 29 - ERECTION OF 7 VILLA HOUSES - CESAN PTY LTD - LOT 142 DP 752036, NO. 60 WINDSOR STREET, RICHMOND. DA28/90 [50.733]

Item 8 of the Town Clerk/General Manager's Supplementary Report - Reports for Determination - Planning - was dealt with in conjunction with Item 29 above.

679 RESOLVED on the motion of Alderman Sheather seconded by Alderman Sledge that the applicants Cesan Pty.Ltd. and Mr. Richards of No. 60 and No. 58 Windsor Street, Richmond, be advised to submit a joint application for Council's determination.

SECTION 3 - FINANCE

ITEM 6 - FUTURE MANAGEMENT OF THE WINDSOR FUNCTION CENTRE. C51/3/c [50.734]

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

- 680 RESOLVED on the motion of Alderman Sledge seconded by Alderman Michael that interviews be held by Council with the applicants for private leasing, contract management and employment. That prior to the interviews that details of costing figures over the last twelve (12) months be provided to Council.
- 681 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Mackay that the Report of the General Purpose Committee Meeting held on 27th March, 1990 as recorded on Pages 1 to 40 of the Minutes of the General Purpose Committee Meeting, be adopted, with the exception of :

Section 1 - Works

Local Traffic Committee Meeting

Item 6 - North Richmond Traders Association - Shopping Centre Advisory Signs. 665-243, 665-722 [50.728]

Section 2 - Planning

Item 13 - Additions and Alterations to Existing Abattoir - Bablana Pty Ltd - Part Portion 47 Parish of Wilberforce, King Road, Wilberforce. 69/90

Item 18 - Commercial Use of Heritage Item - Art & Antiques Display and Sale and a Secretarial Service. DA 18/90 [50.730]

Item 22 - The Erection of Eight Villa Units - Jim Anderson & Partners - Part Lot 4, DP 63286, Section 2, 354 Windsor Street, Richmond. DA 29/90 [50.731]

Item 28 - Establishment of a Take-Away Food & Coffee Shop - S Charlesworth - Lot 1 DP 540497, No. 79 Old Bells Line of Road, Kurrajong DA 35/90 [50.732]

Item 29 - Erection of 7 Villa Houses - Cesan Pty Ltd - Lot 142 DP 752036 No 60 Windsor Street, Richmond DA 28/90 [50.733]

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Section 3 - FinanceItem 6 - Future Management of the Windsor Function Centre
C51/3/c [50.734]

which have already been considered by Council - Minutes Nos. 674, 720, 676, 677, 678, 679 and 680.

SECTION 4 - REPORTS FOR DETERMINATIONFINANCE AND ADMINISTRATION1. EXEMPTION FROM RATING. 1494-222(c) [50.735]

- 682 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Sheather that the Jehovah's Witness Kingdom Hall situated in Elizabeth Street, North Richmond, be granted exemption from rating from 23rd February, 1989. Furthermore, that an amount totalling \$1,258.71 (one thousand two hundred and fifty eight dollars and seventy one cents) be written off in respect of 1989 and 1990 rates and charges.

2. CONTRACTS AND DOCUMENTS FOR EXECUTION UNDER
SEAL OF COUNCIL. C51-36. [50.736]

- 683 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Benson that the Seal of Council be affixed to the following documents:-

Lease: Residential lease with Mr S A & Mrs W E Shaw in respect of 4 Macquarie Road, Wilberforce for six (6) months at a weekly rental of one hundred and seventy five dollars (\$175.00).

3. STAFF MATTERS. S1/8P. [50.737]

- 684 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Mackay that the resignations be accepted and references be issued under common Seal of Council.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

4. NATIONAL AUSTRALIA BANK - RENEWAL OF LOANS.
B23-36. [50.738]

- 685 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Mackay that the offers be accepted and the Seal of Council be affixed to the Mortgage documents.

5. LOT 109, DP 217499, BOOMERANG DRIVE, GLOSSODIA.
R.190/13/55. [50.739]

- 686 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Sledge that:

1. Council pay \$7,000.00 (seven thousand dollars) to settle the claim for the resumption of Lot 109, DP 217499, Boomerang Drive, Glossodia.
2. Council pay interest at the prescribed rate under the Public Works Act, on the principal amount of \$7,000.00 from the date of resumption to the date of settlement.
3. Council pay the reasonable legal costs of Mr N Poriotis in the settlement of his claim.
4. All necessary documents be executed under Seal of Council.

6. CLOSURE OF COMMERCE LANE BETWEEN MACQUARIE
PLACE AND SPINKS ROAD, GLOSSODIA. R190/13/55. [50.740]

- 687 RESOLVED on the motion of Alderman Rotherham seconded by Alderman Sledge that:

1. Council proceed with the closure of Commerce Lane between Macquarie Place and Spinks Road, Glossodia.
2. Council agree to sell half of Commerce Lane adjacent to Lot 118 Spinks Road to Mr G & Mrs N Pollard for a purchase price of \$4,000.00 (four thousand dollars).
3. Council agree to sell half of Commerce Lane adjacent to Lot 107 Macquarie Place to Mr N Vozzo for a purchase price of \$4,000.00 (four thousand dollars).

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

4. Council require that the halves of Commerce Lane sold to Mr G & Mrs N Pollard and Mr N Vozzo be amalgamated with Lots 118 and 107 respectively and that Council undertake the subdivision plan of consolidation for each property provided it is undertaken as part of the subdivision of Lots 108 - 117 and part of closed lane.
5. All documents relating to the road closure, subdivision and sales be executed under Seal of Council.

7. LOAN BORROWING PROGRAMME 1989/90. L128, B23-37 [50.741]

Alderman Stubbs declared an interest in this matter.

688 RESOLVED on the motion of Alderman Michael seconded by Alderman Mackay that:

1. The revised Loan Programme as advised by the Minister be adopted.
2. The Hawkesbury Museum and State Emergency Services be advised that Council is not in a position to proceed with building works at the Hawkesbury Museum and the State Emergency Services complex in Windsor at this time.

8. BLIGH PARK EXTENSION. L4/89, L126-1-5 [50.742]

689 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Sledge that:

1. Council acquire from Mr M G and Mrs J B Parsons Lot 21 DP 27136 Berger Road, South Windsor, for a purchase price of \$300,000 (three hundred thousand) as identified in the draft local environmental plan for the Bligh Park extension.
2. On settlement of the acquisition of the above property, action be initiated to dispose of that part of the property required for the high school to the Department of Education.
3. All costs involved be funded from the Bligh Park Estate Joint Venture.
4. All necessary documents be signed under the Seal of Council.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

9. CREATION OF A LOCAL GOVERNMENT COMMISSION.
L128-8, C44-2 [50.743]

Moved by Alderman Bazeley that the report be received.

1. Council re-affirm its resolution of February, 1990 to support the concept of the Local Government Commission.
2. That the Local Government Association be advised that Council is opposed to the Task Force reports findings on :
 1. Elected Local Government representation.
 2. Objectives, roles and financing of the proposed Commission.

The motion lapsed for the want of a seconder.

- 690 RESOLVED on the motion of Alderman Books seconded by Alderman Mackay that the Local Government Association be advised that the Council supports the establishment of the Local Government Commission in accordance with the principles set out in the Task Force Report where there is the establishment of a legally recognised relationship between Local Government and the State and an organisation that will allow a direct and formal input from Local Government into policy formulation and Local Government management. Further it would request that the position of charges to be made by the Commission to Local Government be advised in terms of the Commission's funding.

10. CODE OF CONDUCT FOR LOCAL GOVERNMENT -
DRAFT MANUAL. L128; C50 [50.744]

- 691 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Mackay that Council advise the Minister for Local Government and the Minister for Planning that it endorses the Draft Manual to the Code of Conduct.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

ENGINEERING1. ROADS AND TRAFFIC AUTHORITY - 1990/91 ROAD SAFETY AND TRAFFIC FLOW PROGRAMME - REGIONAL LOCAL NETWORK. T225 [50.745]

- 692 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Benson that Council undertake the Project Proposal for a roundabout at the Broos/Oakville/Smiths/Stahls Road intersection with the Council contribution of \$29,000 (twenty nine thousand) to be provided in the 1991 Estimates.

2. SEWERAGE MAIN CONSTRUCTION - MULGRAVE AND BLIGH PARK. S200/22/1, S200/6/1 [50.746]

- 693 RESOLVED on the motion of Alderman Benson seconded by Alderman Stubbs that the tender submitted by C.L.M. Excavations Pty Ltd in the sum of \$321,307.00 (three hundred and twenty one thousand three hundred and seven dollars) be accepted, with the tender documents being executed under the Seal of Council.

3. UPPER HAWKESBURY POWER BOAT CLUB - GOVERNOR PHILLIP RESERVE - EXCLUSIVE USE. 625-205 [50.747]

- 694 RESOLVED on the motion of Alderman Rotherham seconded by Alderman Mackay that approval be granted to the application by the Upper Hawkesbury Power Boat Club for exclusive use of Governor Phillip Reserve on Sunday 6th May, 1990, (alternative - 20th May, 1990), to conduct its annual Bridge to Bridge Power Boat Classic, subject to the Club paying to Council an amount equal to 40% (forty percent) of gross gate takings for that event.

4. DRAG BOAT RACERS OF AUSTRALIA - GOVERNOR PHILLIP RESERVE EXCLUSIVE USE. 625-205 [50.748]

- 695 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Sheather that approval be granted to the Drag Boat Racers of Australia for exclusive use of Governor Phillip Reserve on Sunday 22nd April, 1990, subject to that Club paying to Council, 40% (forty percent) of gross gate takings on that date.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

That further approval be given for the Club to charge admission prices of \$6.00 (six dollars) per adult and \$3.00 (three dollars) per child over 12 (twelve) years of age.

5. SOUTH WINDSOR TENNIS COURTS - REPLACEMENT OF SYNTHETIC PLAYING SURFACE. C51/20 [50.749]

- 696 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Denne that the offer by Supergrasse Pty Ltd to supply and install synthetic tennis turf over the four (4) existing tennis courts in South Windsor at nil cost, be accepted and the necessary documents executed under Seal of Council.

6. ROADS AND TRAFFIC AUTHORITY - THE TERRACE, WINDSOR. 665-265, 665-731 [50.750]

- 697 MOVED on the motion of Alderman Books seconded by Alderman Stubbs that the Roads and Traffic Authority be advised:-

1. That Council does not support a temporary closure of The Terrace at Bridge Street.
2. That Council is proceeding with the advertising of the opening of The Terrace at New Street and closure of The Terrace at Bridge Street in accordance with the statutory requirements and procedures for effecting road closures.

An amendment was moved by Alderman Rotherham seconded by Alderman Michael that :

1. Council does not support the closure of The Terrace at Bridge Street.
2. Council is not proceeding with the advertising of the opening of The Terrace at New Street and the closure of The Terrace at Bridge Street.

The amendment was lost.

The motion was then put and carried.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

PLANNING

1. DRAFT LOCAL ENVIRONMENTAL PLAN NO.13/89 - LOCATION: FORMER DEPARTMENT OF EDUCATION TAFE SITE KNOWN AS LOT 1, DP 554654, CORNER MILEHAM AND DRUMMOND STREETS, SOUTH WINDSOR. LEP13/89. [50.751]

- 698 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Books that Council adopt the draft local environmental plan, as exhibited (subject to minor legal drafting variation), and that the matter be referred to the Department of Planning for gazettal by the Minister for Planning.

2. LISTINGS IN THE REGISTER OF THE NATIONAL ESTATE. H105-12 [50.752]

- 699 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Mackay that:

1. Information in respect of listings in the Register of the National Estate be received.
2. The Australian Heritage Commission be advised of the names and addresses of owners or lessees of properties identified in the Interim List of the Register of the National Estate.

3. MRS. F.J. WRIGHT - 7 CLAREMONT CRESCENT, WINDSOR - POSSESSORY TITLE OF PART OF CLAREMONT LANE. DA 199/89 [50.753]

Item 19 - Town Clerk/General Manager's Supplementary Report - Reports For Information - was considered at this stage.

- 700 RESOLVED on the motion of Alderman Sheather seconded by Alderman Stubbs that this matter be deferred to the next General Purpose Committee Meeting for consideration.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

4. SALE OF HAWKESBURY LOCAL ENVIRONMENTAL PLAN
1989 MAPS AND DOCUMENT. P160 [50.754]

- 701 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Michael that Council adopt the following charge for sale of its Local Environmental Plan, 1989:- map sets - \$60 (sixty), single sheets - \$10 (ten), and the written document - \$10 (ten).

5. COMMERCIAL USE OF HERITAGE ITEM - ART AND
ANTIQUES DISPLAY AND SALE, AND A SECRETARIAL
SERVICE. DA 18/90

See Minute No. 676

6. ERECTION OF EIGHT VILLA UNITS, 354 WINDSOR
STREET, RICHMOND. DA 29/90

See Minute No. 677

7. ESTABLISHMENT OF A TAKE-AWAY FOOD AND COFFEE
SHOP - 79 OLD BELLS LINE OF ROAD, KURRAJONG. DA 35/90

See Minute No. 678

LIBRARY

1. PHOTOCOPIER. L125 [50.755]

- 702 RESOLVED on the motion of Alderman Michael seconded by Alderman Stubbs that two Konica U-Bix 2200Z photocopiers be purchased from allocated funds with the remaining costs to be funded from the Library budget at a total cost of \$6,795.00 (six thousand seven hundred and ninety five dollars).

SECTION 5 - REPORTS FOR INFORMATION [50.756]

1. ACQUISITION OF LAND FOR WASTEWATER TREATMENT
PLANT - BLIGH PARK. P160-46a, S200-16

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the
HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on
10TH APRIL, 1990.

2. COMMUNITY SERVICES REPORT - MARCH, 1990. C45.
3. REGULATIONS CHILDREN'S SERVICES. C43
4. THEATRE OF THE DEAF. L125
5. PROPOSED ACQUISITION OF LAND OWNED BY THE WATER BOARD - WINDSOR. M134
6. BUILDING APPLICATIONS. B25
7. WINDSOR FUNCTION CENTRE - FEBRUARY BOOKINGS. C51/3
8. AUSTRALIANA PIONEER VILLAGE. C51/54
9. CERTIFICATE AS TO STATE OF ACCOUNTS WORK. A1/15
10. TREE PRESERVATION ORDER APPLICATIONS. P160/30
11. MCGRATHS HILL IRRIGATION PROJECT. S200/8
12. LIVESTOCK SALEYARDS, MULGRAVE ROAD, MCGRATHS HILL. DA 46/90
13. REPORTS - INDEPENDENT COMMISSION AGAINST CORRUPTION. L128
14. PROPOSED URBAN DEVELOPMENT AT SCHEYVILLE. P160/47, L12/89

Alderman Bazeley declared an interest in this report.

15. CESAN PTY. LTD. - ERECTION OF SEVEN VILLA HOUSES - 60 WINDSOR STREET, RICHMOND. DA 28/90
16. PUBLIC WORKS. S205/3/A
17. DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY. P160/33
18. REPORTS REQUESTED BY COUNCIL - STATUS - AS AT 10TH APRIL, 1990. C50-1

703 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Sledge that the reports in this section be received.

Alderman Rotherham asked for a recommittal of Item 13 in the Planning & Development Section of the Business Paper.

The Town Clerk/General Manager advised that legally the Council cannot recommit an item, there is no provision in the Act at all for the Council to recommit any matter that has been dealt with.

The Mayor advised that the only machinery at Alderman Rotherham's disposal is by a Rescission Motion.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

SECTION 6 - REPORTS OF COMMITTEESGOVERNOR PHILLIP PARK COMMITTEE MEETING [50.757]

- 704 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Governor Phillip Park Committee Meeting held on 6th February, 1990, as recorded on Page 1 of the Minutes, be adopted.

WINDSOR 1994 BICENTENNIAL COMMITTEE MEETING [50.758]

- 705 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Windsor 1994 Bicentennial Committee Meeting held on 5th March, 1990 as recorded on Pages 1 & 2 of the Minutes, be adopted.

HAWKESBURY HERITAGE ADVISORY COMMITTEE MEETING [50.759]

- 706 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Hawkesbury Heritage Advisory Committee Meeting held on 7th March, 1990 as recorded on Pages 1 to 8 of the Minutes, be adopted.

HAM COMMON BICENTENARY PARK COMMITTEE MEETING [50.760]

- 707 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Ham Common Bicentenary Park Committee Meeting held on 14th March, 1990 as recorded on Pages 1 to 3 of the Minutes, be adopted.

MUSHROOM COMPOSTING INDUSTRY SITING COMMITTEE MEETING [50.761]

- 708 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Mushroom Composting Industry Siting Committee Meeting held on 14th March, 1990 as recorded on Pages 1 and 2 of the Minutes, be adopted.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

THE HAWKESBURY FITNESS FINANCIAL ADVISORY
COMMITTEE MEETING. [50.762]

- 709 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of The Hawkesbury Fitness Financial Advisory Committee Meeting held on 15th March, 1990, as recorded on Page 1 of the Minutes, be adopted.

MANAGEMENT EXECUTIVE COMMITTEE MEETING [50.763]

- 710 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Management Executive Committee Meeting held on 16th March, 1990, as recorded on Pages 1 and 2 of the Minutes, be adopted.

MUSHROOM COMPOSTING INDUSTRY COMMITTEE MEETING
[50.764]

- 711 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Mushroom Composting Industry Committee Meeting held on 21st March, 1990 as recorded on Pages 1 to 3 of the Minutes, be adopted.

GOVERNOR PHILLIP PARK COMMITTEE MEETING [50.765]

- 712 RESOLVED on the motion of Alderman Mackay seconded by Alderman Books that the Minutes of the Governor Phillip Park Committee Meeting held on 22nd March, 1990, as recorded on Pages 1 and 2 of the Minutes, be adopted.

SECTION 7 - CORRESPONDENCE FOR INFORMATION [50.766]

1. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW -GENERAL CIRCULAR NO. 3/1990. C44-2
2. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW -GENERAL CIRCULAR NO. 4/1990. C44-2
3. DEPARTMENT OF EDUCATION - WINDSOR PUBLIC SCHOOL. S196-25
4. BAULKHAM HILLS SHIRE COUNCIL - CATCHMENT MANAGEMENT. H100-4

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

5. LIVERPOOL CITY COUNCIL - CATCHMENT MANAGEMENT. H100-4
6. GROUP CAPTAIN M COTTRELL, DFC, RAAF BASE, RICHMOND - APPRECIATION. A5
7. ALBY SCHULTZ M P, MEMBER FOR BURRINJUCK, COOTAMUNDRA -APPRECIATION. B27
8. THE HON K R ROZZOLI, MP. L125/31
9. McMAHON PARK - AMENDMENT TO SCHEDULE OF FEES. 625-7
10. METWEST REGIONAL OFFICE, PUBLIC WORKS - ESTUARY RESTORATION WORKS. G95
11. FLOOD MITIGATION AUTHORITIES OF NSW - MINUTES. H100/4
12. ROADS AND TRAFFIC AUTHORITY - SIGNPOSTING FOR HOSPITALS. R190/10/A, H106.
13. MR. C. & MRS J. THOMPSON - TRAFFIC IN CHAPEL STREET, RICHMOND. 665-347.
14. MRS. F.J. WRIGHT, CO-SIGNATORIES - E. SIMMONDS, B. & W. MIDDLETON & DR. L. SMITH - PROPOSED DEVELOPMENT-TUNCODAPTY. LTD. - 30 TOWNHOUSES, RICHMOND ROAD, WINDSOR. DA 24/90
15. BABLANA PTY LIMITED - ADDITIONS AND ALTERATIONS TO EXISTING ABATTOIR KING ROAD WILBERFORCE. DA 69/90
16. FREEMANS REACH SCHOOL OF ARTS. S197-3, D64
17. BLACKTOWN CITY AMATEUR SWIMMING CLUB. D64
18. HAWKESBURY HISTORICAL MUSEUM AND INFORMATION CENTRE. D64
19. LOCAL GOVERNMENT ASSOCIATION, CONTRIBUTIONS FROM COUNCILS. L128.
20. COMLERoy SCHOOL OF ARTS. S197/2, D64.
21. WESTERN SYDNEY APPRENTICESHIP ADVISORY COMMITTEE. W275-9
22. ROADS & TRAFFIC AUTHORITY - MR NO.155 CASTLEREAGH ROAD CONSTRUCTION OF KERB AND GUTTER AND SHOULDER SEALING FROM LONG STREET TO SOUTHEE ROAD. 665-378

713 RESOLVED on the motion of Alderman Books seconded by Alderman Mackay that the correspondence in this section be received and appropriate replies forwarded where necessary.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

SECTION 8 - OTHER REPORTS [50.767]

- 714 RESOLVED on the motion of Alderman Stubbs seconded by Alderman Michael that the Reports in this section be received.

SECTION 9 - SUPPLEMENTARY REPORTSREPORTS FOR DETERMINATIONFINANCE AND ADMINISTRATION11. YOUTH WEEK, 1990. C45-35 [50.768]

- 715 RESOLVED on the motion of Alderman Mackay seconded by Alderman Denne that the Council endorse the application for a grant of \$1,000 (one thousand) on a \$ for \$ basis to hold a Concert for Youth during Youth Week, 1990.

12. HAWKESBURY CITY SISTER CITY ASSOCIATION - SISTER CITY BADGES. A7/40; C50/10 [50.769]

- 716 RESOLVED on the motion of Alderman Mackay seconded by Alderman Rotherham that Council agree to the incorporation of the Council's crest in the Hawkesbury Sister City Association's sister city badge.

13. LOCAL APPROVALS REVIEW PROGRAMME. H107 [50.770]

- 717 RESOLVED on the motion of Alderman Mackay seconded by Alderman Stubbs that Council advise the Department of Immigration, Local Government and Ethnic Affairs of its expression of interest in being involved in the Local Approvals Review Programme and that an expression be prepared outlining the necessary Case Study elements, the works schedule management plan and budget, with the Council seeking financial support and offering its particular expertise and experience and appropriate administrative costs as support for the Programme.

14. THE TERRACE, WINDSOR P160/36 [50.771]

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

- 718 RESOLVED on the motion of Alderman Mackay seconded by Alderman Stubbs that the Roads & Traffic Authority be advised that Council considers it should advertise all of the proposals for The Terrace at the one time and then proceed with individual items rather than advertising and proceeding with elements separately.

PLANNING

8. PROPOSED VILLAS - 60 WINDSOR STREET, RICHMOND. DA 28/90

See Minute No. 679.

REPORTS FOR INFORMATION

19. MRS F J WRIGHT, 7 CLAREMONT CRESCENT, WINDSOR. DA 199/89

See Minute No. 700

QUESTIONS WITHOUT NOTICE [50.772]

Alderman Sheather asked if any further negotiations had been carried out in relation to the extractive industry on East Kurrajong Road Section 2.

The Manager of Town Planning advised that there have been discussions with the operators and also discussions with various Government Authorities in accordance with Council's resolution. He advised that a report will be submitted to the next Committee Meeting.

Alderman Benson stated that he had received a complaint regarding the new compacting machine and the destruction of two bins.

The Deputy Manager of Environment & Building Services stated that there was a problem initially where the lift of the jaws closed around the bin. The jaws were not closing enough and as the bins were being emptied they dropped into the truck. When the truck was returned to the manufacturer for repair, the reverse situation was found where the

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

jaws were closing too tightly. The problem has been rectified. Where the bins are damaged by Council's vehicles, they are replaced free of charge.

Alderman Books referred to the panel beating/muffler shop in New Street and asked if anything is happening in this regard.

The Manager of Town Planning advised that a letter was written by a Planning Consultant on behalf of the landowner indicating that he was maintaining the existing use by having a muffler repair person in there. There was a letter written back advising that the Council contended that the existing use arguably could have expired. He advised that a further submission is to be made to Council contending why the existing use should be continued. The Manager of Town Planning advised that he would be reporting on the matter to Council.

Alderman Sledge asked when would the report on recycling be available.

The Deputy Manager of Environment & Building Services stated that the draft is being prepared, all the investigations have been completed and as soon as a review has been carried out by the Manager of Environment & Building Services, the matter will be submitted to Council.

Alderman Mackay sought the present position in regard to the property owned by Mr. Agius and the proposed cattle feedlot.

The Manager of Town Planning advised that Mr. Agius did request from Council the number of cattle that he could reasonably reduce it to and it was indicated that 20 may be appropriate for that size of land in good weather times.

Alderman Mackay referred to a property in Commercial Road, Vineyard which backs on to property in Glenidol Road and stated that he had received a complaint that there is building waste material on that property.

The Manager of Town Planning stated that he did not have the information available at this stage.

Alderman Mackay referred to the number of lanes that go between the various streets in South Windsor - Church, George, Macquarie, Campbell and James Streets. He stated that he was able to negotiate these lanes in his four wheel drive, but the average car would have trouble and suggested that possibly grading might be appropriate.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Alderman Mackay stated that there seems to be quite a problem at the new Glossodia Bush Fire shed where the pad in front of the slab is deteriorating greatly with the weather and unless a more stable base is provided as quickly as possible, the heavy vehicles going in and out of the shed may damage the front of the slab substantially.

The Mayor advised that this matter has been put into train.

Alderman Mackay stated the members of the Bush Fire Brigade there will provide the security fence around the building, but they need to know exactly where the boundary is.

The Mayor advised that this would be delineated and advised.

Alderman Michael referred to the Tree Preservation Order and asked if a request has been submitted by he believes a group known as The Brethren, to remove trees from their William Street property in North Richmond.

Alderman Michael stated that last Friday they removed about 6 or 8 very big trees down to about 2 feet from the ground and stripped them completely. Alderman Michael requested that action be taken in this regard.

The Manager of Operations stated that he would investigate this matter.

Alderman Stubbs referred to the Pitt Town Road, McGraths Hill traffic lights and asked if an approach could be made to the Roads & Traffic Authority concerning the possible extension of the second lane on the eastern side to improve traffic flow.

Alderman Stubbs referred to the drainage problem in Henry Road, Vineyard which was reported to Council some time ago when it was indicated that it was the result of an outstanding condition of consent and asked if there is any further action on that matter.

The Manager of Town Planning to investigate the matter and advise Alderman Stubbs.

Alderman Rotherham asked if the Mayor would reconsider his request for the recommittal of Item 13 of the Planning & Development Section of the Business Paper or allow Council to vote on the question of a recommittal.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

The Mayor stated that it has been ruled that it is not legally possible to recommit the matter, because that section of the business paper was in fact adopted.

Alderman Sheather asked if there is a Notice of Rescission Motion at this meeting, can it be heard at this meeting.

The Mayor stated "absolutely".

Alderman Rotherham gave notice of a Rescission Motion.

Alderman Michael asked for an explanation as to what action can Council take in regard to the Tree Preservation Order where people do remove trees without authority.

The Town Clerk/General Manager advised that there will be a detailed report to the next meeting of the Council about a number of people where action has been commenced by the Council regarding the removal of trees without approval. It is also intended to report on the general problems of the development that is being forced in the area that is changing what is known as the way that we have seen the urban fringe and it may be that the Council may have to look at the problem of what happens to people who are encouraged to retain natural bushland on their blocks of land. He stated that the policing of the Tree Preservation Order is becoming quite horrific and it is taking more than the time of one full time person - it is taking a lot of weekend time and it is a really quite a significant issue.

The Mayor stated that in the meantime consideration can be given to an appropriate notice or some sort of Press Release to make this matter more aware to the general public so that those people who might be contemplating similar action may be advised of the provisions of the Tree Preservation Order.

Alderman Michael stated that in view of the present weather conditions, is there any indication of release of additional water from Warragamba Dam.

The Manager of Operations advised that he spoke to the Control Room this afternoon and was advised that there was only water coming out of the hydro-electric power station and that has been consistent for the last few days. There is no release from Warragamba at this stage.

NOTICE OF RESCISSION MOTION - by Aldermen R.F.Rotherham, L.C.Sheather and G.G.Michael.

ITEM 13 - PLANNING & DEVELOPMENT SECTION - ADDITIONS AND ALTERATIONS TO EXISTING ABATTOIR - BABLANA PTY LTD - PART PORTION 47 PARISH OF WILBERFORCE, KING ROAD, WILBERFORCE 69/90 [50.773/774]

The Town Clerk/General Manager stated that he is doubtful whether Council can deal with this matter because all members of the Council are not present. For the Council to deal with the Rescission Motion, is for the Mayor to bring forward the matter as a matter of urgency and requires all members of the Council to be present and therefore the matter cannot be dealt with and must be referred to the next meeting.

Alderman Michael asked if it is in order for Alderman Rotherham, having notified the Council of the Rescission Motion, if it can be brought forward at the next meeting.

The Mayor said that this can be done.

Alderman Rotherham stated that he is quite happy to let the Rescission Motion go to the next meeting.

The Town Clerk/General Manager advised that the matter relates to Bablana Pty.Ltd. at Wilberforce and the Council is in fact in Court with that matter prior to the next Ordinary Meeting of Council and it is important that the matter is resolved now.

The Mayor stated that the only machinery at his disposal is, despite what has been stated about the legality of the decision that was made earlier in the report, that all members must be present or the matter can be brought on as of great urgency.

The Mayor then ruled that the matter is of great urgency and for that reason he asked Alderman Rotherham to move the Notice of Rescission.

- 719 RESOLVED on the motion of Alderman Rotherham seconded by Alderman Sheather that resolution in relation to Item 13 in the Development Section of Ordinary Meeting of Hawkesbury City Council of April 10th, 1990 be rescinded and the matter be re-opened for debate.

Alderman Denne declared an interest in this matter.

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Town Clerk/General Manager

Mayor

- 720 RESOLVED on the motion of Alderman Sledge seconded by Alderman Mackay that consideration of the application be deferred pending some further information on legal aspects on which Council can base its decision and that discussions be held with Bablana Pty.Ltd.

Alderman Mackay stated that there is a mega hole in the road on the corner of Campbell Street and Mileham Street.

Alderman Sheather referred to the fill that was brought to Council's attention near the railway in Brickfield Road and stated that there are quite large amounts of building materials there.

QUESTIONS FROM THE GALLERY [50.775]

The Mayor then invited Questions from the Gallery.

Mr.G.Farrance asked if the Council has any formal procedures for reporting damage to roads due to storm damage and other sort of damage.

The Manager of Operations advised that there is a Request Form available and if anyone wishes to telephone, it is recorded on that form for attention. He also advised that there are a number of overseers and supervisors that inspect roads and anything reported by them is generally attended to.

Mr.K.Skimin stated that he lived along the unformed section of Price Lane, Agnes Banks and asked if the drains running through the properties are cleaned out. He stated that the subdivision was created in 1975, and the drains have only been cleaned out once in that time. He stated that the blackberry bushes are very high.

The Mayor suggested that Mr.Skimin provide the details after the meeting.

The meeting terminated at 11.38 p.m.

Submitted to and confirmed at the meeting of Council held on 8th May, 1990.

..... Mayor

This is Page of the Minutes of the ORDINARY NO. 3 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 10TH APRIL, 1990.

Minutes of the Special Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor on 19th April, 1990 commencing at 7.30 p.m.

PRESENT : Alderman J.J.Horrex, Mayor and Aldermen R.C.Bazeley, R.S.Benson, H.J.M.Books, F.Y.Denne, P.E.Gibson, W.J.Mackay, R.F.Rotherham, L.C.Sheather, W.J.Sledge and R.P.Stubbs.

An apology for absence was received from Alderman G.G.Michael and from Alderman F.Y.Denne and Alderman R.C.Bazeley who arrived late at the meeting.

Alderman Denne arrived at 7.40 p.m. and Alderman Bazeley at 7.50 p.m.

- 721 RESOLVED on the motion of Alderman Books seconded by Alderman Gibson that the apologies be accepted.

TOWN CLERK/GENERAL MANAGER'S REPORT.

1. BABLANA PTY LTD - PART PORTION 47, PARISH OF WILBERFORCE, KING ROAD, WILBERFORCE, DA69/90, 12579 [50.774]

- 722 RESOLVED on the motion of Alderman Mackay seconded by Alderman Sledge that Development Application No. 69/90 be refused for the following reasons :

1. The development would cause an unacceptable deleterious effect upon neighbouring residential properties in regard to increased noise, odour and traffic.
2. The site is not appropriate for further expansion of use as an abattoir.
3. The proposal is not in the public interest.

2. INDUSTRIAL DEVELOPMENT CONTROL PLAN P160/80 [50.775]

- 723 RESOLVED on the motion of Alderman Gibson seconded by Alderman Stubbs that Council resolve to prepare a Draft Development Control Plan for Industrial Development.

Alderman Denne arrived at this stage, the time being 7.40 p.m.

3. OPERATION OF WINDSOR FUNCTION CENTRE - INTERVIEW OF PROSPECTIVE OPERATORS. C51/3/C [50.776]

- 724 RESOLVED on the motion of Alderman Rotherham seconded by Alderman Stubbs that Council go into Committee of the Whole.

This is Page of the Minutes of the SPECIAL NO. 2 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 19TH APRIL, 1990

Alderman Bazeley arrived at the meeting at this stage, the time being 7.40 p.m.

- 725 RESOLVED on the motion of Alderman Rotherham seconded by Alderman Books that Open Council be resumed.

The Town Clerk/General Manager reported that whilst in Committee of the Whole, the Committee interviewed Mr.Norman Adhami, Ms.Kaylene Kelland, Mrs.Joanne Ryder and Mr.Alan Wilson and Ms.Laura Cole of Wilson Catering Service Pty.Ltd. and the Committee now RECOMMENDS that Council adopt in principle that :

1. The Windsor Function Centre be leased to Wilson Catering Service Pty Ltd of 10 Hardner Road, Mount Waverley, Victoria in accordance with the Company's submission dated 22 February 1990 and in accordance with the Council's general specification for the leasing of the Centre for a lease period of three (3) years with an option to renew the lease for a further period of three (3) years.
2. The Common Seal of Council be affixed to all necessary documentation,

subject to a lease agreement being prepared which includes reference to hiring charges and performance criteria of the Company for the operation and management of the Windsor Function Centre and the draft agreement being reported back to Council before being entered into.

- 726 RESOLVED on the motion of Alderman Bazeley seconded by Alderman Rotherham that the recommendation be adopted.

Aldermen Benson, Books and Gibson asked that their names be recorded as opposing the motion.

The meeting terminated at 10.00 p.m.

Submitted to and confirmed at the meeting of Council held on 8th May, 1990.

..... Mayor.

This is Page of the Minutes of the SPECIAL NO. 2 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor on 19TH APRIL, 1990

REPORT OF GENERAL PURPOSE COMMITTEE

SECTION 3

REPORT OF GENERAL PURPOSE COMMITTEE MEETING

INDEX

Section 1 - Works

<u>Item No.</u>	<u>Subject</u>	<u>Page</u>
	Works Cost Statement	1
1	Castlereagh Road - Kerb & Gutter & Shoulder Construction	1-2
2	Provision of Skateboard Ramp Within City	2-3
3	Contract Mowing	3
4	Construction Specification for Subdivision & Development Roadworks	4
5	North Richmond Traders Association - Shopping Centre Advisory Signs	4-5
6	St.Matthews Catholic Church, Windsor - McQuade Oval - Use for Sesquicentenary Celebrations	5-6
7	Plan of Management - Governor Phillip Park	6-9
8	Grand Parade Glossodia - Kerb & Gutter Drainage & Shoulder Reconstruction	9-10
9	Tree Preservation Order Infringements	10-12
10	Re-opening of The Terrace - Road Designs & Costs	12-14
11	Tree Preservation Order	14-15

Section 2 - Planning and Development

1	Home Activity - Spinning & Weaving Studio J Simmonds - Lot 21 Tizzana Rd Ebenezer	1-2
2	Home Activity - Dressmaking - R A Hall - Lot 11 McMahons Park Road Kurrajong	2-3
3	Erection of 4 x 2 Bedroom Single Storey Villa Units - Mr & Mrs N Wenzel - 86 Windsor St Richmond	3-6
4	Construction of "Exhibition Home" - Crisdal Constructions P/L - Lot 1120 Porpoise Rd Bligh Park	6-7
5	Erection of Rural Workers Dwelling - J R McMillan Pt Por 213 Cabbage Tree Rd Grose Vale	7-9
6	Installation of 7.5 kilolitre Above Ground Liquid Petroleum Gas Vessel & Dispenser - Boral Gas (NSW) Lot C Singleton Road North Wilberforce	9-11

7	Erection of 2 Villa Units - M Winch - Lot 10 Church Street Windsor	11-14
8	Erection of Dwelling - Colin Semple - Lot B Settlers Rd Wisemans Ferry	14-15
9	Commercial Premises/Escort Agency on 1st Floor 219 George St Windsor - Denise Woods 219 George St Windsor	16-19
10	Demolition of Heritage Item being a Slab Barn A Flakus - Lot 1 Chatham St Pitt Town	20-22
11	Erection of 7 Villa Units - Frank Gartrell - Lots 105 & 106 William St North Richmond	23-25
12	Erection of 2 Additional 2-bedroom Villas - F Mansour - 36 Grose Vale Rd North Richmond	25-27
13	Equipment/truck Workshop & Upgrading Existing Office - W J Collier - Lot 283 Mileham St Windsor	27-29
14	Filling Land - J Herlings - Lot 326 Mileham St Windsor	30-32
15	8 Town Houses - Vahoxa P/L - Cnr Charles & William Sts North Richmond	32-35
16	Earthworks to Improve Hydraulic Capacity of Rickabys Creek - Windsor Country Golf Club Adjoining Rickabys Creek near Richmond Rd Windsor	35-36
17	Erection of 2x2 Bedroom Villa Houses at rear of Existing Dwelling - D & L Beckett - No. 2 Faithfull St Richmond	37-39
18	Erection of 4 Villa Units - Gary White - Lot 4 Pecks Rd North Richmond	39-43
19	Windsor Town Centre - Proposed Development Plan	43-45
20	Bligh Park Extension - Draft Local Environmental Plan	45-49
21	Rezoning of Pt Lt 1 DP 515370 & Pt Lt 6 DP 534175 George St & Lt 14 DP 217619 Rickaby St Windsor from Rural 1(c) to Residential 2(a) Manpin P/L	49-52
22	Extension of Consent for Use of Existing Building for Family Entertainment Centre - West Market St Richmond - N & J Cornish	52-53
23	Amendment to Consent for Purpose of a Produce Store at Pitt Town-Dural Rd - Request for Additional 2 Silos	53-54
24	Wisemans Ferry Planning Study	54-57
25	Environmental Study - Rural Residential Development in the City of Hawkesbury	57-58
26	Subdivision Application for 3 Lot Subdivision Lot 10 DP 591038 Mitchell Road Pitt Town - A W Starr	58-59
27	Rezoning Lot 1 DP 534653 Mileham St Windsor from 2(a) Residential to 4(b) Light Industrial	60

28	Revocation of Section 130 "Demolition" Orders Heritage Act	60-61
29	Environmental Programmes	61-66
30	Poultry Pavilion	66-67
31	Extension of East Kurrajong Quarry Operated by Schaffer Corp Ltd	67-68
32	Mrs F J Wright - 7 Claremont Crescent Windsor - Possessory Title of part of Claremont Lane	68-70
33	Extractive Industries - East Kurrajong Road Section 2	70-72
34	Aboriginal Land Claims	72-73
35	9 New Street Windsor - Existing Use Rights - Windsor Exhaust Centre	73-74
36	Community Titles Legislation	74-75
37	Erection of 8 Villa Units - 354 Windsor St Richmond Jim Anderson & Partners	75-79

Section 3 - Finance

	Accounts Paid	1
	Statement of Bank Balances, Investments & Form 2	1
1	Form 2A Report as at 31 March 1990	1-2
2	Self Enforcing Infringement Notice System (SEINS)	2-3
3	Proposed Multifunction Polis	3-6
4	Capital Funding for Establishment of Youth Centres 6-7	
	Questions Without Notice	7-9

Report of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor on 24th April, 1990, commencing at 9.30am.

PRESENT: Alderman J.J. Horrex, Mayor, and Aldermen R.C. Bazeley, R.S. Benson, H.J.M. Books, F.Y. Denne, W.J. Mackay, R.F. Rotherham, L.C. Sheather, W.J. Sledge, and R.P. Stubbs.

Apologies for absence were received from Aldermen P.E. Gibson and G.G. Michael and were accepted.

Alderman Bazeley arrived at the meeting at 9.47 a.m.

Alderman Mackay asked for permission to break Standing Orders for ten seconds of silence for our fellow Australians who have been devastated by the floods.

The Mayor accepted the request as a matter of urgency.

Ten seconds' silence was then observed.

COMMITTEE'S RECOMMENDATION

APPROPRIATE RESPONSES BE made to those areas devastated in New South Wales.

Alderman Mackay referred to the "fine old diggers" who had returned to Gallipoli for the 75th Anniversary of Anzac Day and asked that the Council give those people a moment of our thoughts.

A moment's silence was then observed.

COMMITTEE'S RECOMMENDATION

THAT COUNCIL RECORD its thoughts of the old diggers on this occasion on their return to Gallipoli.

SECTION 1 - WORKS

COMMITTEE'S RECOMMENDATION

THE WORKS COST Statement to 31st March, 1990, be adopted and the revised estimates of cost be adopted.

ITEM 1: (File M130/27, 665-378) [1.539]

SUBJECT: CASTLEREAGH ROAD - KERB AND GUTTER
AND SHOULDER CONSTRUCTION

REPORT (M.E.S.)

As reported to Council at the February meeting, completion of Stage 1 of the works between Lennox Street and Long Street involved additional pavement

construction which resulted in an over expenditure on the total project. Pavement construction is fully funded by the Roads and Traffic Authority and an amount of \$52,209.53 is required from the Authority for finalisation of the project.

Discussions with staff from the Roads and Traffic Authority revealed that further funds were currently unavailable to finalise the project and it was suggested that funds provided for the reconstruction of St. Albans Road (MR 181) should be used for this purpose. An amount of \$100,000 has been provided for continuation of works adjacent to the St. Albans Public School. The transfer of funds from this project to Castlereagh Road would leave an amount of \$47,790.47 for further works on St. Albans Road.

It is proposed that further works be carried out on the St. Albans Road project in June and the Roads and Traffic Authority has been requested to provide the additional funds required to complete the section of reconstruction adjacent to the St. Albans School in the 1990/91 Construction Programme which will then allow completion of that section in July.

Recommendation

That the advice regarding the re-allocation of funding to allow finalisation of Stage 1 of the Castlereagh Road construction works from the St. Albans Road project be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 2: (File 625-214) [1.540]

SUBJECT: PROVISION OF SKATEBOARD RAMP WITHIN
CITY

REPORT (M.O.)

Council at the Ordinary Meeting of 10th April, 1990, resolved "That a further investigation be undertaken into the location and construction of a skateboard ramp in the City area and that a skateboard ramp not be constructed in the Bicentenary Park".

Preliminary designs have been carried out for an alternative site adjoining land to the south of the shops in Laurence Street, Hobartville. The ramp can be drained to the existing drainage channel for balanced cut and fill and reduced batter areas. The cost of the work including turfing of the batters is estimated at \$27,000 and this could be taken as indicative for any site where balanced cut and fill can be obtained.

Two other sites have been considered - Wilberforce park and behind the Tennis Courts and Community Centre at Bligh Park.

The Bligh Park site will require careful planning to minimise the removal of trees, and will need to be substantially above the existing ground level, requiring the importation of fill for the embankments, however, this is available in the area.

The additional fill and turfing is expected to increase the cost to approximately \$40,000.

Funding could be made available from the 1989 Parks Improvement Programme of \$18,200 and contributions made towards the provision of public reserves for Bligh Park.

It is felt that, with due consideration to the age of population and increase in housing, the most appropriate location for the facility is Bligh Park.

Recommendation

That Council proceed to design and construct a skateboard ramp in the area adjoining the shopping centre behind the Community Centre and Tennis Courts in Bligh Park, with funds provided from the 1989 Parks Improvement Programme of \$18,200 (eighteen thousand two hundred) and the contribution for the provision of public reserves for Bligh Park.

COMMITTEE'S RECOMMENDATION

The Committee did not make a recommendation.

ITEM 3: (File 625, R190) [1.541]

SUBJECT: CONTRACT MOWING

REPORT (M.E.S.)

The Council specification for mowing of parks and reserves in nominated areas by contract operation has been revised and tenders invited, closing 18th May, 1990.

In addition to the current areas of St. Albans/Wisemans Ferry, Upper Colo/Colo Heights, Kurrajong Heights/Bilpin, Agnes Banks/Yarramundi, tenders have been invited for the following additional areas:-

Ebenezer/Sackville/Lower Portland, Kurmond/Kurrajong/Bowen Mountain, Pitt Town/Cattai/Maraylya, Richmond Ex-Servicemen's Sporting Complex and Ham Common Bicentenary Park.

The performance standard under the contract has been varied to provide for a level of attention more appropriate to the area being mown, with a view to achieving expansion of the contract work within the funds available from Council's budget. Tenders will be reported to the June meeting of Council.

Recommendation

That the report on mowing of parks and reserves be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 4: (File R190, S210) [1.542]

SUBJECT: CONSTRUCTION SPECIFICATION FOR
SUBDIVISION AND DEVELOPMENT ROADWORKS

REPORT (M.E.S.)

Consideration of this matter was deferred from the General Purpose Committee Meeting of 27th March, 1990.

The report is resubmitted.

"A construction specification for subdivisions and developments has been prepared by Council staff. Copies will be distributed with the Business Papers.

The specification is relatively brief and has been prepared following perusal of the Department of Housing Specification and a number of other Council's specifications. The specification has been designed to be easy to read and understood and set out in a format to assist developers and contractors in undertaking roadworks to an acceptable standard.

Recommendation

Council adopt the document "Hawkesbury City Council Construction Specification for Subdivisions and Developments" for works carried out within the City."

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 5: (File 665-243, 665-722) [1.543]

SUBJECT: NORTH RICHMOND TRADERS ASSOCIATION -
SHOPPING CENTRE ADVISORY SIGNS

REPORT (M.E.S.)

The following report was considered by the Local Traffic Committee at the meeting on Friday, 16th March, 1990, and that Committee's recommendation was considered by Council at the Ordinary Meeting of 10th April, 1990.

"Requesting the erection of road signs at both the eastern and western approaches to North Richmond advising motorists of the entry to the shopping village.

The Committee was advised that the Association was seeking the erection of signs at both approaches to North Richmond and in Grose Vale Road at Riverview Street. The cost of the signs will be the responsibility of the North Richmond Traders Association.

Committee's Recommendation

That no objection is raised to the erection of the signs, subject to compliance for the signs on the main road with the requirements of the Roads and Traffic Authority."

Council resolved -

"That the Manager of Engineering Services take up with the Local Traffic Committee the installation of "entry only" signs into the shopping complex from Bells Line of Road. Further that consideration be given to an additional 'Give Way' sign at the intersection of Riverview Street and Pitt Lane."

The resolution does not address the specific request of the North Richmond Traders Association and it is felt that the Local Traffic Committee's recommendation is appropriate.

Recommendation

That no objection be raised to the erection of the signs, subject to compliance for the signs on the main road with the requirements of the Roads and Traffic Authority.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 6: (File 625-203) [1.544]

SUBJECT: ST. MATTHEWS CATHOLIC CHURCH, WINDSOR -
MCQUADE OVAL - USE FOR
SESQUICENTENARY CELEBRATIONS

REPORT (M.E.S.)

A request has been received from St. Matthews Catholic Church, Windsor for use of McQuade Oval, Windsor, on the dates listed below for the purposes stated, as part of St. Matthews Church sesquicentenary celebrations.

Wednesday 17th October, 1990	-	children's gathering
Sunday 21st October, 1990, noon - 3pm	-	Colonial Picnic

Council's resolution of 12/82 does not permit group bookings in relation to McQuade Park. Having regard to the nature of the application, it is considered that Council may wish to make an exception in this instance, and approve the application subject to the standard conditions listed below.

Recommendation

That approval be granted to the application by St. Matthews Catholic Church for use of McQuade Oval, Windsor on 17th October, 1990, and 21st October, 1990, subject to compliance with the following standard conditions:-

1. The Church making appropriate arrangements with the Hawkesbury District Cricket Association regarding use of McQuade Oval on Sunday 21st October, 1990.
2. All activity being kept clear of the turf wicket area.

3. The area being left clean and tidy upon completion of the proposed activity.
4. Noise levels being kept to a reasonable level.
5. No sale of alcoholic beverages nor a central alcohol distribution point to be established during the course of the function.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 7: (File 625-205) [1.545]

SUBJECT: PLAN OF MANAGEMENT - GOVERNOR PHILLIP
PARK

REPORT (M.E.S.)

Introduction

Governor Phillip Park is located at the northern end of George Street, adjacent to the Hawkesbury River. It is situated on the western side of an area bounded generally by Palmer Street, South Creek and the Hawkesbury River, known as the Peninsula.

The Park itself, consists of a boat launching ramp at the confluence of South Creek and the Hawkesbury River, associated car and trailer parking areas, a two storey building, the top storey being leased to the Upper Hawkesbury Power Boat Club with the ground level consisting of a storage area for equipment used by the Boat Ramp Attendant and also public amenities. The remainder of the Park proper, consists of a passive recreation area including two shelters, complete with electric barbeques and a brick walkway which meanders through the Park from the southern end to the Clubhouse.

The remaining area of the Peninsula consists of a number of parcels of land, some of which are owned by Hawkesbury City Council and the remainder privately owned and currently used generally for turf production.

Council resolved that a Committee be formed to prepare a plan of management for the Park, the Committee to comprise of two Aldermen, two nominated Council staff, two local residents and a representative from the Upper Hawkesbury Power Boat Club, NSW Water Ski Association and a representative of a tourism operation and large landowner in the area. The Committee has met on seven occasions, and developed principles to be followed in the development of the Peninsula area.

Existing Use

The current major use of Governor Phillip Park is by persons using the launching facility, ie; water skiers and owners of pleasure craft. Development for this use occurred around 10 years ago, with major funding by the State Government and Council. Other users are the Upper Hawkesbury Power Boat Club for circuit race

meetings, and the annual Bridge to Bridge Power Boat Race, the Drag Boat Association, which has three events and the Bridge to Bridge Water Ski Race conducted by the NSW Water Ski Association. Other occasional users are the Canoe Classic and Rotaract Raft races. There is also passive recreational use of the picnic facilities provided in the park area, this use being generally limited to weekends and public holidays. Today there exists some conflict in use of the area and the amenity of residents.

The remaining Council owned land in the Peninsula area could be developed for recreation use or remain as is, mainly leased for farming, with the exception of that area between George and Pitt Streets, which is used for overflow parking when major events are being conducted at Governor Phillip Park.

In considering the area's development, the following are major issues to consider:-

- traffic access and parking
- amenity of existing and future residents
- flood liability of land with its advantages and disadvantages
- need for future recreation areas, type, when required, impact of subsequent users
- drainage and cost of any development and future maintenance consideration that should be given to the protection of the historic nature of the locality
- conflict of users.

The questions to be answered now in terms of the area's management seem to be:-

- should there be any change to the area's current uses
- if there are changes, what should they be and when and how should they be developed.

In relation to considering further development of recreational facilities, the following matters should be considered:-

- the local population served by the area has changed very little over a number of years
- there has been the development of recreational facilities in other areas, including Bensons Lane, Richmond; Bligh Park; Glossodia and land has been acquired for future recreational use (including regional use, nearby) at Macquarie Park
- the cost/need of maintenance of any further facilities, particularly giving consideration to the existing significant ratio of recreation areas to population and improvements that could occur to those as opposed to new development and maintenance costs.

With regard to traffic management, it is felt that access to the area will be improved by the provision of the roundabout at the George Street/Bridge Street intersection, however, consideration should be given to resident only parking in the adjacent streets at times when major events are being held in the Park.

The Committee has reached general consensus as to the direction that should be adopted when further development of the Peninsula is being considered and more particularly, with regard to the operation of the current use of the Governor Phillip Park in an effort to minimise conflict between the current users of the Park and the residents.

The principles adopted by the Committee are:-

- Consideration be given to the ultimate purchase of all other rural land on the Peninsula, with the exception of that land comprising Tebbutts Observatory.
- The creation of an adequate landscaped buffer zone adjacent to the residential areas.
- The area bounded by Palmer, Livingstone and Stiles Streets, remain as an undeveloped grass area.
- The provision of landscaped areas to enhance the Reserve.
- The provision of car parking suitably landscaped to cater for agreed users.
- Water skiing between South Creek and the Windsor Bridge to be prohibited with appropriate international signage at -
 - i) the launching ramp
 - ii) the park entrance
 - iii) the confluence of South Creek and the Hawkesbury River.
- Appointment of the caretaker (Contractor) as a Park Ranger with the power to control parking and noise emission, if possible.
- A maximum of 20 power boat events to be staged at the Park per annum, this number to be reviewed in twelve months. Dates of proposed events are to be advertised as an annual programme in the local paper and at the Park. The events are not to be held on consecutive weekends. Alternate days are only to be considered for the Bridge to Bridge Ski Race.
- All catering services to be used at events in the Park are to be advised to Council and annual inspection carried out (licensed).
- A cycle/walkway be planned around Governor Phillip Park to ultimately link with the pathway from The Terrace.
- The management of the Park be continued by Hawkesbury City Council on the basis of the adopted Plan of Management, with the current Committee acting in an advisory capacity, meeting generally quarterly unless a matter of urgency is advised to the Chairperson, who will determine the need for a special meeting.

A need was identified for the provision of a children's playground in the Park area.

Considering the foregoing, at this time, the following action is recommended:-

- The amenity of residents in the area is best protected at this time by existing uses.
- Further regional/recreational development can be best developed at nearby Macquarie Park.

- Some low scale use, most probably for junior sporting recreation areas could be developed, if justified by survey, in the area adjacent and on the overflow parking area. This could be extended later to adjoining areas.
- The existing land owned by Council and leased for farming should remain as such. This is strategically important land and accordingly, should remain in public ownership for consideration of future public purposes. At this time, the farming uses complement and are compatible with existing.
- The principles adopted for the future development of the Peninsula and current operation of Governor Phillip Park be adopted.
- Consideration be given to resident only parking in streets adjacent to the Park when major events are being held in the Park.

A plan will be displayed at the meeting.

Recommendation

That the Plan of Management for Governor Phillip Park be adopted.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 8: (File 665-714) [1.546]

SUBJECT: GRAND PARADE, GLOSSODIA - KERB AND
GUTTER, DRAINAGE AND SHOULDER
RECONSTRUCTION

REPORT (M.O.)

The original concept and estimate of cost for this work was based on the provision of longitudinal drainage with outlets being provided at regular intervals through private property. Kerb and gutter was to be constructed on the low or western side of the street to improve drainage problems that existed from runoff coursing through properties from the roadway and the reconstruction of the road shoulder approximately two metres wide to match the existing edge of bitumen seal and prevent scouring between the existing seal and 'kerb and gutter.

With regard to the drainage, it was not possible to get agreement from the owners of properties to construct outlet pipes and as such, the longitudinal drainage had to continue for the full length of the Grand Parade and discharge into an existing easement within the last property at the intersection of Chestnut Drive. This change necessitated additional pipework and increased pipe size to carry the additional flow. The major additional expenditure on the project was due to the reconstruction of the road shoulder whereby, due to the existing vertical alignment of the edge of the seal and conditions of the existing base material, it was necessary to reconstruct approximately 4 metres wide for the full length of the project to sustain a relatively even profile and allow ready access for the surface runoff into the new kerb and gutter.

Original approved estimate was \$120,000, total expenditure was \$174,345.

It is proposed that the over expenditure on this project be funded from the balance of funds available in the 1988/89 Roads Reconstruction Programme.

Recommendation

That the report on the Grand Parade kerb and gutter, drainage and road shoulder reconstruction be received and funds of \$54,345 (fifty four thousand three hundred and forty five) be allocated from the 1988/89 Roads Reconstruction Programme to to cover the over expenditure.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 9: (File P160/30) [1.547]

SUBJECT: TREE PRESERVATION ORDER INFRINGEMENTS

REPORT (M.E.S.)

A number of infringements of the Tree Preservation Order have occurred and are reported hereunder:-

1. Lot 1 DP786935 Stannix Park Road. Owner Mr. T. Bugeja.
Lot 2 DP786935 Stannix Park Road. Owner Mr. A. Rotondo.

An inspection of these two properties revealed that a total of seven trees had been felled on Lot 1 and fifteen trees had been felled on Lot 2.

Conflicting information had been given by both owners regarding the felling of trees on both properties, however, no approval had been given and as such, legal action has been taken against the owners of both properties.

The case against Mr. Bugeja was heard on 23rd March, 1990, and the decision of the Court was that he be fined \$100 plus \$100 professional costs and \$30 Court costs.

Mr. Rotondo's case was also heard on 23rd March, 1990, however, the Magistrate stood the matter over until the 20th April, 1990.

2. Lot 11 DP586660 Hawkesbury Road, Yarramundi. Owner Mr. P. Fisher.

An inspection of Mr. Fisher's property revealed that in excess of fifteen semi mature and mature trees had been felled. Mr. Fisher's explanation for the clearing was for grazing purposes and the implementation of a subdivision. He stated he believed that permission was not necessary for clearing of acreage for grazing purposes. No application was made for the clearing works under the Tree Preservation Order and as such, legal proceedings have been commenced against Mr. Fisher for the illegal clearing of trees. The case comes before the Court on 20th April, 1990.

3. Lot 1 DP774663 Frederick Place, Kurrajong Heights. Owner Mr. A. Coulter.

Extensive clearing has been undertaken on the property in conjunction with the preparation of a dwelling site, access road and the construction of a small dam.

No application has been made for removal of trees on the property and whilst it is difficult to ascertain the exact number of trees removed, at least seven trees would have come under the provision of the Tree Preservation Order.

Mr. Coulter has forwarded a letter apologising for the removal of the trees without approval and stating his aim was to improve and beautify a gully overgrown with a wide variety of noxious weeds, privet and vines, growing over dead trees. He is proposing to replant the area with a variety of specimen and exotic trees and shrubs.

He also states that to create and maintain the proposed garden, it was necessary to construct the small dam which involved the removal of the trees in question. He understood that the construction of the dam did not need consent. The primary consideration was to beautify the area and he is most conscious of both the need to preserve the environment and of horticulture practice and following the clearing work, the gully was seeded immediately for the purpose of holding the soil until the new trees and shrubs were established. The re-growth is now evident. Mr. Coulter has requested that he may address the Committee on this matter.

It is felt that legal action should be taken against Mr. Coulter for the unauthorised removal of trees on his property.

4. Mount Andrew Caravan and Ski Park, 3 Greens Road, Lower Portland. Owner Mrs L. Hunt.

A number of requests have been received from Mrs Hunt to remove several Sydney Blue Gum trees due to what she considers a danger from falling limbs. Council resolved "that Mrs Hunt, Mount Andrew Caravan and Ski Park, be advised that approval to remove the Sydney Blue Gums is denied under the provisions of the Tree Preservation Order, but that permission is granted to remove dead wood and low overhanging branches, such branches to be identified by a Council officer prior to removal". Council's resolution was advised to Mrs Hunt by letter.

Towards the end of 1989 information was received that heavy lopping was being undertaken on the property and an inspection was carried out which revealed that the Sydney Blue Gums had been severely lopped where only the main trunk and branch stubs approximately 1 metre long were left. At no time had these branches been identified by a Council officer as required by Council's resolution.

There is some recovery evident in the trees, however, this is only likely to put the trees in a dangerous position in a few year's time.

Advice is being sought regarding taking of action.

5. Cherry Park, Kurrajong Heights. Owner Mr. P. Zorbas.

An inspection of Cherry Park revealed extensive clearing works had been undertaken and the site works which were being carried out were stopped. A further inspection of the site was carried out with Mr. Zorbas, his Contractors and Council's officers, at which time Mr. Zorbas pointed out that he only wished to clear the land for grazing purposes and remove the majority of underscrub which consisted of privet and Blackwattle to allow this activity. A further inspection was carried out between Council officers and an officer of the Soil Conservation Service who made recommendations as to the best methods of stabilising the cleared land to prevent erosion.

The recommendations were conveyed to Mr. Zorbas verbally and he has undertaken to carry out the seeding of the land as requested to prevent erosion. The clearing works on the property have been completed.

It is felt that no further action should be taken in this matter.

Recommendation

That the information regarding the unauthorised removal of trees be received and the legal action instigated be endorsed.

Item 11 of the Town Clerk/General Manager's Supplementary Report was dealt with in conjunction with Item 9 above.

Mr.A.Coulter was present to answer questions if necessary.

COMMITTEE'S RECOMMENDATION

THE INFORMATION REGARDING the Tree Preservation Order and preparation of additional policy be received.

ITEM 10: (File 665-2019) [1.548]

SUBJECT: RE-OPENING OF THE TERRACE - ROAD
DESIGNS AND COSTS

REPORT (M.O.)

Further discussions have been held with the Roads and Traffic Authority regarding traffic management measures necessary to control traffic in conjunction with The Terrace re-opening.

1. Tebbutt Street/The Terrace

A single lane entry threshold is proposed at this intersection, which consists of a narrowing of the kerb and gutter to approximately 6 metres wide, a contrasting road pavement of pavers and appropriate landscaping. The estimated cost of this device is \$17,000.

2. Elizabeth Street/The Terrace and Catherine Street/The Terrace

It is proposed at both these intersections, to provide a small roundabout of approximately 8 metres diameter, with a mountable apron, similar to that being constructed at the intersection of George and Bridge Streets presently. There will be some kerb and gutter re-alignment necessary on the approach side of these roundabouts to guide traffic through them. It is proposed that the mountable apron be constructed of concrete with the centre raised section being pavers. The estimated cost of these facilities is \$30,000 (\$15,000 each).

3. The Terrace. New Street to Hollands Paddock Car Park

It is proposed to re-construct this section of The Terrace to a width of six metres between kerbs in an effort to reduce traffic speed through the section. It is also proposed that the existing pavers be used where practicable, in particular, for the first 40 metres from New Street. It is also proposed to construct a paved threshold adjacent to the Hollands Paddock Car Park entry. This proposal varies **considerably** from the original design where it was proposed to re-align The Terrace between New Street and Hollands Paddock Car Park entrance and provide a full width pavement of 10m between kerbs. The estimated cost of undertaking the present proposal is \$80,000.

4. Through Traffic Along The Terrace

In discussions with staff from the Roads and Traffic Authority, there was concern regarding the re-use of The Terrace when re-opened for through traffic. This would be traffic turning left from Richmond Road, utilising Macquarie Street, The Terrace, Baker Street, George Street and through Bridge Street to proceed to the Glossodia/Freemans Reach, Wilberforce areas. Notwithstanding the closure at the Bridge, this movement would be shorter in time than use of Richmond Road, Macquarie Street and Bridge Street. To overcome this problem, there are two alternatives.

1. Provide a "No Entry" into The Terrace at Tebbutt Street (would allow south bound traffic only, at this point).
2. Provide a "No Left Turn" into Moses Street from Richmond Road and "No Access" across Richmond Road from Cox Street.

This could be achieved with a small section of kerb and appropriate signage.

The matter will need to be finalised with the Roads and Traffic Authority and Police prior to implementation.

It should be noted that as early as the consultant's report in the 1960's, it was indicated that to prevent through traffic on The Terrace, two closures may be necessary.

The total estimated cost of re-opening The Terrace between New Street and Hollands Paddock Car Park entrance along with the physical devices for traffic management in The Terrace is \$127,000.

It is understood that some funding may be available from the Roads and Traffic Authority towards the implementation of local area traffic management schemes in this area and a request should be forwarded to the Authority for assistance.

Discussions were also held regarding the closure of The Terrace on the northern side of Bridge Street and access into the wharf area. It was agreed that a number of trees would have to be removed to enable relocation of the newly constructed kerb on the western side of the access to allow a satisfactory turning movement into the wharf area by buses and also to allow battering of the embankment between that access and the Bridge to provide adequate sight distance, both for vehicles turning into the wharf area and through traffic.

Plans have been prepared for the alteration and regrading and an application has been forwarded to the Heritage Council for approval to remove the trees and the Roads and Traffic Authority will be requested to undertake this work as part of the project currently being carried out.

With the closing of the existing access and construction of the new access to the wharf, it is felt that the traffic movement and parking facilities in this area should be formalised to complete the refurbishment of the Thompson Square area and provide an attractive entrance to Windsor from the north west and the River.

A plan will be displayed at the meeting, however, it is proposed to basically formalise the vehicle movements which currently exist with the provision of kerb and gutter, drainage, bus parking bays, the development of a car parking area on the higher level land at the rear of the private properties and the Motel. The estimated cost of this work is \$144,000.

Recommendation

1. That the plans for the re-opening of The Terrace and the traffic management facilities associated with the re-opening be adopted and the plans forwarded to the Local Traffic Committee and advertised in accordance with the provisions of the Act.
2. The Plan of proposed development of the wharf area be adopted.

COMMITTEE'S RECOMMENDATION

1. THAT THE PLAN be noted and forwarded to the Traffic Committee for determination.
2. That the plan of the proposed development of the wharf area be adopted.

11. TREE PRESERVATION ORDER. P160/30 [1.549]

Further to the report (Item 9 Page 30 - Works) to the Committee Meeting there have been further representations regarding the clearing work on the property at Frederick Place, Kurrajong Heights. The report was prepared in the absence of knowledge that building approval had been sought and granted for the property. When such approval is given it is not necessary to obtain approval under the Tree

Preservation Order for removal of trees within the area covered by the building approval.

All of the large trees removed in relative terms were black wattle and within the building site, the access thereto, or immediately adjacent. There were some smaller trees removed in the dam site adjacent. In this area there has been considerable replanting by the owner.

A problem in the administration of the Tree Preservation Order has been highlighted by the two instances at Kurrajong Heights. On the land of Mr.Zorbas, significant clearing has taken place and whilst this was with approval and for a legitimate land use, has involved the removal of trees from steep slopes. Again the majority of trees removed were black wattle that have a limited life. This then raises the objective of the Tree Preservation Order, particularly in terms of aesthetics and erosion prevention. A policy for these matters is being prepared specifically addressing the issue of those species with a limited life and will be presented to the next meeting.

In the meantime and as a result of the detailed inspection and the submissions, it is recommended that no action proceed against the owner of Lot 1, DP 774663 Frederick Place, Mr. A. Coulter, or the owner of Cherry Park, Mr. P.Zorbas.

Recommendation

The information regarding the Tree Preservation Order and preparation of additional policy be received.

COMMITTEE'S RECOMMENDATION.

See Item 9.

HAWKESBURY CITY COUNCIL

STANDARD CONDITIONS - DEVELOPMENT APPLICATIONS

(Effective from 1st March, 1990)

Contributions

1. Payment of a sewer headworks contribution to Council of \$*. This contribution shall be paid prior to release of building approval and will be reassessed at the rate applicable at the time of payment.
2. Payment of a Section 94 contribution covering sewer headworks for the Mulgrave industrial area of \$* to Council, calculated at base date of September, 1988 and varied in accordance with changes in the Consumer Price Index to the date of payment. Payment shall be made prior to the release of the building approval.
3. Payment of a Section 94 contribution covering the construction of the intersection of Park Road and Groves Avenue with Windsor Road of \$* to Council, calculated at base date of December, 1987 and varied in accordance with changes in the Consumer Price Index to the date of payment. Payment shall be made prior to the release of the building approval.
4. Payment of an amount of \$* to Council being the contribution in lieu of car parking not provided on the site based on \$* per space. Payment shall be made prior to release of building approval.
5. Payment of an amount of \$* to Council being a contribution towards the parking spaces deleted by the development based on \$* per space. Payment shall be made prior to the release of the building approval.
6. A contribution of \$* based on \$1,727 (one thousand seven hundred and twenty seven dollars) per additional dwelling being a contribution for open space and community facilities as a consequence of medium density development (residential flats, villas, townhouses etc).

Engineering

10. Arrangements satisfactory to the Manager of Engineering Services are to be made for the adjustment of the sewer main affecting the site. Details are to be submitted for approval concurrently with the Building Application.
11. Arrangements satisfactory to the Manager of Engineering Services are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by other drainage easements to Council's requirements shall be provided for which documentary evidence will be necessary prior to the approval of the Building Application.

12. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
13. The existing water courses shall be piped clear of all buildings and easements shall be created over the pipeline free of cost to Council.
14. The construction of kerb and gutter, concrete path paving, 1.2m wide with the remaining footway area being formed in earth and all necessary drainage, together with the full construction, including sealing of the adjacent road shoulder/half width road pavement over the frontage of the land together with any such works as are necessary to make this construction effective.
15. Construction of full width concrete path paving over the frontage of the development/site to *.
16. Construction of Council's standard heavy duty/residential footway and layback vehicular crossing to suit the access to the site with a minimum width of *m.
17. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
18. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plan or specifications of the proposed works are submitted to and approved by the Manager of Engineering Services.
19. Evidence of the payment of the Building and Construction Industry Long Service Levy together with a detailed estimate of the cost of the works being submitted to Council prior to the release of the engineering plans.
20. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments.

Health and Building

31. Submission of a building application, plans and specifications complying with Ordinance 70.
32. 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.
33. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Manager of Environment and Building Services.

34. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the Building Application.
35. All solid and liquid wastes arising from the premises shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the Building Application.
36. Separate details of the proposed method of treatment of liquid wastes prior to discharge to Council's sewer or stormwater drainage system shall be submitted concurrently with the Building Application for consideration and approval.
37. Provision of toilets in accordance with the requirements of Ordinance 44 of the Local Government Act.
38. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Pure Foods Act 1908 and Regulations thereunder and Council's Premises Code.
39. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner so 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 the Manager of Environment and Building Services prior to occupation or use of the building.
40. No excavation on site works shall be commenced prior to the issue of the building permit.

Parking Access and Loading

50. Parking shall be provided for * vehicles in accordance with Council's regulations and parking policy. Parking spaces, accessways and aisle widths to conform to Council's specifications and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
51. An adequate on-site area for parking and loading is to be constructed with an all-weather pavement to the satisfaction of the Manager of Town Planning.
52. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
53. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.

54. A physical barrier being provided between public spaces, vehicles accessways, parking areas and the surrounding landscaped area.
55. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements.

Design and External Finishes

61. Submission of a schedule of proposed external finishes including sample materials for Council's consideration and approval in conjunction with the submission of a Building Application.
62. 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.

Landscaping

70. A detailed plan of landscaping shall be submitted and approved by the Manager of Town Planning prior to the approval of the Building Application. Such landscaping is to be completed prior to the occupation of the building.
71. All land not required to be sealed is to be landscaped in accordance with a plan of landscaping which is to be submitted for Council's consideration and approval concurrently with the Building Application.
72. Previously approved landscaping is to be reinstated to Council's satisfaction.
73. Landscaping shall be maintained to Council's satisfaction.
74. As far as practicable all trees and shrubs on the site are to be preserved and integrated with the plan of landscaping. No trees over 3m in height shall be removed without the approval of the Manager of Town Planning. Such approval to be sought subsequent to the pegging of building works.
75. All land not required to be sealed is to be landscaped in accordance with the plan of landscaping which is to be submitted to Council for its consideration and approval within a period of 30 days. Such landscaping is to be completed to Council's satisfaction within three (3) months from the date of the issue of the consent.

Industrial/Commercial Development

80. No materials, goods or vehicles to be stored between the building and the street alignment.

81. 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 in the building.
82. No retail sale of goods is to be made on the subject premises.
83. No motor vehicles are to be displayed for sale on the subject premises.
84. No goods are to be displayed on the premises whether in a window or otherwise.
85. The subject land is to be made tidy to Council's satisfaction.
86. Development Consent shall be obtained for the use of each factory unit/shop prior to occupation taking place.
87. Compliance with Australia Post requirements in relation to the location and number of letter boxes on the site.

Amenity

100. The development shall be 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.
101. The subject development, including landscaping is to be maintained in a clean and tidy manner to Council's satisfaction at all times and any direction given by Council in this regard is to be complied with forthwith.
102. Council reserves the right to impose additional conditions if at any time in its opinion the use is causing injury to the amenity of the neighbourhood.
103. The spillage of light, if any, shall be controlled to the satisfaction of Council.
104. Provision of a clothes drying area which is to be effectively screened from public roads and reserves, details of screen design and material to be submitted with the Building Application.
105. Operating hours shall be limited to * to * Mondays to Fridays and * to * Saturdays and * to * Sundays and public holidays. Any alteration of these hours will require Council consent.

Dogs

110. Not more than * dogs are to be accommodated on the premises at any given time.
111. Dogs are to be confined to their kennels, exercise runs or exercise compounds at all times.

112. The premises are to be landscaped and screened in accordance with a plan of proposed planting to be submitted to Council for consideration and approval concurrently with the submission of a Building Application. Such landscaping and screening is to be carried out in a manner which will ensure the kennels and exercise yards cannot be viewed from the street or from adjoining residences.
113. All trees on the property are to be preserved with the exception of those trees which are required to be removed to allow siting of the kennels and exercise yards.
114. Concrete floors are to be provided to all kennels.
115. An acoustically insulated enclosure shall be provided for the accommodation of distressed animals to the satisfaction of Council.

Titles, Easements and Surveys

120. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted to Council prior to occupation of the building.
121. Dedication at no cost to Council of a *m * splay corner at the intersection of * and *. Documentary evidence of registration of the plan of survey is to be submitted to Council prior to occupation of the proposed buildings.
122. Dedication of road widening in * as public road in accordance with * with documentary evidence of registration, to be provided before occupation of the proposed buildings.
123. Creation of a drainage easement *n wide over the existing/proposed pipeline through the site, free of cost to Council. Documentary evidence to be submitted to Council prior to occupation of the building.

HAWKESBURY CITY 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

wp. 10/5/12 Raw

Item 1: (File DA 99/90) [10.616]
Development Application: Home Activity - Spinning and Weaving Studio
Applicant: J Simmonds
Owner: J Simmonds
Land and Location: Lot 21, DP 227211, Tizzana Road, Ebenezer
Area: 4000 square metres (1 acre).
Zoning: Hawkesbury Local Environmental Plan, 1989 -
Environmental Protection 7(d1) (Scenic).
Advertising: Advertised with no submissions being received.
Date Received: 20th March, 1990.

REPORT (M.T.P.)

This application seeks Council's consent for the establishment and conduct of a hobby spinning/weaving studio within a proposed resited timber framed/colourbond roofed building within the subject land. This use will not include retail sales from the premises.

Statutory Situation

This application is defined as a "home activity" in accordance with the provisions of Hawkesbury Local Environmental Plan, 1989. This use is permissible in land zoned Environmental Protection 7(d1) (Scenic), subject to consent and is considered unlikely to adversely affect the amenity of the area conditional upon compliance with the provisions of a "home activity".

Recommendation

That the application be approved, subject to the following conditions:-

1. The use shall be confined to the studio building in accordance with the submitted plan dated the 20th March, 1990.
- 2-4. Standard Conditions (Development) - 31, 33, 39.
5. All deliveries to and from the site being carried out by the occupants of the premises.
6. All goods and materials being stored wholly within the building.
7. The approval being specifically to the applicant, Mr J Simmonds, and is not transferable.
8. Compliance with the following definition of Home Activity as defined in Hawkesbury Local Environmental Plan, 1989:-
the activity or pursuit 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, grit, oil or otherwise;
 - (ii) involve exposure to view from any public place of any unsightly matter;
 - (iii) require the provision of any essential service main of a greater capacity than that generally available in the locality;

- (iv) involve the employment of persons other than residents of the dwelling-house or dwelling; or
- (v) involve the exhibition of any notice, advertisement or sign (other than a notice or sign not exceeding 1 (one) metre by 0.6 (nought point six) metres exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident thereof).

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 2:	(File DA 80/90) [10.617]	✓ Ra WP 10/5/90
Development Application:	Home Activity - Dressmaking	
Applicant:	R A Hall	
Owner:	S Grindley	
Land and Location:	Lot 11, DP 748129, McMahons Park Road, Kurrajong	
Area:	4059 square metres	
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a).	
Advertising:	Advertised with no submissions being received.	
Date Received:	12th March, 1990	

REPORT (M.T.P.)

The application seeks Council's consent for the establishment and conduct of a dressmaking activity within a portion of the existing residential premises. Operating hours are to be between 9.00am and 6.00pm Mondays to Fridays with no work being carried out on weekends. The operation requires the provision of two sewing machines, a cutting table, two clothes racks and varied sewing materials. The application further nominates the provision of five car parking spaces to allow satisfactory car parking for a maximum of two appointment only clients at any given period. The deliveries are to be carried out by the residents of the premises in normal private motor vehicles.

Statutory Situation

The subject land is currently zoned Residential 2(a) in accordance with the provisions of Hawkesbury Local Environmental Plan, 1989. This use is defined as a "home activity" and is permissible within Residential 2(a) zone, subject to consent.

The application is unlikely to adversely affect the amenity of the area provided that the use is confined to the premises and no displays are erected on the land.

Recommendation

That the application be approved, subject to the following conditions:-

1. The approval being specifically to the applicant, Ms R A Hall, and is not transferable.
- 2-5. Standard Conditions (Development) - 33, 50 (5) (five), 82, 84.
6. All deliveries to and from the site being carried out by the occupant of the premises.
7. All goods and materials being stored wholly within the building.
8. The hours of operation shall be confined to between 9.00am and 6.00pm; Monday to Friday.
9. Compliance with the following definition of Home Activity as defined in Hawkesbury Local Environmental Plan, 1989:-

the activity or pursuit 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, grit, oil or otherwise;
- (ii) involve exposure to view from any public place of any unsightly matter;
- (iii) require the provision of any essential service main of a greater capacity than that generally available in the locality;
- (iv) involve the employment of persons other than residents of the dwelling-house or dwelling; or
- (v) involve the exhibition of any notice, advertisement or sign (other than a notice or sign not exceeding 1 (one) metre by 0.6 (nought point six) metres exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident thereof).

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

✓
Ron
WP 10/5/90

Item 3:	(File DA 67/90) [10.618]
Development Application:	The erection of four x two bedroom single storey villa units.
Applicant:	Mr and Mrs N Wenzel
Owner:	Mr and Mrs N Wenzel
Land and Location:	Lot C, Section 23, 86 Windsor Street, Richmond.
Area:	1051.5 square metres.
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a)

Advertising: Adjoining owners notified with one submission being received from Mr and Mrs Kros, opposite landowners.

Date Received: 1st March, 1990.

REPORT (M.T.P.)

Public Notification

The objection received relates to the increased traffic generation from the proposed development in respect to Windsor Street.

Planning Assessment

The application is not in compliance with the density provisions of Council's Medium Density Development Control Plan which requires the provision of 1100 square metres of total site area for the four villa units, whereas the parcel of land comprises a total allotment size of 1051.5 square metres. However, it is considered that this minor discrepancy does not warrant formal refusal of this application, particularly given that the proposed villa development is in general compliance with other aspects of the provisions of the Medium Density Development Control Plan and attempts to provide affordable compatible housing, whilst maintaining a pleasing design.

The application nominates the provision of a minimum 10 metre building line setback from the front boundary alignment, 3.15 metre eastern boundary side setback, a 3 metre western property boundary line setback in addition to a 1.8 metre rear setback.

Under normal circumstances, a 3 metre rear building line setback is considered a minimum standard. Accordingly, this setback discrepancy may be overcome by a forward relocation of the villa development. There is adequate room for this, and this is considered a reasonable alternative conditional upon the provision of a landscaping programme and will increase the available courtyard area of the rear units.

Private Open Landscaped Space

This application complies with the development control plan in regards to the provision of a minimum 30 square metres of open landscaped private space per villa units. This landscaped open space provision is directly accessible from the living areas of each dwelling and will allow each courtyard to receive the required direct sunlight between 9.00am and 3.00pm during mid-winter.

Car Parking

The Medium Density Development Control Plan requires the provision of 1.5 covered car parking spaces per unit plus one (1) visitor's space per 5 dwellings. The requirement, therefore, is the provision of six (6) covered car parking spaces and an additional open visitor's parking space. This application makes provision

for four (4) garages and three (3) open car parking spaces and hence, is not in compliance with the code in terms of the provision of six (6) covered car parking spaces. The provision of the two additional covered car parking spaces requires the construction of a pitched roof attachment to the villa unit development and can be guaranteed by a condition of consent.

Traffic

The Traffic Authority of NSW guidelines for traffic generating developments, November 1984, predict that in general terms, 3-4 daily vehicle trips are undertaken for each respective medium density home unit. Accordingly, this development would generate a maximum 16 daily vehicle trips from the site and hence, is considered minimal in respect to the overall traffic impact on Windsor Street.

This application complies with Council's code in terms of adequate design considerations, height and amenity to adjoining landholdings.

There is a heritage item opposite (No. 99 in Schedule 1), however, the proposal is not considered to have any adverse effect on this item.

Recommendation

That the application be approved subject to the following conditions :

1. The development shall be carried out in accordance with the submitted plan dated the 1st March, 1990, subject to alterations by conditions below.
- 2-9. Standard Conditions (Development) - 6 (\$5,181) (five thousand one hundred and eighty one), 11, 17, 31, 33, 50 (7) (seven), 70, 73.
10. Construction of Council's standard residential footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m (six).
11. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Details to be submitted for approval with the Building Application.
12. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Details to be submitted for approval with the Building Application.
13. The building design shall incorporate features to mitigate aircraft noise intrusion to the satisfaction of the Manager of Environmental and Building Services (e.g. acoustic insulation of walls and roofs/ceilings and reduced glazed areas).
14. The development shall be relocated forward so as to achieve a minimum rear boundary line setback of 3 (three) metres.

15. The 2 (two) rear open car parking spaces shall be covered with a pitched roof carport to the satisfaction of the Manager of Environment and Building Services, details of which shall be submitted with the building application.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

PH/LW ✓ WP. 10/5/90

Item 4:	(File DA 61/90) [10.619]
Development Application:	Construction of an "Exhibition Home"
Applicant:	Crisdal Constructions Pty Limited
Owner:	Landcom
Land and Location:	Lot 1120 DP 800323, Porpoise Road, Bligh Park
Area:	721.9 metres square
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a)
Advertising:	Adjoining owners notified with no submissions.
Date Received:	19th February, 1990.

REPORT (M.T.P.)

Proposal

The applicant intends to construct an exhibition home and associated landscaping.

The subject land is situated on the corner of Porpoise Road and Settlers Street and is regular in shape.

Statutory Situation

Exhibition homes are permissible within the zoning of the land under the provision of clause 19 of Hawkesbury Local Environmental Plan, 1989.

Planning Assessment

The size of the lot, as well as the design of the house, preclude the provision of on-site car parking. Given the nature of the use and its limited lifespan, off-street parking is not warranted in the circumstances.

To ensure that the future amenity of the area is not adversely affected, development consent should be limited to an initial period of two years.

The vehicular crossing should be relocated so as not to conflict with the existing drainage pit in Porpoise Road.

The development will be compatible with existing residential development in Bligh Park.

Recommendation

That consent be granted for the use of Lot 1120 Porpoise Road as an exhibition home subject to the following conditions:-

1. Submission of a Building Application, plans and specifications complying with Ordinance 70.
2. 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.
3. The development being conducted in such a manner so as not to interfere with the amenity of the neighbourhood, in respect of noise.
4. This approval is limited to the use of the dwelling as a display home for a period of 2 (two) years from the date of completion. If the applicant wishes to extend this period, a further development application must be lodged for Council's determination prior to the expiration of this consent.
5. Construction of Council's standard residential footway and layback vehicular crossing to suit the access to the site. The crossing is to be located to the south of the existing drainage pit in Porpoise Road to the satisfaction of the Manager of Engineering Services.
6. A detailed plan of landscaping shall be submitted and approved by the Manager of Town Planning prior to the approval of the Building Application. Such landscaping is to be completed prior to the occupation of the building.
7. Landscaping shall be maintained to Council's satisfaction.
8. No excavation on site works shall be commenced prior to the issue of the building permit.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 5: (File DA 14/90) [10.620] ✓ wp. 10/5/90
Development Application: **Erection of a Rural Workers Dwelling**
Applicant: J R McMillan
Owner: J R & A E McMillan
Land and Location: Part Portion 213, Parish of Kurrajong, Cabbage
Tree Road, Grose Vale
Area: 6.378 ha
Zoning: Hawkesbury Local Environmental Plan, 1989 -
Rural 1(c1)

Advertising:
Date Received:

Not required under Council's Advertising Policy.
17th January, 1990.

REPORT (M.T.P.)

Proposal

The application seeks consent to erect a rural workers dwelling on the subject land, currently used for the growing of native cut flowers. The existing operation, however, is only small (ie approximately 50 plants), and the establishment of a rural worker's dwelling on the site will depend upon an increase in the area of land cultivated. The applicant has indicated that the area to be planted will be about 2.5 hectares.

The proposed rural worker's dwelling will be of weatherboard construction, with a corrugated zinc roof.

Statutory Situation

Under Hawkesbury Local Environmental Plan, 1989, the subject land is zoned Rural 1(c1). Clause 17 of the plan provides that a dwelling for a rural worker may be erected on the land with Council's consent, only if the property can be subdivided in accordance with the provisions of clause 11. This clause requires that each allotment within the 1(c1) zone has an area of not less than 4 hectares.

As the property only has an area of 6.38 hectares and cannot be subdivided into two allotments in accordance with clause 11, the applicant has submitted an objection pursuant to State Environmental Planning Policy No.1. The applicant's objection is based on the following grounds:

- *Our property is 16 acres and is sufficient for the development applied for.*
- *A Water Conservation and Irrigation Commission authorised irrigation system has been installed.*
- *The nature of the development, whilst not requiring a large acreage necessitates intensive and constant labour input.*
- *Due to existing business commitments a caretaker type arrangement is necessary."*

Planning Assessment

State Environmental Planning Policy No.1 may be used to vary "development standards" where strict compliance with those standards would be unreasonable or unnecessary in the circumstances of the case. Council has received legal advice, however, indicating that the Policy cannot be utilised to vary the provisions of clause 17, as this clause does not contain any "development standards"; ie the clause simply prohibits rural worker's dwellings on land that cannot be subdivided.

Accordingly, the application cannot be approved.

Further, the applicant has indicated that the erection of a rural worker's cottage on the property will depend upon an increase in the area of land to be used for the growing of native cut flowers. In normal circumstances, the agricultural use would have to be proven prior to the erection of a second dwelling.

Recommendation

That the application for the erection of a rural worker's dwelling on the subject land be refused as it is prohibited under clause 17 of Hawkesbury Local Environmental Plan, 1989.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

✓ E.H.2

Item 6:	(File DA 83/90) [10.621]	WP. 10-5-90
Development Application:	Installation of a 7.5 kilolitre above ground liquid petroleum gas vessel and dispenser	
Applicant:	Boral Gas (N.S.W.)	
Owner:	A & W Maarbani	
Land and Location:	Lot C, Resub. Part Portion 304, Parish of Wilberforce, Singleton Road, North Wilberforce.	
Area:	2.985 ha	
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Rural 1(b).	
Advertising:	Adjoining owners were notified of the proposal with no submissions being received.	
Date Received:	13th March, 1990.	

REPORT (M.T.P.)

Proposal

This application seeks Council's consent to install a 7.5 kilolitre, above ground liquid petroleum gas vessel and dispenser on the above land, currently occupied by the 'North Wilberforce BP Service Station'.

The L.G.P. vessel will be located on the northern side of the existing above ground distillate tank and will be bounded on three sides by a steel guardrail, 0.7 metres high. The vessel itself will be approximately 6.5 metres long, 1.2 metres wide and 2.0 metres high. The dispenser will be located adjacent to the distillate pump and will be 1.2 metres high.

Statutory Situation

The North Wilberforce BP Service Station currently enjoys existing use rights. Approval has previously been granted for the following uses on the site:

- a. the use of an existing yard area as a holding yard for smashed and broken down vehicles;
- b. the construction of an awning over the existing petrol pumps; and
- c. the replacement of an existing workshop/garage.

These uses, however, have not increased the total area of land utilised by the service station.

Clause 52 of the Environmental Planning and Assessment Regulations, 1980, permits an increase in the area of an existing use, provided the increase is by not more than 10 percent. As the proposed development will not increase the area of the service station by more than 10 percent, the proposal may be permitted with Council's consent.

Planning Assessment

The proposed development is subject to the requirements of the Dangerous Goods Branch of the Department of Industrial Relations. The Branch has already considered the plans and issued its approval to the proposal.

The L.P.G. vessel will be located adjacent to an existing distillate storage tank and consequently will not have any adverse visual impact on the locality.

To improve vehicular circulation about the site as well as control vehicular entry and exit, it is desirable that further road and site works be carried out to the satisfaction of the Manager of Engineering Services.

Recommendation

That the application be approved subject to compliance with the following conditions:

1. Standard Condition (Development) - 32.
2. Compliance with the requirements of the Dangerous Goods Branch of the Department of Industrial Relations.
3. Construction of all on site parking, manoeuvring and access areas with a sealed pavement (reinforced concrete for pump standing areas).
4. The construction of concrete kerb and gutter, including heavy duty layback vehicular crossings and sealed road shoulder adjacent to the crossings over the frontage of the garage, workshop and access to the development.
5. Construction of Council's Standard heavy duty footway crossings to suit the layback vehicular crossings required above.

6. Construction of road and internal works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Manager of Engineering Services and the Roads and Traffic Authority. Prior to preparation of design plans it is suggested that Council's Engineers be contacted to clarify the extent of the works and any special requirements.
7. A design checking and inspection fee of \$200 (two hundred) must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 31st December, 1990.
8. As far as practicable all trees on the site are to be preserved. No trees over 3 (three) metres in height shall be removed without the approval of the Manager of Town Planning. Such approval to be sought prior to the commencement of any work.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 7:	(File DA 30/90) [10.622] ✓
Development Application:	Erection of two villa units
Applicant:	Mr M Winch
Owner:	Mr M Winch
Land and Location:	Lot 10, DP 35987, 43 Church Street, Windsor
Area:	1012 metres square
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a)
Advertising:	Adjoining owners notified with one objection - Mr and Mrs Fewings.
Date Received:	24th January, 1990.

PHIL

REPORT (M.T.P.)

Proposal

The applicant seeks Council consent for two villa units containing two bedrooms each with carports.

A three (3) bedroom fibro cottage is located at the front of the land and is to be retained. A double garage with an attached carport is located at the rear of the property, and will provide undercover parking for the proposed villas. The garage and driveway are adjacent to the south-western boundary.

The applicant has submitted an amended plan improving the design and acoustics as a result of an objection received from an adjoining landowner based on noise and privacy.

An easement to drain water truncates the rear of the property and the Council's sewer line runs parallel with the north-eastern boundary.

Statutory Situation

The proposal conforms with Council code for Medium Density Housing and is permissible under clause 16 of Council's Local Environmental Plan.

Public Submissions

One objection has been received, which states as follows:-

- "1. *Impending loss of privacy and the certain increase in noise levels, as this side of our house accommodates the bedrooms (1m off fence line) where driveway traffic will undoubtedly increase.*
2. *Sewer and Drainage - from time to time the sewer system is blocked to these homes. Will the system be able to cope with more?*
3. *Offensive Language - at time of writing this we are trying to eliminate this from next door. When our grandchildren visit they are kept inside. No one can guarantee that this will not occur again.*

If plans are passed by Council we request the supply and installation of a 1.8 metre high double brick fence, full length of the block to ensure our backyard's privacy is upheld and help to eliminate some of the increase driveway noise with the cost to be borne by the Developer not the undersigned."

Planning Assessment

The applicant has redesigned the development to provide single access to Church Street as well as improving the internal design of the new dwellings in terms of access to sunlight and maintenance of privacy.

Adjoining residents' concerns about sewerage blockages have been confirmed. The sewer line in this locality is old. The applicant will be required to replace the sewer line on his property where necessary as part of the redevelopment of the site.

Because of the flat terrain of the subject land, surface runoff should be adequately controlled with a suitable drainage system. This can be overcome with appropriate conditions on the Building Permit at the construction stage.

Offensive language is not a valid reason for objecting to development of this kind and is a matter between the parties concerned.

Stacked parking is proposed and is adequate for the existing cottage. The carport is located over the Board's sewer and will be conditioned to be concrete encased. Parking, which is required for units 2 and 3, is to be provided within the existing garage/carport. These spaces are to be stacked.

Screen fencing is to be provided to the courtyards and is to screen open yard activities.

The design of the development from the street will have minimal impact and in view of the site constraints the applicant has provided a satisfactory development.

Recommendation

That consent be granted for 2 (two) villa units in accordance with amended plans dated 6th April, 1990 subject to:-

1. Payment of a sewer headworks contribution to Council of \$5000.00 (five thousand). This contribution shall be paid prior to release of building approval and will be reassessed at the rate applicable at the time of payment.
2. Construction of Council's standard footway and layback vehicular crossing to suit the access to the site.
3. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Damage Requirements for Commercial, Industrial and Medium Density Developments. Details to be submitted for approval with the Building Application.
4. Submission of a building application, plans and specifications complying with Ordinance 70.
5. No excavation on site works shall be commenced prior to the issue of the building permit.
6. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Full details of works shall be submitted for approval with the building application.
7. 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.
8. Where located under the proposed carport the sewer main is to be excavated, retained as necessary and concrete encased.
9. With the exception of the carport to be attached to unit 1, all buildings are to be located clear of the sewer main and the easement to drain water and piped as necessary.
10. The existing surface flow path in the vicinity of the easement to drain water being retained.
11. Manoeuvring area to carport attached to unit 1 to be modified to improve accessibility to the satisfaction of the Manager of Town Planning.

12. Standard condition (DAs) 6 (\$3,454) (three thousand four hundred and fifty four).
13. The existing sewer pipes shall be replaced with new pipes where necessary to the satisfaction of the Manager of Engineering Services.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 8:	(File DA 356/89) [10.623]	✓ Chem 10/51
Development Application:	Erection of a dwelling	
Applicant:	Colin Semple	
Owner:	J.R. Walmsley	
Land & Location:	Lot B DP 164013, Settlers Road, Wisemans Ferry.	
Area:	1.53 ha	
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Environmental Protection (Scenic) 7(d1)	
Advertising:	Not required by Council's policy.	
Date Received:	3rd October, 1989. The application required additional information which was supplied on 8th March, 1990.	

REPORT (M.T.P.)

The application is to erect an elevated two storey "pole house" dwelling on the subject vacant land which has frontage to the Macdonald River. It is proposed to site the dwelling 15 metres from the high water mark.

The plans indicate that the lower habitable floor would be elevated approximately 2.5 metres off the ground. There would be another floor located on top of this and the dwelling would have a maximum height of 8.5 metres.

Following an inspection of the land the applicant was requested to provide spot heights on the land to ascertain its flood liability. The applicant was also referred to previous resolutions of Council requiring a 30 metre building line to the high water mark or bank of the river.

The applicant has now provided a survey report prepared by a registered surveyor which indicates that the proposed dwelling site has a level of approximately 1.41 metres to 1.62 metres, Australian Height Datum. The estimated flood frequency levels for the land are as follows:

- 1 in 20 year level - 4 metres A.H.D.
- 1 in 50 year level - 5 metres A.H.D.
- 1 in 100 year level - 5.7 metres A.H.D.

Subclause 25(3) of Hawkesbury Local Environmental Plan 1989 requires that the floor level of any habitable room shall be at a level of not less than the 1 in 100 year flood level. Subclause 25(4) stipulates that in respect of an application to erect a dwelling, the height of the floor level of any habitable room in the building shall not exceed 3 metres above the existing ground level. Therefore the habitable floor of the subject application would have to be at least 4.08 metres off the ground, and would be contrary to the 3 metre requirement in subclause 25(4).

Clause 24 of the LEP requires Council to consider the overall height and siting of the dwelling as it is located in an Environmental Protection zone. In this regard it is considered that the proposed height of the dwelling is excessive and would be prominent when viewed from the Macdonald River. The proposed 15 metre setback from the river is considered to be inadequate.

The applicant has indicated that there are a number of dwellings in the area which would not comply with these provisions. It is possible that a number of dwellings in the Walmsley Road area were approved under Interim Development Order No. 3, Shire of Colo which did have a lesser flood standard. Whilst previous approvals are a relevant consideration in the application of State Environmental Planning Policy No.1, it is considered that this justification would be inadequate to support the application.

In order for Council to support the application pursuant to SEPP No. 1 it must be satisfied that the application of the standards are unreasonable and unnecessary in the circumstances of the case. It is relevant to note that the application is not only contrary to two standards in clause 25 but also arguably contrary to the height and siting considerations in clause 24.

Accordingly, the application should be refused.

Recommendation

That the application be refused for the following reasons:

1. Contrary to the provisions of Clause 25 (Development of flood liable land) of Hawkesbury Local Environmental Plan 1989.
2. Excessive building height.
3. Contrary to previous resolutions to maintain a 30 metre building line to the Macdonald River.
4. Not in the public interest.

Nr. Colin Semple addressed the Committee.

Alderman Bazeley arrived at the meeting at this stage, the time being 9.47 a.m.

COMMITTEE'S RECOMMENDATION

THAT THE SITE be inspected and that the full Council and Senior Staff have another day in the Macdonald Valley to investigate these problems.

Alderman Rotherham left the meeting at this stage, the time being 9.54 a.m.

Michael ✓ NP. 10/5/90

Item 9:	(File DA 102/89) [10.624]
Development Application:	Commercial Premises/Escort Agency on the first floor of 219 George Street, Windsor
Applicant:	Denise Woods
Owner:	Mr G Bistolardis
Land & Location:	Part Portion 20 Parish of St Matthew, 219 George Street Windsor (1st floor)
Zoning:	Hawkesbury Local Environmental Plan, 1989 - General Business 3(a)
Advertising:	Not required under Council's policy
Date Received:	27th March, 1990

REPORT (M.T.P.)

The application is for an escort agency on the first floor of the building. The ground floor of the building is currently occupied by the "Oasis Cafe" and is opposite the Coles supermarket. Access to the first floor of the building is via a doorway connecting a stairway directly to the footpath and is therefore separate to the ground floor Cafe.

From an inspection of the property, the first floor of the building is apparently being used as three residential flats. It was not possible to gain access to the flats as they are separately tenanted and locked. The applicant indicates that the whole of the first floor will be used for the purposes of the escort agency although one section may be set aside for staff amenities. Provision would be made to allow clients immediate access from the street by means of a buzzer. Once inside they would then proceed up the stairs to an office and waiting area on the first floor.

The development application indicates that the hours of operation will be 10 am to 2 am and a staff of 6 to 8 persons will be employed in the escort agency.

From discussions with the applicant it is possible to assume, in the words of Cripps J., "...that sexual intercourse for reward is likely to take place between the escorts and the persons to whom they are introduced." (1)

The applicant has had 18 months previous experience with an escort agency in Penrith and has indicated that the agency would be very strict with regard to the use of condoms (should they arise in the course of business) and the prohibition of drugs. It has been advised that the preferred name of the escort agency is "A Touch of Paradise" borrowing to some extent from the celebrated "A Touch of Class" in Sydney. The applicant has advised that she has no connection with the approved Home Occupation -Masseur at 111 Francis Street, Richmond nor the approved Introduction Service and Escort Agency at 158-160A George Street, Windsor, now not operating.

Statutory Situation

An escort agency is a permissible land use, with consent, in the General Business 3(a) zone. It is relevant to note some of the objectives of the zone -

- (a) To promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury;
- (b) to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;
- (c) to ensure that there is adequate provision for car parking facilities within the zone;...

While an escort agency is a permissible land use, there are a number of relevant N.S.W laws pertaining to sexual intercourse for reward or profit. These laws are neatly summarised by Ball.

"Prostitution is, in New South Wales, subject to a number of statutes. The Prostitution Act 1979 (N.S.W) prohibits the use of premises for prostitution where those premises are held out as being available for massage, sauna, health studio, etc, and vice versa. No person may wholly, or in part, live off the earnings of a prostitute. The Prostitution (Amendment) Act 1983 (N.S.W) prohibits soliciting near a dwelling, school, church or hospital.

The Disorderly Houses Act 1942 (N.S.W) is an ill-fitting statute enabling the prosecution of persons found on premises habitually used for prostitution unless they are engaged in, or intent on, this purpose. But the act of prostitution in itself is not unlawful in New South Wales and the Disorderly Houses Act is an unnecessary statutory anomaly (and a completely useless deterrent against prostitution). However, keeping a brothel (that is, living on the earnings of a prostitute) is a common law misdemeanour and is sufficient reason for a council to refuse to deal with such an application." (2)

In terms of planning law precedent the decisions on similar matters are numerous and inconsistent. In the "Touch of Class" case, McClelland J. held that, although the existing brothel may have breached other statutes, this did not require a decision to close it under planning law. It seems clear, however, that premises used by one prostitute only cannot be regarded as a brothel; likewise if there are separate lettings to separate prostitutes. Neither is a true escort agency a "brothel" (true in that it only introduces "escorts" and clients who then engage in prostitution elsewhere. Joint equity in, or occupation of, premises may occur without the taint of offence in common law. (3)

This Council has made a major contribution to this body of law in the decision of *Mason v Hawkesbury Shire Council*. The application was for use of an identified part of the premises as an "Introduction Service and Escort Agency". In the appeal the Council set about to prove that the application was a sham (ie, that it was really a brothel). It was proved that at least one act of prostitution

took place on the premises just prior to the submission of the development application. In relation to this evidence Cripps J. found as follows:

"The fact, however, that there was an act of prostitution on the premises together with proved facts leading to an inference that other acts of prostitution might have occurred and that Miss Mason was aware of these circumstances, does not satisfy me that the premises were being used by Miss Mason for the keeping of a brothel, ie, that she was committing a common law misdemeanour."

His Honour further stated that "an application is not to be regarded as a sham merely because the premises the subject of the application might be used for an illegal purpose and the fact that the premises have been used for a purpose that is unlawful does not necessarily require a finding that an application for the use of the premises for another purpose is a sham." The onus is on the Council to establish that the application is a sham and this was rejected and the appeal determined in favour of the applicant.

In Hurzeler's case, the presence of the premises of items described as "leather bondage equipment, belts, whips and articles of clothing" led the Court to the conclusion that it was the intention in the future that the premises would be used for the purpose of a brothel and that the application before the Court was a sham.

In the subject application the premises seem to be used for residential purposes and should the matter go to appeal there would seem to be less prima facie evidence of a sham application than presented at the Mason appeal.

Planning Considerations

There would be widespread community support for the notion that escort agencies and the like would be better located in commercial or industrial zones than in residential areas. In this regard it should be noted that once established, there were no town planning objections received concerning the conduct of the "Angels of Windsor".

It is fortunate that local government now seems to be the surrogate controller of such activities as the application of proper town planning principles to their location and conduct has potential to mitigate those aspects which have been of major concern to the public, i.e., street walking, operations in residential areas, drugs etc. Most would now accept that it is impossible to legislate against the establishment of such premises and indeed prostitution per se is no longer an offence. Therefore, in supporting the establishment of such premises in acceptable locations there should be less likelihood of them occurring in residential areas.

In the application of town planning principles to the application consideration should be given to the costs which may be incurred by the Council in the operation. These relate to off-street parking.

With regard to off-street parking the existing 3 flats should be credited with 3 off street parking spaces. Whilst this provision may be satisfactory for the staff, it

does not allow for clients. In this regard it is considered reasonable that a contribution be sought for 2 additional off street parking spaces.

- References
- (1) Transcript of reasons, page 6. Mason v Hawkesbury Shire Council.
 - (2) "Planning for Erotic Activities" - Michael Ball in Environmental and Planning Law Journal, June 1984, page 175.
 - (3) Ball, page 175.

Recommendation

That the application for use of the first floor of 219 George Street, Windsor, as commercial premises/escort agency be approved in accordance with the plans submitted, subject to the following conditions:

1. Submission and approval of a Building Application, plans and specifications complying with Ordinance 70 for any structural alterations to the building.
2. No advertising structures to be erected, displayed or affixed on any building or land without the prior approval of Council under Ordinance 55.
3. Provision of toilets in accordance with the requirements of Ordinance 44 of the Local Government Act.
4. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Manager of Environment and Building Services.
5. No goods or signs to be displayed on the footpaths, pedestrian ways, roadways, landscaped areas, parking areas or in the vicinity.
6. Payment of a contribution of \$17,800 (seventeen thousand eight hundred) towards the provision of off-street parking for customers' vehicles not provided on site as part of the proposed development calculated at the rate of \$8,900 (eight thousand nine hundred) per space for the 2 (two) spaces generated by the development.
7. Replacement of handrail on verandah and removal of ladder.
8. The number of employees on the first floor of the premises at any one time is not to exceed 5 (five).

Mrs. June Anderson addressed the Committee as an objector.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Alderman Sheather asked that his name be recorded as being against the recommendation.

Alderman Rotherham returned to the meeting at this stage, the time being 10.20 a.m.

Item 10: (File DA 6/90) [10.625] ✓ Glenn 10/5
Development Application: **Demolition of Heritage Item being a slab barn.**
Applicant: Mr A Flakus
Owner: Mr A Flakus
Land and Location: Lot 1 - DP 785736 Chatham Street, Pitt Town.
Area: 683 metres square.
Zoning: Hawkesbury Local Environmental Plan, 1989 - Residential 2(a), Heritage Item (No. 293) Schedule 1.
Advertising: Adjoining owners notified advertisement in local press with four submissions objecting to proposal. Ms J Scott, Mrs R Sharpe, Mrs D Kingston and Mr & Mrs Chadwick.
Date Received: 8th January, 1990.

REPORT (M.T.P.)

Proposal

The applicant seeks consent to demolish a slab barn being a Heritage Item listed within Council's LEP.

The application was lodged by the owner/applicant, presumably because of a letter received by them from an adjoining resident complaining about the condition of the barn. That letter reads:-

"Andre,

I'm writing in regards to your so-called barn in the front yard, which we have asked you to do something about on numerous occasions. Apart from it making our street untidy in amongst our new homes it is a major threat to the many children walking to and from school each day. But our main worry is the barn collapsing into our front bedroom, which on the past few weeks with the weather we have been having, has been a very distressing feeling.

If something isn't done soon I'm afraid we'll have to take the matter further.

Wendy Delarue."

Statutory Situation

The slab barn was previously identified as Part Portion 52 and 73, Parish of Pitt Town as contained in Schedule 1 (clause 5(1)) of 1989 (H.L.E.P., 1989).

Subdivision consent has been granted and registered. To this end the new property description is Lot 1 - DP 785736, however, this does not affect the heritage listing.

The application is affected by clause 27(2) which requires Council to consider the effect of the proposal on the Heritage Item, and clause 30(1) which requires advertising which has been complied with.

Public Submissions

"Each year, more and more of the unique character of Pitt Town is being lost, and would be a great loss if this barn was added to the list. After all, these early buildings were evident before the new houses appeared.

Mrs D Kingston."

"The puerile reasons for the proposed demolition of this barn as stated in the neighbours letter are not sustainable.

Photographic evidence shows this barn has changed little in the past fifteen years. It is well known that the majority of barns in the Hawkesbury have maintained a characteristic lean for decades. This is an intrinsic part of their charm and appeal.

Far from being a "major threat to children walking to and from school" this barn is an example of the ingenuity of their forefathers.

*Mrs R Sharpe
Macquarie Towns Preservation Society".*

"It is a fact, verifiable by inspection, that although the barn has a distinct "lean", this lean is arrested for all time by a large camphor laurel tree on the boundary of number 12 Chatham Street, the adjoining property. There is no danger to any passing person of collapse of the barn.

Once it is demolished, as have so many of the barns in the immediate area of this property over the last 20 years, it is lost for ever. No replica can ever achieve the same historic feeling of an original.

The owners of the property are currently restoring the cottage and there is no reason why the barn cannot be restored in sympathy with the cottage.

Peter and Margaret Chadwick."

"What a shame it will be when pictures in books are our only way of viewing history.

Future generations would be grateful to a Council that has had the foresight to set down policies that actively encouraged the residents of Pitt Town to retain visible links with the town's historic past.

Ms Jeannie Scott."

Planning Assessment

Aims and objectives of the LEP, inter alia, are:-

"to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations."

Over the years the slab barn has been neglected and consequently has developed the characteristic lean associated with other older structures.

With respect to the letter from Mrs Wendy Delarue, the major threat was created when the house was constructed approximately 3-4 metres away, whilst knowing that the barn existed. As for the threat of the barn collapsing, a large camphor laurel tree located on the boundary has 'arrested' this. Notwithstanding, however, the applicant has been requested to 'shore up' the barn in the interim whilst the application is being processed.

The threat of danger can be overcome by refusing the application for demolition and conditioning the applicant to carry out works to stabilise the barn and as such ensure retention of its heritage significance.

Recommendation

A. That the application be refused for the following reasons:

1. The applicant has not demonstrated that the building is of such a condition that its conservation or stabilisation is not possible.
2. The applicant has not demonstrated that the proposal is of greater benefit than would be retention of the heritage item.
3. The proposal is not in the public interest.

B. That the applicant be advised that stabilisation works are to be carried out to the satisfaction of the Manager of Environment and Building Services.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 11: (File DA 39/90) [10.626]
Development Application: **Erection of 7 villa units**
Applicant: Frank Gartrell
Owner: Frank Gartrell
Land & location: Lots 105 & 106 DP 775240, William Street,
North Richmond.
Area: 2392 square metres
Zoning: Hawkesbury Local Environmental Plan, 1989 -
residential 2(a)
Advertising: Adjoining owners notified with no submissions
being received.
Date received: 8th February 1990. Amended plan received 11th
March, 1990.

W.P. 10/5/90
Michael

REPORT (M.T.P.)

An application for the erection of 8 villa units on the land was referred to Council's meeting on 10th April, 1990 (page 32). It was recommended that the application be refused for a number of reasons including that it was an overdevelopment of the site. On the basis of a request by the applicant it was resolved that the application be deferred.

The subject application amends the previous application by the deletion of 1 unit, together with some adjustment to their location to provide more useable private courtyards. The amended plans indicate 3 x 3 bedroom villas and 4 x 2 bedroom villas. The previous application was for 7 x 2 bedroom and 1 x 3 bedroom.

Statutory Situation

The land is zoned Residential 2(a) under Hawkesbury Local Environmental Plan 1989 which permits the erection of villa units with the consent of Council.

Council has also adopted a Development Control Plan for Medium Density Housing which provides development standards for this form of housing.

Planning Assessment

The required site area for the proposed units under the Medium Density DCP is 2,000 square metres. The area of the site is 2,392 square metres, 392 square metres or approximately 20% in excess of the minimum site area requirement. It should be noted that this additional site area is substantially negated (in terms of the area available for development) by the area of the access handle (287 square metres). Therefore excluding consideration of the access handle, the application complies with the site area requirement of the Development Control Plan.

The application complies with the numerical standard for the provision of open space ie, a minimum area of 30 square metres for each unit. The amended plan provides more useable private open space and is now considered to be satisfactory in this respect.

The provision of carparking and access complies with the provisions of the DCP.

The DCP requires the provision of a plan of landscaping by a qualified landscape architect or horticulturist with the development application. This plan has not been supplied, but it is considered that it can be required as a condition of development consent and be lodged with the Building Application.

As the amended application complies both with the numerical standards and objectives of the Development Control Plan it is recommended that the application be approved subject to conditions.

Recommendation

That the application to erect 7 (seven) villa units be approved in accordance with the plan prepared by R.E. & P.A. Collis, Issue "C" dated 9/4/90 subject to the following conditions:

1. Submission of a building application, plans and specifications complying with Ordinance 70.
2. A detailed plan of landscaping shall be submitted and approved by the Manager of Town Planning prior to the approval of the Building Application. Such landscaping is to be completed prior to the occupation of the building.
3. A complete working drawing of all surface and roof water drainage shall be lodged with the Building Application.
4. A surcharge path sufficient to carry the 1 (one) in 100 (one hundred) year storm flow to be provided across the site.
5. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments.
6. A contribution of \$8,635 (eight thousand six hundred and thirty five) based on \$1,727 (one thousand seven hundred and twenty seven dollars) per additional dwelling minus the two dwelling entitlements which already exist being a contribution for open space and community facilities as a consequence of medium density development (residential flats, villas, townhouses etc.)
7. No excavation or site works shall be commenced prior to the issue of the building permit.
8. Parking spaces, accessways and aisle widths to conform to Council's specifications and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.

9. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted to Council prior to occupation of the building.

10. ?
Mr. Frank Gartrell addressed the Committee.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

FURTHER THAT A review of Council's Medium Density Code be undertaken as soon as possible and that town house applications be presented by an Architect.

Item 12: (File DA 72/90) [10.627] WP 10/5/90
Development Application: **Erection of two additional two-bedroom villas**
Applicant: F Mansour
Owner: F Mansour
Land & Location: Lot 16 DP 247521, No. 36 Grose Vale Road,
North Richmond
Area: 1186m²
Zoning: Hawkesbury Local Environmental Plan, 1989 -
Residential 2(a)
Advertising: Adjoining owners were notified of the proposal
with one submission being received from the
Department of Housing.
Date Received: 5th March, 1990

REPORT (M.T.P.)

Proposal

Council is in receipt of an application seeking consent to erect two additional two-bedroom villa units at the rear of the subject property, which currently contains a duplex. The additional villas will be of brick veneer construction with a tiled roof, to match the external materials of the existing building on the site.

Covered parking for six vehicles will be provided on the property as well as one visitor's space.

Statutory Situation

The subject land is zoned Residential 2(a) under the provisions of Hawkesbury LEP, 1989. Villa houses are permissible within this zone, with the consent of Council.

Clause 37 of the LEP, (Protection from Aircraft Noise), also applies to the proposed development, as the land is subject to aircraft noise at a level of

between 20 and 25 ANEF. Consequently, sound attenuation measures will need to be incorporated in the development to the satisfaction of the Manager of Environment and Building Services.

Public Submissions

Adjoining owners were notified of the proposal in accordance with Council's advertising policy. One submission was received from the Department of Housing, which has raised no objection to the development.

Planning Assessment

Character and Amenity

The subject site is located within a residential area which primarily consists of single storey detached dwellings. The additional villa houses are unlikely to have a detrimental effect on the character of the area, as they are only an extension of an existing development, and will be constructed of materials to match the existing building.

In fact, the site will be substantially improved by upgrading the existing driveway, undertaking extensive landscaping and providing more appropriate carports which reflect the design of the villa houses.

Private Open Space

In accordance with Council's Medium Density Housing Development Control Plan, the applicant has provided enclosed courtyards for each dwelling in excess of 30m². However, over half of courtyard 3 does not receive direct sunlight between 10am and 3pm, during mid-winter.

To increase the amount of sunlight to courtyard 3, as well as maintain some sunlight to courtyard 2, it is desirable that the new building be relocated approximately 2 metres towards the back of the block and the private courtyards be extended to the north-eastern end of the carports. Whilst over half of courtyard 3 will still be in shadow at 10am, there will still be a reasonable area receiving sunlight. At 3pm, well over half of the courtyard will be in sunlight.

This situation is considered reasonable in the circumstances given the shape of the land and the fact that the site already contains a duplex which largely dictates the location and orientation of the new building.

Access and Car Parking

Car parking has been provided at a rate of 1.5 covered spaces per two bedroom dwelling plus 1 visitor's space, in accordance with the Medium Density Housing DCP. The carports have also been appropriately designed to integrate with the existing and proposed villa units.

To minimise the visual impact of the visitor parking space at the front of the site, it is considered desirable that alternative colours and/or textures be used, such as brick pavers, and appropriate landscaping be carried out.

Recommendation

That the application be approved generally in accordance with the plan submitted, dated 1st March, 1990, reference No. 30089/2, subject to compliance with the following conditions:

- 1-5. Standard conditions (DAs) 6 (\$3,454) (three thousand, four hundred and fifty four), 31, 33, 70 and 73.
6. Construction of Council's standard residential footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m (six).
7. The external surfaces of the proposed villas are to match those of the existing building on the site.
8. The proposed building is to be relocated approximately 2.0 (two) metres towards the rear of the site.
9. The courtyard fence between units 2 and 3 is to be relocated to the north eastern end of the carports.
10. Sound attenuation measures are to be incorporated into the development for protection from aircraft noise, to the satisfaction of the Manager of Environment and Building Services.
11. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements from Commercial Industrial and Medium Density Developments. Details to be submitted for approval with the building application.
12. Parking spaces, accessway and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Details to be submitted for approval with the building application.
13. Consideration is to be given to the use of different colours and/or textures in "sealing" the visitor's car space at the front of the site. Details to be submitted with the building application.
14. Compliance with the requirements of the Water Board in relation to building over the sewer line.
15. Provision of clothes drying facilities which are to be effectively screened from public roads and reserves. Details of screen design and material to be submitted with the building application. In this regard, the clothes drying facilities for unit 4 are to be relocated on the north-western side of the building.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 13: (File DA 70/90) [10.628]
Development Application: Equipment/truck workshop and upgrading existing office
Applicant: Mr W J Collier

Rev. 11-70
WP. 10/5/90

Owner:	Mr W J Collier
Land & Location:	Lot 283 DP 752061 Mileham Street, Windsor.
Area:	1.04 ha
Zoning:	Hawkesbury Local Environmental Plan, 1989 - 4(b) Light Industrial
Advertising:	Not required by Council's policy
Date Received:	5th March, 1990

REPORT (M.T.P.)

The application proposes the erection of a factory building 14m x 24m (336 square metres) at the rear of the existing factory units. It is also proposed to relocate and upgrade an office building already existing on site. Steel pipes which are currently stored at the rear of the factory units would be relocated to the rear of the land.

The plans indicate the provision of 6 additional off-street parking spaces which is adequate for the factory usage.

Statutory Situation

The application is a permissible use of the land with Council's consent.

The proposed factory and office are to be sited on land which has been the subject of substantial filling. The floor level of the proposed factory and office will be approximately 13.5 metres, the same level as the existing approved factory units.

Planning Assessment

The proposed factory and office are consistent with the surrounding development. The applicant has advised that a septic pit will be provided and that effluent will be pumped into the existing sewer line which serves the factory units.

One aspect of concern is the significant unauthorised filling which has occurred at the rear of the land. This filling has now obstructed a natural watercourse and encroached into Crown Land which is under Council's care and control. Whilst hydraulic calculations have not been carried out, it is felt that a condition should be imposed that drainage works be provided to cater for a 1 in 100 year frequency discharge so as to protect the existing upstream development. Design of the structure to be to the satisfaction of the Manager of Engineering Services.

An easement should also be obtained for the drainage of water across the rear of the land. Similarly the encroachment of the existing batter onto the adjacent public reserve land should also be the subject of an easement.

The applicant has advised that it is not proposed to place further fill on the land and it is recommended that this be included as a condition of consent.

As significant quantities of fill have been placed on the land without approval it is recommended that a Section 94 contribution of \$2,500 be sought for road

maintenance consistent with the application for Herlings reported elsewhere in the business paper.

Recommendation

That the application to erect an equipment/truck workshop and upgrade and relocate the existing office generally in accordance with the application submitted, be approved subject to the following conditions:

1. Submission of a building application, plans and specifications complying with Ordinance 70.
2. 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.
3. Provision of drainage works of a capacity to allow for a storm discharge of a 1 (one) in 100 (one hundred) year frequency with design and construction to the satisfaction of the Manager of Engineering Services.
4. Payment of a Section 94 contribution of \$2,500 (two thousand five hundred dollars) towards road maintenance as a consequence of the unauthorised fill which has been placed on the land.
5. No further fill to be placed on the land without the development consent of Council.
6. Acquisition of an easement for the existing batter which is located on the public reserve.
7. Provision of an easement for drainage across the rear of the land, the location and width to be to the satisfaction of the Manager of Engineering Services.
8. Parking shall be provided for 6 (six) vehicles in accordance with Council's regulations and parking policy. Parking spaces, accessways and aisle widths to conform to Council's specifications and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
9. The subject development, including landscaping is to be maintained in a clean and tidy manner to Council's satisfaction at all times and any direction given by Council in this regard is to be complied with forthwith.
10. Floor level of factory to be at a minimum of 13.3 (thirteen point three) metres Australian Height Datum.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 14: (File DA 84/90) [10.629] ✓ Michael 12/13
Development Application: **Filling land** W.P. 10/5/90
Applicant: Mr J Herlings
Owner: Mrs L Bogdanovs
Land & Location: Lot 326 DP 752061, Mileham Street, Windsor.
Area: 0.74 hectares
Zoning: Hawkesbury Local Environmental Plan, 1989 -
Light Industrial 4(b)
Advertising: Adjoining owners notified with no submissions
being received.
Date Received: 13th March, 1990

REPORT (M.T.P.)

The majority of the land has already been filled over a long period of time. This application relates to a small unfilled area to the rear of the property and it is proposed that it be filled from a natural level of approximately 7.5 metres to approximately 13.2 metres. There would not seem to be any further potential for filling to the rear of the land as a transmission line easement separates the fill from the rear boundary.

An inspection of the land indicated that the recent fill material is building waste, mainly consisting of concrete, bricks and pieces of timber.

The owner has submitted correspondence in support of the application. The correspondence states as follows:

"I have been asked to state why I have allowed fill to be put onto my property. Firstly I didn't know I needed to submit an application to council to fill my own property. Secondly for the last 25 to 30 years my property has been slowly filled. My husband, who died 3 years ago started having our property filled as there was a large hole on the property and steep slope of the land made it impossible to mow the grass growing around there. When the floods come the property goes underwater and when the waters subside we are left with rubbish, dead trees, logs and even dead cattle that we have to clear away ourselves. So building up the land was the only way to help keep the flood waters and potentially hazardous rubbish away from our home

Over the years Council, D.M.R (R.T.A) and the R.A.A.F have placed fill on my property and recently Council demolished an S.E.S brick building and put it as fill on my property.

My reasons for wanting fill put on our property is:

- 1. to keep the flood waters out of my home*
- 2. to be able to keep grass levels low*
- 3. to try to raise the level of the land to the same levels as the surrounding properties*
- 4. to be able to plant trees on the filled land.*

It is confirmed that the land appears to have been filled over a long period of time. It is also relevant that all of the surrounding properties have been subject to similar fill.

Statutory Situation

Clause 25 of Hawkesbury Local Environmental Plan 1989, details controls for the development of flood liable land. The clause does not prevent the filling of flood liable land however subclause (2) provides that a building may not be erected on land lying, at the appointed day, at a level below the 1 in 10 year flood frequency level (12.2 metres). For the purpose of the clause the appointed day means 6th April 1984. The land proposed to be filled has a natural level of approximately 7.5 metres. Indeed, the majority of the land would have had a level below 12.2 metres at the appointed day.

Therefore while Clause 25 allows approval of the filling it does not allow its subsequent development by the erection of industrial buildings.

Planning Assessment

As indicated in the applicant's correspondence, the whole area has been subject to extensive filling. The adjoining properties appear to have been filled to a similar extent.

As the land is zoned 4(b) Light Industrial it is likely that the filled land will be subject to subsequent development pressure for industrial purposes. In this regard the use of building waste as fill is undesirable as it cannot be compacted to a reasonable standard and will only increase future development costs and the risk of pavement failure.

It is noted that the batters of existing fill on the land encroach upon a Council drainage reserve and an easement for transmission line. As a matter of proprietary right, the encroachment upon Council land should be the subject of an easement purchased on the basis of a proper valuation. While the drainage reserve, of itself, is of little value its use for containing the batter increases the value of the adjoining land. Approval should also be sought from Prospect County Council for the placement of fill on the transmission line easement.

It does not appear that the encroachment of fill upon Council's drainage reserve is unduly obstructing the drain.

Approximately 2,500 tonnes of soil would be required to fill the area indicated on the plan. Council has previously required a road maintenance contribution of \$1.00 per tonne for the deposition of fill. Accordingly it is recommended that the application be conditioned to require the payment of \$2,500 as a contribution towards road maintenance.

Recommendation

That the application to fill an area of land on Lot 326 DP 752061 generally in accordance with the plan prepared by McKinlay Morgan & Associates be approved subject to the following conditions:

1. The fill material is to be clean soil or other material approved by the Manager of Environment and Building Services. Specifically, no building waste is to be used as fill.
2. The applicant is to purchase an easement from Council for the encroachment of the existing fill on Council's drainage reserve.
3. The applicant is to obtain the approval of Prospect County Council for the placement of fill within the transmission line easement.
4. The batter of the proposed fill as well as the existing fill is to be made stable to the satisfaction of the Manager of Environment and Building Services.
5. The payment of a contribution of \$2,500 (two thousand five hundred dollars) for road maintenance based on \$1.00 (one dollar) per tonne.

Alderman Books declared an interest in this matter.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

Item 15:	(File DA 71/90) [10.630]	WY 10/5/90
Development Application:	8 town houses	
Applicant:	Vahoxa Pty Ltd	
Owner:	Vahoxa Pty Ltd	
Land & Location:	Lot 1 DP 791325 and Lots 110 and 111 DP 775240, Cnr Charles and William Streets, North Richmond	
Area:	2,250m ²	
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a)	
Advertising:	Adjoining owners notified with three submissions being received from Mr E F Crew, DJ and GJ Miller, and B Miller	
Date Received:	5th March, 1990	

REPORT (M.T.P.)

Proposal

The proposal comprises four x 3-bedroom town houses and four x 2-bedroom town houses. Twelve covered car parking spaces and four uncovered car parking spaces are proposed on-site. The town houses are proposed to be of brick construction with some sections being clad with cement fibreboard. The roofs will be comprised of pre-painted metal sheeting.

Statutory Situation

The proposal is permissible with Council consent.

The development control plan for medium density housing would enable the site to be developed for four x 3-bedroom town houses and 3.8 x 2-bedroom town houses, i.e., an excess of part of one unit. The applicant proposes four x 3-bedroom town houses and four x 2-bedroom town houses. The DCP furthermore requires the provision of 14 covered car parking spaces and 2 uncovered car parking spaces on the site. The applicant has provided 12 covered car parking spaces and 4 uncovered car parking spaces on the site.

The applicant could have provided the additional covered spaces, however, the location of the two spaces is on the Charles Street frontage and any structure such as a carport in this location would detract from the overall appearance of the development.

Public Submissions

Three submissions have been received which object to the application on the following grounds:

- two storey construction is out of character in the area
- exacerbate existing congested traffic conditions in the area
- incompatible with heritage listing in Charles Street
- loss of privacy to existing and future residents
- cause wind deflection problems on adjoining land
- loss of property values to adjoining properties
- North Richmond is classified as country by the Roads and Traffic Authority and therefore town houses are incompatible in a rural area

The objectors' concerns will be discussed in the following section.

Planning Assessment

The subject land is on the corner of William Street and Charles Street and the site is currently undeveloped. Land on the opposite side of Charles Street has been developed for a number of years for conventional single storey dwelling houses. Land on the opposite side of William Street is zoned Light Industrial and contains a newly constructed mechanical workshop. Council has approved of a

number of dual occupancies as well as approving and being in receipt of a number of applications for town house development in this section of North Richmond.

Design

The design of the proposal is such that it maintains for the most part, a 10 metre building setback to Charles Street, thereby attempting to lessen the impact on established dwelling houses in Charles Street, however, the visitors' parking is provided on the street alignment. The inclusion of the single storey carports, however, between the town houses breaks up the bulk of the development and further lessens the visual impact of the development. The setback to William Street, being the secondary setback, is reduced to 3 metres for the town houses with the carport having a minimal setback. Notwithstanding the development on the opposite side of William Street is industrial and equates in height to a two storey development, it is considered that an improved appearance would be obtained with a greater setback being on a corner lot. The variety in the external finishes will also enhance the final building form.

Traffic and Access

The additional traffic generated by the eight units will increase the traffic in this area of North Richmond, however, recent inspections by the Local Area Traffic Committee resulted in a finding that the existing road system was adequate at present for existing and projected traffic volumes in the short to medium term. The proposal provides 16 on-site car parking spaces which complies with the Development Control Plan in so far as numbers although, as mentioned, the ratio of covered to uncovered spaces is not in accordance with the DCP.

Unit 1 will have access off William Street. The other units will share a driveway from Charles Street. The design of the driveway is functional and safe. Because it is visually prominent, it is recommended that the driveway be constructed of pavers or similar high quality material and not solely of concrete. However, it is considered that all units should share a common access/egress arrangement.

Objectors' Concerns

The proposal is not considered to be out of character in the area except insofar as density. Firstly, it adjoins an industrial area in which buildings are of a two storey scale. Furthermore, there are many instances of two storey dwelling houses in the City of Hawkesbury. Given the design of the proposal, it would arguably have less impact than uncontrolled two storey houses in the same locality, provided it was reduced in density to comply with the DCP.

The proposal is well-removed from, and does not affect the integrity of, any heritage item.

The siting of proposed buildings on the site is such that loss of privacy to residents in Charles Street and adjoining properties in William Street is minimised. Solar access to all proposed town houses is good.

There is no evidence that the development would cause undue wind deflection or lessen the value of adjoining properties.

However, as the proposal does not comply, albeit only marginally, in unit numbers with Council's DCP, and as the deletion of one unit from the William Street frontage would improve the aesthetics of the streetscape, it is considered that the proposal should be redesigned.

Recommendation

That the applicant be invited to submit a revised proposal for Council's consideration by the deletion of one unit from the William Street frontage thereby creating an increased setback and, additionally, that the design propose a common ingress/egress for all units and provide landscaping in front of visitor parking to the Charles Street frontage.

Mr.Graham Edds addressed the Committee.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

✓ K.B. 10/5
WP. 10/5/90

Item 16:	(File DA 51/90) [10.631]
Development Application:	Earthworks to improve the hydraulic capacity of Rickabys Creek.
Applicant:	Windsor Country Golf Club
Owner:	L.F. & G.M. West, Elf Farm Supplies Pty. Ltd. and Windsor Country Golf Club.
Land & Location:	Lot 3 DP 700263, Lot 2 DP 700263 and Lot 2 DP 214147, adjoining Rickabys Creek near Richmond Road, Windsor.
Zoning:	Hawkesbury Local Environmental Plan, 1989 : Open Space - Private Recreation 6(c) and Rural 1(c)
Advertising:	Not required
Date Received:	14th February, 1990.

REPORT (M.T.P.)

The proposal consists of cutting back the banks of Rickabys Creek in a number of locations, so as to provide a more gradual slope and thereby increasing the channel width of the creek. Earthworks are proposed on both sides of the bank and involve a total length of approximately 320 metres.

The applicant has indicated that none of the material removed from the banks will be taken away from the site, and it will be used to top dress the golf course as well as top dress agricultural property on the western side of the creek. The earthworks will necessitate the removal of a number of trees, however, these trees

are principally willows and honey locust trees. Part of the proposal also involves the creation of a small nursery to propagate shade trees which will replace those that have been removed in the excavation.

Approval from and the fulfilment of any requirements of the Department of Water Resources will be required as well as those of the Urban Transit Authority in relation to any work in the vicinity of the rail viaduct piers.

The earthworks will be visible from Richmond Road, however, the nature and scale of these earthworks will not significantly alter the landscape. The golf course currently suffers from poor drainage in the vicinity of the creek and the desnagging and bank reshaping measures proposed may lessen the impact of localised flooding.

The environmental impact associated with the earthworks is considered to be minor, however, the applicant will be required to comply with soil conservation requirements in the stabilisation of the bank immediately upon completion of the earthworks. This matter will also be controlled by the Water Resources Commission in any licence that it issues to the applicant.

Recommendation

That the application be approved subject to the following conditions:

1. Prior to any works commencing on the site, documentary evidence shall be supplied to Council indicating that approval has been obtained from the Department of Water Resources.
2. Prior to any works commencing on the site, documentary evidence shall be submitted to Council indicating that approval has been obtained from the Urban Transit Authority in relation to any works in the vicinity of the rail viaduct piers.
3. No excavated material shall leave the subject land.
4. Excavated land shall be stabilised to the requirements of the Department of Water Resources and the Soil Conservation Service of New South Wales. Special care shall be taken in relation to stabilisation around the sixth tee.
5. This consent is limited to a period of one (1) year from the date of issue.

Alderman Books declared an interest in this matter.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

✓ CH12 11-5
WP 10/5-90

Item 17:	(File DA 89/90) [10.632]
Development Application:	Erection of 2 x 2 bedroom villa houses at the rear of an existing dwelling
Applicant:	D. & L. Beckett
Owner:	D. & L. Beckett
Land and Location;	Lot 9, Section 27, No.2 Faithfull Street, Richmond.
Area:	1012m ²
Zoning:	Hawkesbury Local Environmental Plan, 1989 - Residential 2(a)
Advertising:	Adjoining owners were notified of the proposal, with no submissions being received.
Date Received:	7th March, 1990, amended plan 17th April, 1990.

REPORT (M.T.P.)

Council is in receipt of an application seeking consent to erect 2 x 2 bedroom villa houses at the rear of the subject property, behind an existing weatherboard dwelling. The villa houses will be of brick veneer construction, with a prepainted metal roof, and each will be provided with an enclosed courtyard, 36m² in area.

Covered parking for three vehicles will also be provided on the site, together with one visitor's space. The existing garage will be demolished to provide vehicular access to the villas at the rear and a double carport erected on the north eastern side of the existing dwelling.

Statutory Situation

The subject site is zoned Residential 2(a) under the provisions of Hawkesbury Local Environmental Plan, 1989. Villa houses are permissible on the land with the consent of Council.

Clause 37 of the LEP (Protection from Aircraft Noise) also applies to the development, as the land is subject to aircraft noise at a level above 35 A.N.E.F. Accordingly, noise attenuation measures will need to be incorporated in the development to the satisfaction of the Manager of Environment and Building Services.

Planning Assessment

Character/Design Quality/Amenity

The subject site is located within a residential area where there is a variety of building forms including brick, fibro and timber dwellings. As the proposed villas will be brick veneer, with a prepainted metal roof, and will be of a similar style to buildings in the locality, no adverse effect on the character of the area is likely.

The internal layout of the building is such that the kitchens and dining areas overlook the properties to the north. However, as the building will be located 3 metres from the northern boundary and, no objections were received from the

Advertising: Original Application was notified to adjoining land owners with six (6) submissions being received.

Date Received: 11th April, 1990. (amended plan)

REPORT (M.T.P.)

The current application seeks Council's consent for the erection of four x two (2) bedroom villa units within the subject land. This parcel of land currently comprises a total site area of 1992 square metres, but is subject to a previously approved subdivision application to create a battle-axe with a site area of 1392 square metres (including a 200 square metre access handle) and a 600 square metre front allotment. The villa units are proposed on the battle-axe allotment.

This application for four villa units is an amendment to an initially advertised application which sought Council consent for the erection of five (5) x two bedroom villa units.

Public Advertisement

The initial application for the erection of 5 villa units was advertised by way of letters to adjoining landowners. It was considered unnecessary to undertake re-exhibition of the current 4 villa unit application. During this exhibition period, six submissions were received from J. & R. Sick, M. R. & C.C. Neale, F. & S. Beecroft, D.L. & M.F. Klumpp, F.T. Richards & B. Choufour in addition to D.L. & K.K. Hanna.

The major points for objection, as derived from the submissions, include:-

1. The erection of five (5) villa units represents an overdevelopment of the site and may lead to stormwater drainage problems.
2. The development may have an adverse traffic impact on Pecks Road, particularly given the Kemsley Downs Estate subdivision pursuing the same road system.
3. The development is out of character with adjacent landholdings and will impose privacy/overlooking problems.
4. The proposal may impose additional privacy infringements on adjacent properties from excessive vehicular movements and/or headlight intrusion problems.
5. The villa development may, in effect, lower property/land market values on adjacent land holdings.

Further, the submission from Mr. & Mrs. Hanna suggested that if the development is granted approval, Council should impose as a condition of consent the erection of a 2.5 metre high sound reducing fence at the developer's expense between the subject land and their respective property, so that existing landholdings are not totally disadvantaged from the development.

Town Planning Assessment

The current provisions of Hawkesbury Local Environmental Plan, 1989, permit, with Council's consent, the erection of residential flat building Class B developments, known as group homes, villa units, town houses and terrace buildings within all Residential 2(a) zones. Council is therefore in the position to make provision for varied housing styles within residential precincts in order to assist prevailing housing shortages and to provide an array of housing styles. The Privacy concerns may be mitigated with the provision of appropriate landscape treatment. This treatment would include the provision of planting trees and shrubs which, at maturity, will help "soften" the development and provide a visual screen in addition to contributing to the natural foliage pattern within the area.

Density and Relationship to Adjoining Land

The application complies with the density provisions of Council's Medium Density Development Control Plan which requires the provision of 1110 square metres of total site area. Whereas, the proposed allotment, subject to registration, comprises of 1192 square metres of usable site area (excluding the 200 square metre access handle).

Further, the application nominates the provision of a minimum 2.4 metre front building line setback, a 4.2 metre western property boundary line setback, a 6.7 metre setback from the eastern property boundary line, in addition to a variable rear building line setback from a 1.6 metre minimum up to a 3.5 metre setback on the south western corner. However, this rear setback provision is considered adequate given that the rear boundary line is set at an angle which, in effect, limits housing development options within the site. Further, it should be noted that the adjoining property landowner at the rear has made no such formal objection to this development in its current form, particularly in respect to his minimum rear building line setback.

The provision of appropriate landscaping and fencing will help to screen the development from adjoining properties.

Private Open Space

The application makes provision for adequate private open space in excess of 30 square metres of site area per unit. Shadow diagrams indicate that each courtyard complies with the sunlight provisions within the DCP.

Design of Development

The development seeks the erection of brick veneer villa units comprising of a raked roof line reaching a maximum apex height of 6.3 metres. This design makes provision for a raised ceiling roof line to incorporate a loft above lower bedrooms. The design in its current form imposes a shadow effect on the rear allotment particularly during the morning mid winter, as evidenced in the shadow diagram. However, this effect of shadowing does not infringe upon the dwelling of the adjoining rear allotment and, hence, is considered insufficient to warrant refusal of this application.

The provision of a suitable fence is considered reasonable in response to the previous objection lodged by Mr. & Mrs. Hanna and, as such, it is recommended that as a condition of consent the applicant be required to provide a fence which is to the satisfaction of the Manager of Town Planning.

Car Parking Access

The Medium Density Housing Development Control Plan requires the provision of 1.5 covered car parking spaces for each respective two bedroom unit plus an additional open visitor's car parking space. This application makes provision for 8 covered car parking spaces plus an additional visitor's car parking space. The car parking provided on site exceeds the requirements of the DCP.

Notwithstanding this, the covered carport layout is subject to minor manoeuvring problems, particularly in respect to the rear carport, the first car parking space of Unit 1 and the car parking spaces of Units 2 & 3, adjacent to the landscaped area extension. This problem may be overcome by the removal of the rear planted area and the reduction of the landscaped open space fringes between Units 2 & 3, and Unit 1, to allow a continuous 6.7 minimum accessway driveway.

The design is unusual but pleasant and provides an additional dwelling style to the market.

Recommendation

That the application be approved, subject to the following conditions:-

1. The four (4) villa unit development shall be carried out in accordance with the amended plan dated 7th April, 1990, except where amended by the conditions.
2. A contribution of \$6,908 (six thousand nine hundred and eight dollars) based on \$1,727 (one thousand seven hundred and twenty seven dollars) per additional dwelling being a contribution for open space and community facilities as a consequence of medium density development (residential flats, villas, townhouses etc).
3. Arrangements satisfactory to the Manager of Engineering Services are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by others, drainage easements to Council's requirements shall be provided for which documentary evidence will be necessary prior to the approval of the Building Application.
4. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m (six).
5. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Details to be submitted for approval with the Building Application.
6. Submission of a building application, plans and specifications complying with Ordinance 70.
7. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Manager of Environment and Building Services.

8. Parking shall be provided for nine (9) vehicles in accordance with Council's regulations and parking policy. Parking spaces, accessways and aisle widths to conform to Council's specifications and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
9. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Details to be submitted for approval with Building Application.
10. A detailed plan of landscaping shall be submitted and approved by the Manager of Town Planning prior to the approval of the Building Application. Such landscaping is to be completed prior to the occupation of the building.
11. Landscaping shall be maintained to Council's satisfaction.
12. Provision of a clothes drying area which is to be effectively screened from public roads and reserves, details of screen design and material to be submitted with the Building Application.
13. The landscaping plan should ensure that adequate manoeuvring of vehicles can occur in the driveway.
14. The development shall make provision for a suitable fence, 1.8m (one point eight) high surrounding the property boundary. In this respect, the fence shall be consistent on all boundaries and shall be constructed of brush, lap and cap, or some other material of enhanced aesthetic merit to the satisfaction of the Manager of Town Planning with the fence being provided prior to occupation of the buildings.

15. Satisfactory attention condition
COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 19: (File P160) [10.634] ✓

SUBJECT: WINDSOR TOWN CENTRE - PROPOSED DEVELOPMENT PLAN

C. C. Reuels
GUEN 10/4/90

REPORT (M.T.P.)

A plan of suggested development of the Windsor Town Centre was prepared by local Architect Hugh Williams and submitted to Council's Heritage Advisory Committee for its information. It is doubtful whether the matter falls within the ambit of the Heritage Committee, however, as the plan involved suggested use of heritage buildings in Fitzgerald Street, the Committee recommended that the matter be further investigated by the Planning Department.

The proposed plan basically relates to the area of the town centre situated west of the Mall.

The main features of the proposed plan are:-

- (1) extension of Union Lane;
- (2) creation of a slow vehicle and pedestrian way in part of Fitzgerald Street, the Union Lane extension and part of Johnston Street;
- (3) relocation of the Windsor Fire Brigade and tourist use of the Fire Station Building;
- (4) tourist use of the Water Tower;
- (5) creation of public open space on Fire Station and Water Board lands;
- (6) creation of coach set down and passing areas on Water Board land with access from Fitzgerald and Johnston Streets;
- (7) future medium density and residential use of lands bounded by the Water Board site, Fitzgerald Street, The Terrace and Johnston Street;
- (8) commercial use of lands between Johnston Street and Hollands Paddock;
- (9) creation of circular tourist walking route;
- (10) creation of public open space between Johnston Street and Hollands Paddock.

The proposed plan has merit in terms of the following:-

- reduction in pedestrian/traffic conflicts (particularly Fitzgerald Street);
- creation of a public space link between Thompson Square, the Natural Area Enhancement Scheme, the river and the Mall, thus increasing the amount of public space available to both residents and visitors;
- improvement in aesthetic and streetscape values.

The proposed plan however does not make provision for additional parking within the commercial centre. Under the plan, Hollands Paddock would no doubt be better utilised by shoppers due to the close proximity of proposed commercial development between Johnston Street and Hollands Paddock. Despite this, it is unlikely that someone wishing to do weekly grocery shopping would be prepared to push a trolley from existing supermarkets to Hollands Paddock.

Whilst estimates have not been prepared implementation of the plan involves significant cost. The major costs include:-

- acquisition of the Fire Station land;
- acquisition of the Water Board land between Johnston and Fitzgerald Streets;

- completion of the Union Lane extension;
- landscaping public spaces in Fitzgerald Street, Fire Station site and part of the Water Board lands;
- construction of the coach set down and parking area on the Water Board land.

Conclusion

Although the proposed plan has merit, significant cost will be involved should it be implemented.

The major initial cost is associated with acquisition of Water Board land. Council has already resolved to negotiate with the Board.

It is considered that the Heritage Committee recommendation to have the Planning Department investigate the proposal further is premature at this stage and until results of negotiations with the Water Board are known.

Recommendation

That the proposed development of the Windsor Town Centre by Architect H Williams be received and that he be thanked for his submission, but advised that such a proposal would involve significant cost and is therefore premature pending the results of negotiations for land between Council and the Water Board are known.

Mr. Hugh Williams addressed the Committee.

COMMITTEE'S RECOMMENDATION

1. THAT A FURTHER REPORT be presented to Council on the feasibility of the plan including methods of financing,
2. A Development Control Plan for the southern end of George Street, Windsor be prepared.

ITEM 20: (File L4/89) [10.635]

SUBJECT: BLIGH PARK EXTENSION - DRAFT LOCAL ENVIRONMENTAL PLAN

hmett ✓ 10.5.90

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REPORT (M.T.P.)

The draft local environmental plan and draft development control plan were referred to Council's meeting on 13th March, 1990. It was resolved that no action be taken pending a further report to Council.

It will be recalled that the rezoning relates to approximately 70 ha of land in 36 separate ownerships. Assuming that the land is subdivided to maximise yield rather than respect existing property boundaries, it is estimated that the yield would be approximately 850 lots. This equates with a population of approximately 3,000 at 3.5 persons per dwelling.

An amended draft local environmental plan, the subject of this report, has now been prepared and circulated to property owners. Given previous debate on the matter and the review of the plans it is proposed that the draft local environmental plan be considered before the draft development control plan. Further debate on the location of roads etc can take place when the DCP is considered and should not unnecessarily delay the resolution of the LEP which is the statutory instrument.

The amendments to the draft local environmental plan and the reasons for those amendments are as follows:

1. Deletion of the "access denied" labelling for Rifle Range Road. The control of access to the road is more appropriately achieved by the development control plan. It was included on the previous draft LEP to avoid confusion. The two property owners who expressed concern about this provision, Messrs Lonsdale and Jackett, have been advised that in further consideration of the DCP it will only be recommended that it apply to land owned by the Department of Housing in Bligh Park proper.
2. The Residential 2(a) zone has been slightly varied (generally added to) in a number of locations to provide a consistent approach to the definition of land unsuitable for residential rezoning because of its flood liability. In general, the plan has been varied to provide for a Residential 2(a) zone wherever building sites can be located at or above the 1 in 50 year flood frequency level (15 metres AHD). Land zoned Residential 2(a) and lying below the 1 in 100 year flood frequency level (16 metres AHD) would need to be filled to 16 metres AHD.

In relation to point 2. while it would have been desirable to maintain the 16 metre standard and to allow no filling it is not considered that this is practical as the 16 metre contour "wanders" throughout the area and the 15 metre contour is a "better fit" for property boundaries. In relation to the total extent of the release area, the area required to be filled is a very small proportion and could probably be achieved with regrading and a spreading of material excavated for roads.

The changes to the plans do favourably affect some of the previous public submissions reported to Council's meeting on 13th March, 1990. Therefore, the submissions which have been received in response to the exhibition of the plan are again listed with revised comments in light of the amended plan.

Public Submissions

In response to the exhibition of the draft local environmental plan submissions have been received from Tom Lonsdale (lot 341 Rifle Range Road), Mrs Joan Pye (lots 11 & 12, Woods Road), M.J. & V.R. Carty (lot 26 Berger Road), John Madgwick (lot 1 DP 240451 Fairey Road), Ken Hansford (on behalf of Messrs Lonsdale and Jackett) and Marie Budd (lot 44 DP 27136 Fairey Road). A summary of these submissions together with comment follows:

Mr Tom Lonsdale - Requests that Lot 341 be zoned Special Business 3(b) to provide "high quality integrated office and residential development". Also submits that the roundabouts could be better utilised to enable the residents of South Windsor access to facilities in Bligh Park."

Comment - Mr Lonsdale's plan of the proposed development of lot 341 indicates a number of shops which are a prohibited use in a Special Business 3(b) zone. It is understood that Mr Lonsdale would prefer a General Business 3(a) zone. Provision for business zones in the area was made as part of the initial planning for Bligh Park. The zoned retail floor space for Bligh Park and the extension are adequate for the estimated total population of 9,000 people. A higher floor space provision could be provided but this would be at the expense of district level shopping facilities in Windsor and Richmond. It is recommended that Mr Lonsdale's request not be supported.

Mr Lonsdale's correspondence also objected to the loss of access to Rifle Range Road and the proposed road on the draft DCP which bisected his land. As indicated, this report is not considering the draft DCP and in any case Mr Lonsdale has been advised that his request can be favourably recommended.

Mrs Joan Pye - Objects to the proposed location of a road, as it conflicts with an intended building site. It is also argued that the land is the highest part of the property.

Comment - This concern relates to the DCP but the matter has been discussed with Mrs Pye and the highest part of the land is generally free from road affectation.

M.J. & V.R. Carty - Requests permission to fill the land at the rear of lot 26, Berger Road to 15.5 metres with the floor level of dwellings to be at 16 metres. It is then proposed to subdivide the land into 4 residential lots.

Comment - The amended draft LEP satisfies this request. As the land has sufficient area for building sites above the 15 metre contour, the land has been zoned Residential 2(a). It will however need to be filled to 16 metres following development approval.

John Madgwick - Refers to lot DP 240451 Fairey Road and requests that minor filling be allowed from the RL 15m line and above to maximise the use of residential land and to take full advantage of the view over South Creek.

Comment - It is recommended that land with a level at or above the 15 metre contour be zoned Residential 2(a).

Marie Budd - *Objects to the retention of a rural zoning for lot 44 DP 27136, Fairey Road.*

Comment - The land has a level of between 10.5 metres at the Fairey Road frontage and 15 metres in the corner most remote from Fairey Road. The very small section which has a level above the 15 metre contour has been zoned Residential 2(a) in accordance with the criteria indicated above.

Ken Hansford (Consulting Engineer) - *Advises that the owners of lots 308 and 341 (Messrs Jackett and Lonsdale) wish to develop the land themselves and requests that the plan be varied to allow direct access to Rifle Range Road and retention of the dwelling on lot 308.*

Comment - Same as for Mr Tom Lonsdale above.

Mr R Calvert - *Following receipt of the revised draft LEP map he has requested that all of his land (Lots 18 and 19 Berger Road) be zoned Residential 2(a) consistent with the levels for the property on the corner of Berger Road and Woods Road (Lot 16).*

Comment - While the revised draft LEP map has substantially increased the area zoned Residential 2(a) on these lots, it is proposed that a corner of the land which has a level below 15m be zoned 6(b) Open Space. As indicated by Mr Calvert, the land proposed to be zoned 6(b) has a level consistent with other land proposed to be zoned Residential 2(a), eg Lot 16 on the corner of Woods Road and Berger Road.

The corner of Mr Calvert's land has a level of approximately 14m. Therefore, if it is zoned Residential 2(a), it will require approximately 2m of fill. Mr Calvert's concern is not so much with the zoning of the land as 6(b), but rather the valuation which it will attract.

Despite the obvious planning merit in zoning part of the land 6(b) Open Space because of its level and location beside a major open space network, it is conceded that other land with a similar level has been zoned Residential 2(a). For this reason it is recommended that the amended map be varied to zone all of Lots 18 and 19 Residential 2(a).

Public Authority Submissions

The following public authorities were notified of the draft plans on 5th December, 1989 and were requested to provide comments within one month:

- * Water Board
- * Roads and Traffic Authority
- * Telecom Australia
- * Prospect County Council

To date the only authority to respond has been Telecom Australia which has advised as follows:

"...The area presently falls inside the Windsor Exchange area but it is Telecom's intention to adjust the exchange boundary to feed it from Berkshire Park Exchange or to establish a separate exchange to service this area.

In both cases, Telecom will be looking at extending its facilities from the southern end ie, Bligh Park. Road access from Rifle Range Road will be required.

There should be little problem in providing telephone service to the area due to its close proximity to Bligh Park. Normal arrangements apply as existing for Bligh Park."

Section 94 Contributions

The recommended components of the Section 94 contribution together with their costs are detailed in the report to the General Purpose Committee on 27th February, 1990 and it is not proposed that they be varied.

Recommendation

1. That the amended draft local environmental plan be varied to zone all of Lots 18 and 19 DP 27136 Berger Road (owned by Calvert) , Residential 2(a).
2. That the revised draft local environmental plan be adopted and referred to the Department of Planning pursuant to Section 68 of the Environmental Planning and Assessment Act for final gazettal.
3. That the Section 94 charge of \$3,309 (three thousand, three hundred and nine dollars) per additional lot be adopted for 1990 and be subject to annual review.
4. That consultants be engaged to update the Bligh Park Social Plan.

Mr. Tom Lonsdale and Mr. Neville Jackett addressed the Committee.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 21: (File LEP 1/90) [10.636]

SUBJECT: REZONING OF PART LOT 1 DP 515370 AND PART LOT 6 DP 534175 GEORGE STREET, AND LOT 14 DP 217619 RICKABY STREET, WINDSOR, FROM RURAL 1(c) TO RESIDENTIAL 2(a) - APPLICANT AND LANDOWNER - MANPIN PTY LTD

KLW:ASEM
11/5/90

REPORT (M.T.P.)

At its Ordinary Meeting of 13th March, 1990, Council granted consent to the erection of twenty five two-storey townhouses on the residential zoned part of the subject land.

Application has now been made to rezone the remaining land from Rural 1(c) to Residential 2(a) to allow the erection of seven additional townhouses. These additional townhouses will generally be on that part of the land at or above the 1 in 10 year flood frequency level of 12.2 metres, and will require the filling of the land to the 1 in 20 year flood frequency level, being 13.4 metres. The area to be filled is approximately 2180m². Vehicular access is proposed from Rickaby Street, in addition to the existing vehicular entry from George Street associated with the already approved townhouses.

Statutory Situation

Townhouses are permissible with Council's consent in Residential 2(a) zones, but not in Rural 1(c) zones. Consequently, that land currently zoned 1(c) will need to be rezoned to allow further townhouse development on the site.

Other clauses in the LEP which are of relevance to the rezoning are clauses 18, 22 and 25.

Clause 18 states that Council shall not consent to any development unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity services to the land.

Clause 22 of the LEP applies to development adjoining main or arterial roads and requires that any development should be set back at such a distance, having regard to:

- (a) the nature, scale and function of the building;
- (b) the maximisation of sight distances for drivers using the road;
- (c) the minimisation of distractions to drivers using the road; and
- (d) any possible need to alter the road alignment in the future.

Clause 25 of the LEP is concerned with the development of flood liable land. Under this clause, dwelling houses are permissible on land as low as the 1 in 10 year flood frequency level provided that it is filled to the 1 in 20 year flood frequency level.

These issues of services, traffic, flooding and filling of the land are discussed below.

Planning Assessment

Services

Reticulated water is available to the site via a 250mm diameter water main located along the George Street frontage. The applicant has advised that

discussions have taken place with officers of the Water Board who have advised that water can be provided to the additional seven townhouses.

Reticulated sewage disposal is also available, with the sewer main traversing the site. The additional townhouses could be connected to this sewer system, although a pumped storage system may be required.

Both electricity and telephone services are available to the site and are not considered to be a constraint to the development.

All roof and surface waters from the development cannot be discharged into the existing stormwater system. Therefore, an easement will have to be obtained over adjoining land so that the development can be adequately drained to Council's satisfaction.

Based on the above information, servicing is not likely to be a major constraint to the proposed development.

Traffic

The applicant proposes to provide two-way vehicular access to the development from both George and Rickaby Streets. The George Street access is likely to be the only access available during times of flood as the Rickaby Street access is below the 1 in 10 year flood level.

Adequate sight distances are available along George Street in the vicinity and minimal traffic conflicts are likely to eventuate given the scale of the development and the existing high levels of traffic which currently utilise this road.

Adequate site distances are also available in Rickaby Street. Although the street is a local road within an existing residential neighbourhood, it is capable of accommodating the increased traffic flow generated by the proposed development.

Flooding/Filling of the Land

The additional townhouses will be located on that part of the land at or above the 1 in 10 year flood frequency level of 12.2 metres. Consequently, the land will need to be filled to the 1 in 20 year flood frequency level of 13.4 metres, in accordance with the provisions of clause 25 of the Hawkesbury LEP, 1989.

The provisions which allow land to be filled to the 1 in 20 year flood frequency level, however, are generally intended to apply to rural land and land already zoned for residential purposes.

Further, the Minister for Planning has issued directions under section 117(2) of the Environmental Planning and Assessment Act, 1979, relating to the preparation of local environmental plans, which state, inter alia, that flood liable land should not be rezoned from a rural zone to a residential zone unless justified having regard to the State Government's Flood Plain Development Manual.

The principles contained within this manual include:

- a. that Councils should maintain existing low development zones over land liable to significant flooding and adopt development strategies which avoid any expectations or demands for development of flood liable land; and
- b. that Councils should seek to reduce the intensity of development on flood liable land or, at worst, not increase it.

Whilst it is recognised that the rezoning of the land is sought only to erect seven additional townhouses on the site, it is considered that Council should not support the rezoning of flood liable land, particularly land between the 1 in 10 and 1 in 20 year flood frequency levels, for residential purposes as it will create an expectation that other flood liable land may be developed for residential uses, as well as increase the potential for further flood loss.

Need for Additional Land for Medium Density Housing

As Council's new planning instrument, Hawkesbury LEP, 1989, now permits with Council's consent medium density housing in all Residential 2(a) zones serviced by reticulated water and sewerage, it is considered that sufficient land is currently available for such development.

Recommendation

That Council not support the application to rezone the subject land from Rural 1(c) to Residential 2(a), given the site's flood liability.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 22: (File DA 206/89) [10.637]

SUBJECT: EXTENSION OF A CONSENT FOR THE USE OF AN EXISTING BUILDING FOR A FAMILY ENTERTAINMENT CENTRE - WEST MARKET STREET, RICHMOND - APPLICANT: N & J CORNISH - LANDOWNER: MISUJUKA SERVICE COMPANY

KARL 11-5
WD 10/5/90

REPORT (M.T.P.)

Council at its Ordinary Meeting of June 1989 approved Shop 1, No. 9 West Market Street, Richmond, for the purpose of a family entertainment centre subject to a number of conditions. One of these conditions limited the time of the consent to a period of 12 months from the commencement.

The applicant has recently written to Council and stated the following:

"We have previously advised that trading commenced on 22nd June, 1989, and we are now seeking an approval to continue operations beyond 22nd June, 1990. We would ask that Council give consideration to an approval for a three year period, as this would be in line with our lease agreement for the premises and would permit longer term development and investment of the business.

The family entertainment centre has operated for almost a year, with no complaints being received by Council as to the running of the operation. Accordingly, the applicant's request is supported.

Recommendation

That the applicant's request to extend the time limit on consent No. 206/89 be supported, and that condition 6 of consent No. 206/89 be amended to read as follows:

"This consent is limited to a period of 3 (three) years from the 22nd June, 1990."

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 23: (File DA 444/89) [10.638]

SUBJECT: AMENDMENT TO CONSENT FOR THE PURPOSE OF A PRODUCE STORE AT PITT TOWN-DURAL ROAD - REQUEST FOR AN ADDITIONAL TWO SILOS

REPORT (M.T.P.)

Council at its Ordinary Meeting of 13th March, 1990, approved an application to use the existing buildings on the site for the purpose of a produce store. The approval relates to the use of the current buildings on the site including six auger feed silos.

The applicant has now written to Council requesting that it was always his intention to have eight silos on the site instead of six. In his letter requesting the amendment to the consent, he has also stated the following:

"No more questions or objections were put to us about silos until the day all Council members held an inspection of our premises. The question was asked, "do you have all your silos in place, or will there be more silos erected?". We had only six silos up at the time and told Council that at this stage a further two silos would be in place within two to three weeks. No objection was made by any member of Council, or any of the residents who were present at

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the meeting. In light of the above information, we request that the consent be issued to refer to eight silos."

Inspections of the site reveal that the location of the two additional silos are to be located adjacent to four existing silos at the rear of the property. The visual impact of the two additional silos will be minimal. The applicant's request for the additional two silos is supported.

A number of complaints have been received from adjoining owners about the noise emanating from the auger feed adjoining the Pitt Town-Dural Road frontage. The applicant was required to take noise reduction measures as specified by an accredited noise consultant. Inspection of the premises reveal that the applicant has replaced a petrol driven motor with an electric motor and has covered the auger with some insulation. Complaints regarding excessive noise are still being received. The applicant will be required to engage a noise consultant in an endeavour to reduce noise levels to an acceptable level. Failure to reduce the noise levels will constitute a breach of the conditions of consent and may lead to legal action.

The consent issued on 16th March, 1990, included a condition which required the removal of an unauthorised crossing to Pitt Town-Dural Road and its reinstatement with landscaping. Further inspections have revealed that this crossing minimises the traffic impact to an adjoining residence and in that regard its retention is supported. The crossing will, however, have to be upgraded to a suitable standard for heavy vehicles.

Recommendation

That the applicant's request to amend the consent to enable 8 (eight) silos on the site be supported and that an additional condition be imposed requiring the upgrading of the secondary access to Pitt Town-Dural Road.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 24: (File P161/1) [10.639]

SUBJECT: WISEMANS FERRY PLANNING STUDY

REPORT (M.T.P.)

Background

The impetus for this Study came from an on-going community dilemma because of numerous development proposals before the four affected local governments. For increased domestic and international tourism. State and Local government departments with varying goals and objectives are involved in the area. In the case of Wisemans Ferry the issues extend from where and how much development

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should be allowed to the impact of any development on the existing natural and physical environment. An investigation into the issues was seen as essential by Baulkham Hills Council, Hornsby Council, Gosford Council and Hawkesbury Council. It was considered that a preliminary study be undertaken by the fourth year town planning students from the University of New South Wales over a 14 week period from August to November 1989, to provide an initial report.

The general purpose of the Wisemans Ferry Study was to:

- a. review previously done planning studies and documents concerning both regional and local area;
- b. seek the views of residents, community groups and government authorities;
- c. review existing development proposals for the area;
- d. identify development opportunities and constraints; and
- e. investigate a series of development options to guide future development.

Findings of the Study

The planning report is a useful document given that only 14 weeks were able to be spent in compiling the report.

The report provides valuable background information as well as making certain recommendations as to the future planning of the area.

The report concludes that the study area, and particularly Wisemans Ferry, is a popular tourist destination for the Sydney region. Opportunities exist to further expand the area's facilities and recreational activities. The existing infrastructure limits the area's development potential, however, numerous other constraints to expansion also exist. Constraints such as topography and landform, poor accessibility and waste disposal problems will all have to be carefully considered prior to development. These can also add substantial cost to any proposed development because of the need to mitigate the limitations and negative environmental impacts.

The report recommends that, before any further development occurs within the Study area, the following actions and programmes should be considered:

- (a) preparation of an *urban/rural land capability study* incorporating an inventory of land uses and service areas. Such a study should identify prime agricultural and extractive areas, and demographics (projections, in migration, local employment). It should incorporate river recreational zones, identify distinct land zones such as waterfront, floodplain, and escarpment. An assessment of water resources and quality should also be undertaken.
- (b) development of a comprehensive *tourism strategy plan* for the area which examines all aspects of development including location, type, scale, design features, and financial viability and supporting public services is a definite requirement prior to future expansion and additional proposals for Wisemans Ferry are considered.

- (c) preparation of a *floodplain management study*, to examine the potential for flood hazards by compiling and examining data on the frequency, severity, velocity and depth of flooding in the district. Flood levels could determine building line locations thus addressing the considerations of risk analysis and flood management/control to reduce the extent of flood prone land in some areas. Such action should be taken in accordance with the State Government's Floodplain Development Manual.
- (d) establishing a monitoring programme of all forms of *environmental pollution* before and after any construction to ensure levels remain at an acceptable level.
- (e) upgrading of *public services* to the district; for example, medical services and waste collection - must be undertaken in order to support the increasing population and visitors to the area.
- (f) examination of *on-site vs. community based sewerage treatment and disposal methods*. Identification of land tracts available for on-site treatment processes in the district and land not suitable for additional septic systems. This would help identify areas suitable for development. The issue should be looked at as a regional problem in that the disposal of waste has major implications for water quality downstream from Wisemans Ferry.
- (g) monitoring of *water removal and supply* for the Hawkesbury River, by reviewing the licensing system of water removal from the river. Examining the possibility of implementing a reticulated water supply for the township. Further investigating the use of bore water and establishment of a purification plant utilising river water, as an alternative water supply system.
- (h) assessment of all *major and secondary access roads* and the monitoring of road users is required. Provision made for bus or public water-based transport, a resident-priority pass on the ferries would improve access within the region.
- (i) implementing design guidelines for the *minimisation of paved areas* to prevent increased runoff, erosion and river pollution.
- (j) creation of *buffer zones* along the riverfront, foot slopes and skyline of the escarpment would preserve views and encourage appropriate environmental management procedures. This includes regeneration of once vegetated areas to improve public access and retain visual amenity.
- (k) creation of a *planning and management committee* to oversee future development of the area.
- (l) encourage *mixed-use development* that can incorporate a community based supermarket, chemist, butcher, and bank to provide residents and visitors with a greater range of services and goods.
- (m) develop *adequate development controls and policies for buildings incorporating performance and design standards*.

- (n) enhancement of the *main street* of the township through a streetscape programme and urban design plan.
- (o) create an effective *community participation programme* to obtain broad support for the planning of the area, including a citizen's advisory committee and a subcommittee on the planning issues impacting the community.
- (p) improve *community liaison* through a public relations officer to inform residents of the area about proposed development and government actions affecting them.
- (q) establishment of a *four Shire joint committee for planning and environmental management* to oversee all future development in the area as related to urban and recreational development.
- (r) all *wetlands affected by human activities* within the study area should be managed with their total conservation and increase in mind through a joint Shire's study and development regulations; and the nomination of these areas for listing of the Register of the National Estate.

The abovementioned recommendations are endorsed, especially recommendation (q) which recognises the need for the four local government areas to have a mechanism in place whereby discussions on development proposals around Wisemans Ferry can be discussed in a professional and co-ordinated manner.

Baulkham Hills Shire Council has advised that it will be hosting an evening in the near future where the study will be presented to interested persons.

Recommendation

That the Wisemans Ferry Report be received and that steps be taken to establish a joint Council committee for planning and environment management of the Wisemans Ferry area.

COMMITTEE'S RECOMMENDATION

THAT THE WISEMANS Ferry Report be received and that steps be taken to establish a joint Council committee for planning and environment management of the Wisemans Ferry area. At the appropriate time the study be placed on exhibition in the Wisemans Ferry area with the approval of the other Councils.

ITEM 25: (File L10/89) [10.640]

SUBJECT: ENVIRONMENTAL STUDY - RURAL
RESIDENTIAL DEVELOPMENT IN THE CITY OF
HAWKESBURY

✓ Michael 11-5-90

REPORT (M.T.P.)

Reference is made to the outstanding report requested by Council at its meeting on 11th July, 1989 for an environmental study to be undertaken in those areas identified in the 1981 Rural Lands Study especially the North Richmond, Kurrajong and Wilberforce areas so that rezoning in smaller lot rural/residential subdivision of an average or minimum of 1 (one) hectare can be considered.

While substantial progress has been made in the preparation of the report, it has not been possible to include the report in this business paper. It is anticipated that the report will be available for the next General Purpose Committee.

Recommendation

That the information concerning the preparation of the environmental study for rural residential development in the City of Hawkesbury be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 26: (File S89/146) [10.641]

Michael 11-5-90

SUBJECT: SUBDIVISION APPLICATION FOR A 3 LOT SUBDIVISION, LOT 10 DP 591038, MITCHELL ROAD, PITT TOWN - OWNER, P & S WOOD - APPLICANT, A W STARR.

REPORT (M.T.P.)

Council considered this application at its meeting on 14th November, 1989. As part of the land lies within land identified for sand extraction in Sydney Regional Environmental Plan No. 9, the application was referred to the Secretary of Minerals and Energy requesting the Secretary's concurrence to enable the subdivision to proceed.

The Department of Minerals and Energy was advised that the applicant did not raise objection to the imposition of a note on the title under Section 88E of the Conveyancing Act warning purchasers of the lots of the potential for noise and dust etc, resulting from possible extractive industry in the immediate vicinity.

The Department responded to the application by a letter received on 16th January, 1990. The Department indicated that it was willing to grant concurrence to the proposal subject to the proviso that no dwelling be erected on the two northernmost allotments until such time as the adjacent sand resources have been extracted and the sites rehabilitated to a satisfactory standard.

The applicant was then advised that such a conditional approval would not be satisfactory as the primary purpose for the subdivision is to create lots which can accommodate a dwelling.

The Department then reassessed its position and is now satisfied that an appropriately worded instrument under Section 88B of the Conveyancing Act, 1919 would adequately mitigate the impact of a subdivision on the possible future extraction of the sand resource. The Secretary's concurrence has now been given subject to the incorporation of an instrument prepared by Abbott Tout Russell Kennedy under Section 88B of the Conveyancing Act.

The Section 88B restrictions as to user prevent the owners of the burdened lots from:

1. Objecting to any management plan proposed by or with the consent of the Department of Minerals and Energy pursuant to REP No. 9.
2. Objecting to any development application or development approval proposed by or with the consent of the Department and
3. Any use of the land in accordance with the management plan or development approval.

Council's solicitor has advised that these restrictions as to user are defensible in equity.

The use of such restrictions to negate objections is of general interest and may be applicable in other situations. They do not prevent objections being made where the development is not being carried out in accordance with the approval.

In this instance it is the Department of Minerals and Energy which benefits from the restrictions. Presumably, the Department can take legal action to prevent any breach of the Restrictions as to User.

It is intended that the subdivision application be approved under delegated authority subject to conditions including the imposition of Section 88B restrictions as to user as discussed above.

Recommendation

That the information concerning the use of Section 88B restrictions as to user be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 27: (File 2873w) [10.642]

SUBJECT: REZONING OF LOT 1 DP 534653, MILEHAM STREET, WINDSOR FROM 2(A) RESIDENTIAL TO 4(B) LIGHT INDUSTRIAL.

REPORT (M.T.P.)

The owners of this property which is situated at the corner of Forbes Street and Mileham Street, Windsor have requested that it be rezoned from Residential to Light Industrial. The land which has an area of 1,315 square metres contains a dwelling.

Reference to the local environmental plan map indicates that it is the only lot in the block which is not zoned light industrial.

The land is very flood liable having a level of between 9 metres A.H.D. and 13.5 metres A.H.D. The 1 in 20 year flood frequency level is 13.3 metres. This level would in normal circumstances be too low to support a rezoning, however it is comparable to the natural and filled level of surrounding land which is already zoned 4(b) Light Industrial.

In the circumstances it is recommended that the application be supported and that the applicant be advised that separate development approval will be required for the placement of any fill on the land.

Recommendation

That a draft local environmental plan be prepared to rezone Lot 1 DP 534653 Mileham Street, Windsor, from 2(a) Residential to 4(b) Light Industrial.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 28: (File H105) [10.643]

SUBJECT: REVOCATION OF SECTION 130 "DEMOLITION" ORDERS - HERITAGE ACT

REPORT (M.T.P.)

Council is advised that on 26th March, 1990, the Minister for Local Government and Minister for Planning, The Hon David Hay, revoked Section 130 Demolition Orders made pursuant to the Heritage Act of 1977 over various properties within the City.

The Section 130 Orders were originally placed over various properties within Richmond, Windsor, Pitt Town, McGraths Hill, Clarendon and Cattai on 9th

*cc Records -
Mileham 11.5.90*

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Hwy 11.5.90*

October, 1981. These properties were later formally identified as heritage items within Schedule 11 of Hawkesbury Local Environmental Plan, 1984. Items within Schedules 10 and 11 of the former planning instrument, together with those North-West Sector Heritage Items adopted by Council, comprise the basis of Schedule 1 of the current planning instrument.

A Section 130 Order prevents demolition of a heritage item without the applicant's previous notification of such intention to the Heritage Council of New South Wales. The Heritage Council has 40 days following receipt of a notice of proposed demolition in which to advise the Minister whether to proceed with a conservation order, to recommend revocation of the Section 130 Order or to take no further action. Thus, the Section 130 Order is principally a holding measure which allows the Heritage Council to be advised of possible harm to identified heritage items. The Order further allows the Department time to investigate the significance of items, the effect of the proposal and to decide whether any further protective action needs to be taken under the Heritage Act.

Revocation of the Section 130 Demolition Orders over various properties within the City is part of the Department of Planning's devolution of responsibility for items having local significance to local authorities. Such items are identified in Schedules attached to planning instruments and thus protected by its provisions. Accordingly, Council will have responsibility for administering those items identified in Schedule 1 of its instrument not encompassed by Interim and Permanent Conservation Orders within the City.

Interim and Permanent Conservation Orders in respect of various properties in the City will remain and approval pursuant to Section 60 of the Heritage Act must be obtained by an applicant prior to determination of any application in respect of that item by Council.

Recommendation

That information in respect of revocation of Section 130 Demolition Orders made pursuant to the Heritage Act within Hawkesbury be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 29: (File H103) [10.644]

SUBJECT: ENVIRONMENTAL PROGRAMMES

M.E.B.S. 11-5-90

REPORT (M.E.B.S.)

Council has employed a third year student undertaking the Bachelor of Applied Science (Environmental Health) at the University of Western Sydney - Hawkesbury to complete an investigation into solid waste collection and disposal, waste stream minimisation, and recycling.

Other staff of the Environment and Building Services Department have commenced, or will commence, environment programmes as detailed below. Those staff not actively engaged in the programmes will assist by accepting a greater responsibility for the work currently being undertaken by the Department.

1. River Bank Stabilisation

- Aim:** To improve the stability of the banks of watercourses.
- Objective:**
1. The elimination of visual pollution for users of our waterways.
 2. To reduce the potential for water pollution.
 3. To stabilise existing banks currently subject to unauthorised filling and/or dumping.
- Benefits:**
1. Potential for waste material entering the watercourses is reduced.
 2. The scenic beauty of the City is enhanced.
 3. Bank stabilisation can be carried out so as to be permanent, giving maximum cost benefit.
 4. Native vegetation will be re-established.
- Implementation**
1. Survey of the Hawkesbury River to be carried out, initially between Windsor and Wilberforce, with dumping/filling sites being identified.
 2. Advise and educate landowners on stabilisation methods in co-operation with Public Works Department.
 3. Secure removal of waste material.
 4. Ensure applications are submitted to Council for stabilisation works. (Note: Items 1. and 2. have been completed.)

2. Toxicity of Sewage Effluent

- Aim** To determine whether sewage effluent is toxic to aquatic fauna.
- Objectives**
1. To analyse the potential toxic effects of sewage effluent from treatment plants on fish species in the Hawkesbury River and South Creek.
 2. Analyse the problems and ways of protecting the existing fish populations in the water system, using chemical and biological testing procedures.
- Benefits** If toxicity is identified:
1. Identify compounds responsible for toxicity.
 2. Recommend maximum concentrations of compounds.
 3. Degradation of fish populations may be abated and numbers re-established.

4. Community Awareness Programme

- Aim:** To instil public awareness of various environmental and health issues to the residents of our City.
- Objectives:**
1. To increase the rate of childhood immunisation.
 2. To improve the environment of the Hawkesbury City.
 3. To increase the community's awareness of general health matters.
- Benefits:**
1. The incidence of litter in the community will be reduced.
 2. Reduction in air, noise and water pollution.
 3. Lower incidence of childhood preventable diseases.
 4. Information available to residents to make a considered decision on environmentally safe products and practices.
 5. Residents advised in matters of public health, the risks involved and services or facilities available.
- Implementation:**
1. Articles prepared for local press on regular basis.
 2. Recognition of school aged children as environment target group.
 3. Talks to various groups.
 4. Wide availability of published information, pamphlets and the like.
 5. Information days in shopping centres etc.

5. Private Water Supplies

- Aim:** To ensure an acceptable quality of water for members of the public and householders using private water supply systems.
- Objective:** In achieving an acceptable quality of water the Public Health is safeguarded.
- Benefits:**
1. In the event of a national emergency, all water supply draw off points would be identified.
 2. In the event of local pollution problems, Council will already know downstream users.
 3. Methodology and practices used to collect store and treat water will be known, improved and monitored.
 4. Public health is safeguarded.
 5. Provide a beneficial profile of Council to public.
 6. Cost savings may be implemented due to optimum dosing of chemicals.
- Implementation:**
1. Identify all private water supply systems.
 2. Inspect, interview and create a data base of all systems.
 3. Ascertain current testing and regulatory standards.
 4. Test at point of source, upstream, storage vessels and point of use.

5. Implement procedures for regular testings inspection and follow up of systems.
6. Conduct education seminars for system operators.
7. Upgrade any unsatisfactory systems.

6. Semi-Public Swimming Pools (Motels, squash courts, residential flat buildings, etc.)

Aim: To ensure maintenance of public health in all semi-public pools.

Objective: To achieve acceptable water quality and safety standards of all pools.

Benefits:

1. Safeguarding the health of all pool users.
2. Provide backup and education services for all pool owners and operators.
3. Possible cost savings to owner due to correct usage of chemicals and plant.

Implementation:

1. Identify all pools in this category.
2. Inspect, interview, create a data base of all such pools.
3. Ascertain the correct testing and methods of treatment of all pools.
4. Implement procedures for regular testings monitoring and inspection of pools.
5. Conduct education programmes for pool operators.
6. Provide backup technical and practical assistance to all pool owners/operators.

7. Private Reticulated Sewer Systems

Aim: To safeguard water quality in catchment areas of the Hawkesbury Valley.

Objective: To control and regulate sewer schemes.

Benefits:

1. Improve downstream water quality.
2. Educate users and operators of schemes.
3. In the event of pollution problems Council has already identified potential pollution sources.
4. Cost saving may result due to control of users input and re-education.

Implementation:

1. Identify all private sewer schemes.
2. Inspect, interview and create a data base of all schemes.
3. Ascertain correct testing and methods of treatment for each scheme.
4. Conduct upstream and downstream testing of waterways associated with schemes.

5. Implement procedures for regular testing, maintaining, inspection and follow up of systems.
6. Conduct education of correct and new methods of operation of schemes.
7. Implement works programme to upgrade any unsatisfactory schemes.

A detailed procedure to administer the programmes has been formulated to ensure full benefit is achieved and reporting systems are implemented. One staff member is undertaking this important function.

The above programmes will have significant benefit to the environment and will also increase the profile of Council within the community.

The first phase to the implementation of the programmes will be a display and public enquiries tent at the Hawkesbury Show on 27th, 28th and 29th April. It is hoped that being accessible to the public through this display, will encourage discussion and dissemination of information on matters of concern. The display will be supplemented by the use of slides, video tapes, pamphlets, information handouts and demonstrations of equipment. Food outlets will be inspected over three days and the display will be staffed by both Health and Building Surveyors and Clerical Officers. The use of the tent has been donated by the Royal Australian Air Force.

Recommendation

That implementation of the Environmental Programmes be endorsed.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 30: (File DA 129/89) [10.645]

SUBJECT: POULTRY PAVILION

REPORT (M.T.P.)

The following letter from the Hawkesbury District Agricultural Association has been received:-

"... advised our Association that Council had, on the 11th April, 1989, rejected our application for the dismantling and removal of our Poultry Pavilion from the Race Club.

In the year that has now elapsed since that decision there has been much correspondence on this matter and I understand that:

? Given
10-5-90
O

- a. Council's attitude is unchanged;
- b. the Race Club opposes any thoughts that the building be retained and renovated; and
- c. there is no money available for such restoration.

Because the pavilion is not being maintained by anyone it is deteriorating rapidly and it is now quite an eyesore. However, at this time, the person who wishes to purchase the building is still willing to pay the Association \$7200.00 and we still urgently need funds to repay loans (including the Council) and further develop the complex.

I understand there is no Heritage Order preventing the removal of the pavilion and if this is so it is asked that Council reconsider the matter with a view of approving its removal."

Council has previously resolved not to approve of the dismantling, removal and re-erection of the poultry pavilion and, as there has been no indication of a change of Council attitude as indicated in the Association's letter, it is considered that the previous resolution should be re-affirmed.

Recommendation

That the Hawkesbury District Agricultural Association be advised that Council does not consent to the dismantling, removal and re-erection of the poultry pavilion, however, that it reaffirms its offer to assist in the making of appropriate applications for a grant under the New South Wales Heritage Assistance Programme for its restoration, should the Hawkesbury Race Club, as landowner, agree to such submission.

COMMITTEE'S RECOMMENDATION

PERMISSION BE GRANTED for the removal of the poultry building in accordance with the request of the Hawkesbury Race Club and the Hawkesbury District Agricultural Association.

ITEM 31:

(File 4021-11(c) 68A/268/72) [10.646]

LC Records

GHEN 11-5-90

SUBJECT:

EXTENSION OF EAST KURRAJONG
QUARRY OPERATED BY SCHAFFER
CORPORATION LIMITED.

REPORT (M.T.P.)

The following letter from Schaffer Corporation Limited has been received:-

"Our Company (formerly Calsil Limited) operates a quarry at East Kurrajong adjacent to the Putty Road for the production of a range of sandstone products. Our Company has a consent from Council permitting this activity until 28 August 1993.

Over the last 12 months or so, we have undertaken an assessment of the remaining reserves on our property and have also examined the potential for the production of other products. In this regard we are excited about the potential for the production of sandstone paving blocks to service the expanding paving market in Sydney. Accordingly, our Company has decided to pursue the long term development of the land for quarrying and processing of sandstone.

It is our Company's intention to lodge a Development Application in early April 1990 seeking approval to extend the life of this quarry for a further 25 to 30 years.

We have engaged R.W. Corkery and Co. Pty Limited, Geological and Environmental Consultants to prepare the Environmental Impact Statement required for submission with the Development Application. The final draft of this document is nearing completion and we hope to be distributing it to Council Officers shortly, other relevant Government bodies and surrounding residents.

I would like to take this opportunity to extend an invitation to yourself and all other interested Councillors to visit our site soon after our Development Application and accompanying EIS is lodged with Council. I would anticipate on that occasion, our company representatives and consultants can 'walk Councillors through' the document explaining all aspects of the Project.

I hope you and other Councillors will be in a position to visit our quarry and I will await your response before suggesting a date for the inspection."

The development application referred to has now been received and is on exhibition in accordance with the designated development provisions of the Environmental Planning and Assessment Act and will be reported to Council following the expiration of this advertising period.

Recommendation

That the letter from Schaffer Corporation Limited and the information concerning their new development application be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 32: (File DA 199/89) [10.647]

SUBJECT: MRS. F.J. WRIGHT - 7 CLAREMONT CRESCENT,
WINDSOR - POSSESSORY TITLE OF PART OF
CLAREMONT LANE.

✓ 3825-1 (w)
cc Records
Blew 11-1

REPORT (M.T.P.)

Following receipt of a letter from Mrs. Wright seeking a deferment of any decision of her possessory title of part of Claremont Lane until the Committee meeting of 24th April, 1990, Council resolved at the meeting on 10th April that the matter be deferred to this meeting.

The report submitted to the Ordinary Meeting on 10th April is quoted hereunder.

"The Solicitors for Mrs. Wright, Bradfield and Scott have written the following letter:

'We refer to previous correspondence in this matter and advise that our client has lodged an application with the Registrar General to convert the title to her land from Old System Title to Torrens Title incorporating a possessory title over that part of the land adjoining her property as is encompassed by her wall and fence.

Our investigations and enquiries indicate to us that the legal title to the lane at the moment vests in the Estate of one William Morrison who owned the adjoining Claremont property between 1928 and 1936.

Notwithstanding this, the Registrar General has written to us in the following terms:

'... the land claimed by possession may be part of a public road, a letter should be obtained from the Hawkesbury Shire Council stating that it has no interest in the land claimed by possession.'

We should be grateful if you would let us have such a letter at your earliest convenience.'

Whilst that part of the lane which encompasses the wall, fence and portion of garden maintained by Mrs. Wright is not required for the Tuncoda town house proposal, it is considered that Council should indicate that it is of the opinion that it is part of a public road. Council, therefore, does have interest in the land and it is believed that such interest should not be disposed of. At this stage, however, no objection to Mrs. Wright's continued use can be seen."

Recommendation

That Bradfield & Scott, Solicitors, be advised that Council believes the land claimed by Mrs. F.J. Wright by possession is part of a public road, that Council does therefore have an interest in the land and raises an objection to the claim by Mrs. Wright to title thereof. It is further recommended that the Solicitors be advised that Council, however, raises no objection to Mrs. Wright's continued use of the land at this time.

COMMITTEE'S RECOMMENDATION

AN INSPECTION be carried out of the site.

The Committee inspected the site at 3.40 p.m. Aldermen present at the inspection were Aldermen Horrex, Sledge, Rotherham, Bazeley, Books, Benson and Sheather.

THE RECOMMENDATION BE adopted.

Alderman Mackay left the meeting at this stage, the time being 1.58 p.m.

ITEM 33: (File 68A/297/76) [10.648]

SUBJECT: EXTRACTIVE INDUSTRIES - EAST KURRAJONG
ROAD, SECTION 2.

REPORT (M.T.P.)

At its meeting of 12th September, 1989, Council resolved to request a meeting between appropriate officers of the Roads and Traffic Authority, the Police Department, the State Pollution Control Commission and Council officers to try and determine an appropriate level of control of the extractive industries.

A meeting was held on 29th March, 1990, with the following matters being discussed:

- excessive truck speed;
- uncovered trucks causing dust nuisance;
- hours of operation;
- inadequate pollution control in respect of noise, water and dust emissions;
- inadequate road construction; and
- speed limits in respect of the traffic generated.

The meeting was considered to be productive with the following points arising:

- . The State Pollution Control Commission has had no recent complaints in respect of the operations.
- . The road condition of East Kurrajong Road, Section 2, is not up to an adequate standard and priority should be given to its reconstruction. In this respect it was believed that complaints concerning traffic noise would all be attributable to the condition of the road exacerbating truck noise rather than from the actual truck noise itself.
- . It was agreed that there should be a uniformity of State Pollution Control Commission Licensing provisions and they are to re-assess the current licences with a view to making them more consistent, particularly insofar as hours of operation.

- . It was noted that the current licence for Readymix enables five truck movements prior to 7.00 a.m. and that these trucks were parking in a suitable area on Putty Road and not travelling to the Readymix site until the allotted starting time of 6.30 a.m.
- . The Roads and Traffic Authority regularly patrol Putty Road and it was indicated that it is the driver's responsibility concerning load weight limits, load and traffic safety, and not the quarry operators. It was also indicated that the Roads and Traffic Authority are considering the placement of a permanent weighbridge on Putty Road, however, the location has not, as yet, been determined.
- . It was thought that the Local Traffic Committee should consider the imposition of speed restrictions, say, 70-80 kilometres per hour on East Kurrajong Road, Section 2. However, it was also noted that this may be an unwarranted imposition on other motorists.
- . The State Pollution Control Commission indicated that the quarries were complying with their licensing in terms of water and dust emission.
- . It was noted that both the Police and Council rangers have the power under the Local Government Act to take action against vehicles with uncovered loads.
- . It was noted that there is some accumulation of sand and dirt occurring at the intersection of the Readymix access road with East Kurrajong Road, however, it was felt that this is mainly attributed to the entrance road to Readymix being entirely dirt where, ideally, it should have a 50 metres strip of bitumen sealing to enable the dirt on the tread of the truck tyres to disperse before it reaches East Kurrajong Road.

In summary, there was discussion concerning the nuisances being experienced with some debate asking whether the nuisances are a real issue and how "bad" really is "bad" in the eyes of the complainants. There was a conception by some that the quarries were being operated in a reasonable manner, however, that the complainants would not be satisfied until the quarries ceased to operate and that the real issue was not that the quarries were not operating satisfactorily, in the eyes of the complainants, but that they did not wish them to be in the locality.

At its meeting of 3rd October, 1989, Council resolved that the Town Clerk/General Manager have negotiations with Readymix regarding the road section levy. These discussions took place on 30th March, 1990, between Mr. Fred Stevens from Readymix, the Town Clerk/General Manager, the Manager of Town Planning and the Manager of Engineering Services. It was noted that Readymix has been paying the increased levy as of 1st January, 1990, in accordance with Council's resolution and that, at the present time, an amount of \$85,000 paid by Readymix was available for use.

Mr. Stevens indicated that he believed there may be some basis where the money, to date, could be utilised and that his company may be prepared to provide materials now in lieu of road maintenance, for a specified period of time, to enable part of the road to be reconstructed rather than wait until there was sufficient money in the "coffers" to enable it to be carried out. If this did take place, there would appear to be the basis for an arrangement and sufficient money available to construct one kilometre of the remaining two kilometres from the Calsil pit to Readymix. This would significantly improve the road situation and

alleviate both truck noise and truck/car conflict. Mr. Stevens indicated that he would consult with his Directors and would inform Council in the near future.

Recommendation

That the information concerning the meeting between the Roads and Traffic Authority, Police Department, State Pollution Control Commission and Council; and the meeting between Mr. Stevens of Readymix, the Town Clerk/General Manager, Manager of Town Planning and Manager of Engineering Services be received.

COMMITTEE'S RECOMMENDATION

THAT THE INFORMATION concerning the meeting between the Roads and Traffic Authority, Police Department, State Pollution Control Commission and Council; and the meeting between Mr. Stevens of Readymix, the Town Clerk/General Manager, Manager of Town Planning and Manager of Engineering Services be received.

FURTHER that the Manager of Town Planning report on any further operations of McInerney's quarry.

ITEM 34:

(File P160-7) [10.649]

SUBJECT:

ABORIGINAL LAND CLAIMS

*c Records
Chen 11-5-90*

REPORT (M.T.P.)

Letters have been received from the Department of Lands advising that under the provisions of the Aboriginal Land Rights Act, 1983, Aboriginal Land Claims have been lodged over certain lands indicated in maps attached to the letters. The Department has requested Council's views on the claims prior to their determination.

The land in question is a vast area of land covering mainly Crown land and extending from an area to the south of Titas Road at East Kurrajong in a north and north-easterly direction to Lower Colo Road and the area generally adjacent to the confluence of the Colo and Hawkesbury Rivers. The land is estimated to have an area in excess of one million hectares and Council's roads appear to be contained within the claimed area, as well as the area around Blaxlands Ridge under investigation for relocation of the mushroom composting and other rural industries.

As the possible future siting of these industries has not been finally determined it is considered that Council should raise an objection to the claim.

Recommendation

That the Department of Lands be advised that Council raises an objection to the Aboriginal Land Claims Nos. 3445 and 3446 as the land is under general investigation by Council for a public purpose, being the location of mushroom composting and other rural industries and, additionally, that Council's road reserves appear to form part of the claim.

COMMITTEE'S RECOMMENDATION

THAT THE DEPARTMENT of Lands be advised that Council raises strong objection in principle to the Aboriginal Land Claims Nos. 3445 and 3446 as the land is under general investigation by Council for a public purpose, being the location of mushroom composting and other rural industries and, additionally, that Council's road reserves appear to form part of the claim.

THE RECOMMENDATION BE adopted.

ITEM 35: (File 3161(w)) [10.650]

SUBJECT: 9 NEW STREET, WINDSOR - EXISTING USE
RIGHTS - LANDOWNER: WINDSOR
EXHAUST CENTRE.

cc Records
✓ CHEN N 11-5-90

REPORT (M.T.P.)

At the Ordinary meeting of 10th April, 1990, the matter was raised of use of the premises formally used as a repair and servicing depot for Winford Motors and being opposite the newly constructed shops. In addition, the current owner of the land, Windsor Exhaust Centre, has written indicating that the Winford Motors use ceased on the last day of February 1989 and that the Windsor Exhaust Centre has performed part of the same operations since Winford Motors vacated and have, accordingly, secured existing use rights for the premises.

It is known that Windsor Exhaust Centre has undertaken very limited repairs, etc. from the premises and it is considered that such is sufficient so as to secure the non-conforming existing use.

The owner also advises that the property is in the process of being sold and that new owners will make separate application for the change of the existing use rights attached to the land.

Council is empowered to alter or extend a non-conforming existing use although, at its meeting in July 1989, Council refused an application for muffler and exhaust fitting being the renovation and intensifying of the premises for the purposes of muffler and exhaust fitting, for the following reasons:-

- a. Unacceptable industrial use in a residential zone particularly in relation to noise emission and traffic impact.
- b. Unreasonable extension of a non-conforming existing use.
- c. The land and the locality is better suited to the current zone which is medium density housing.
- d. Not in the public interest.

Notwithstanding, it is possible that a reasonable alternative use, either conforming or non-conforming, could be contained on the land.

Recommendation

That Windsor Exhaust Centre be advised that Council recognises the continuation of the non-conforming use on the premises No.9 New Street, Windsor, however, that these rights merely relate to small scale motor vehicle repairs of passenger and light commercial vehicles only and the storage of new and used cars pending their detailing and/or repair and subsequent sale.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

*cc. Records
KARL 11.5.90
✓*

ITEM 36: (File P160) [10.651]

SUBJECT: COMMUNITY TITLES LEGISLATION

REPORT (M.T.P.)

The Community Titles Act will be gazetted next month. The community titles legislation is designed to fill the vacuum between conventional subdivision and strata subdivision which are the only existing methods of subdividing land in New South Wales. The effect of the legislation will be to enable common property to be created within conventional subdivisions.

In addition to extending the concept of the shared use of common facilities to subdivisions which might consist of no more than vacant blocks of land, the legislation will also provide for the development of planned communities of any type where the use of some of the land is shared. It will enable development of non-stage schemes or of schemes comprising several stages over an unlimited time frame, and will permit projects ranging in size from small groups of houses clustered around common open space to large communities with shared roadways and facilities based on commercial sporting, recreational or agricultural features.

As is the case with the strata legislation, common areas within a development will be owned and managed by a body corporate (known as an association) comprising all lot owners. The association will own the common areas, referred to in the Act as association property, as agent for its members in shares proportional to the members' unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

However, as a means of overcoming the limiting effect of the strata legislation, which does not facilitate the promotion of theme developments or mixed developments containing separate areas for residential, commercial, recreation and industrial uses, the proposed legislation will provide the machinery for flexibility in the management and administrative arrangements operating within a scheme. This necessary degree of flexibility will be achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and participation in, the scheme.

The new subdivision concept will facilitate government initiatives to provide a legislative framework for medium density housing and will also permit the construction of major resort developments in New South Wales.

The new laws will only marginally affect Council's administration of zoning and planning legislation. Plans of community schemes will essentially be land subdivisions and will require Council approval in the manner already provided in the Local Government Act, 1919, and the Environmental Planning and Assessment Act, 1979.

Development must either comply with existing zoning requirements or an application for rezoning will be required. Changes to schemes involving the amendment of local environmental plans, development control plans or development consent will also require the approval of Council.

Recommendation

That the information concerning the Community Titles Legislation be received.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

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37. ERECTION OF EIGHT VILLA UNITS - 354 WINDSOR STREET, RICHMOND: APPLICANT - JIM ANDERSON & PARTNERS. DA 29/90 [10.652]

This matter was considered by Council at its Ordinary meeting of 10th April, 1990, where it was resolved that the applicant be invited to submit a design, including the Californian style bungalow, if he should so desire.

A meeting has taken place between the applicant and the Manager of Town Planning and the following letter from the applicant has been received in relation to the matter:-

"Reference is made to our meeting with the Manager of Town Planning, Mr. Falson, on Thursday 19 April 1990 at which the implications and intention of Council's decision of 10 April, 1990 namely 'that the applicant be invited

to submit a design including the Californian style bangalow, if he should so desire' was discussed.

We herewith request that Council reconsider its decision of 10 April 1990 and grant approval for the eight villa units in accordance with the plans accompanying our original Development Application which involves the demolition and removal of the existing dwelling house.

Insufficient curtilage area could be maintained around the existing dwelling in order to maintain a density of eight units on the site.

It should be noted that under the provisions of the Hawkesbury LEP and Council's Medium Density Housing Code that a density of 10 units is academically possible. Our clients proposal is for eight units.

In asking Council to grant approval to the application we ask that the following points be taken into consideration.

1. The existing building depends upon its large and appropriate garden for its effect as noted in Heritage study of the North Western Sector of Sydney.

To retain even a minimum of surrounding garden places a very considerable design constraint and that buildings resulting from a redesign will be inappropriate to the character of the area, or support the existing house, because of the extremely limited landscaped space available to them.

2. The large garden area was a significant component at the time when the Council considered the subject property may have had some heritage significance. The loss of the garden area substantially reduces any heritage significance of this existing dwelling and we consider that the house by itself has no significant Architectural importance.
3. There have been poor quality additions and modifications to the dwelling over the past years and such additions and modifications would need to be demolished or restored. This leaves a house size of approximately 140m² which is insufficient for two quality units without additions to the building.
4. The location and depth of the Metropolitan Water Boards's Sewer Mains as shown on the accompanying Site Plan presents design and siting constraints in the positioning of units on the property. This was a significant factor in the original design and causes further design constraints in alternative proposals which involve the retention of the existing dwelling.
5. Vehicular access and turning movements on the site are significantly impeded with the retention of the existing dwelling due to its position on the site. Insufficient space is available to allow for garages and

manoeuvring area in accordance with Council's codes without placing the garages in undesirable relationships to the new units.

The original development application provided for the garages to be located in positions to facilitate undercover pedestrian access to each unit. The modification that would be necessary should the dwelling be retained would involve locating the garages in odd corners and remove the opportunity of providing covered pedestrian access to each unit from such garages.

- 6 In general the significance of the existing dwelling would be lost with units totally surrounding this house. It is also considered that such a development would only result in creating or substandard project with no apparent benefit in maintaining this house.

We would appreciate the opportunity of addressing the General Purpose committee meeting on Tuesday 24th April, 1990 to further expand on the above comments and answer any questions of your Aldermen."

It is conceded that there are constraints to development of the property should the Californian bungalow remain on site. It is possible, however, to develop the site for villas or town houses including the retention of the old house, albeit with a much reduced number of dwelling units, either to the extent where the reduction would make the proposal not viable or, if the number of units were sufficient, to the extent where the constraints would probably make the subsequent design of a lesser standard than that proposed.

It is still considered that the building is worthy of retention in its pure heritage form, however, whether it should be kept to the extent where it stifles further development of the land is arguable.

The land is zoned for the development as proposed and has been for a number of years and, if Council considers that the old building should be retained, then it should only do so on the basis of its recommendation to be included as a heritage item within Hawkesbury Local Environmental Plan, 1989. Included to be within any such recommendation would be a need indicate reasons for its perceived heritage significance so that, should the matter ultimately proceed to litigation, the Council would have some grounds for defence.

However, as there has been a previous history of approvals and of support of land zonings, it would appear that Council should approve of the application.

Recommendation

That the application be approved subject to the following conditions:

1. The development shall be carried out in accordance with the submitted plan dated the 31st January, 1990.
- 2-12. Standard conditions 11, 16 (5m) (five), 17, 20, 81, 50 (15) (fifteen), 70, 74,

87, 104, 6 (\$12,089.00) (twelve thousand and eighty nine).

13. The building design shall incorporate features to mitigate aircraft noise intrusion to the satisfaction of the Manager of Environment and Building Services (e.g. acoustic insulation at walls and roofs/ceilings and reduced glazed areas).
14. Doors shall be provided between all kitchens and laundries.
15. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the Building Application. In this regard, the garbage bin store shall be removed from the front yard area and relocated in a more central location or otherwise the service yard shall be utilised for the storage of garbage receptacles.
16. The walls of the existing swimming pool shall be demolished to a level at least 1 (one) metre below ground level and a 1 (one) square metre perforation shall be made in the floor of the pool.
17. The development shall make provision for a brick paved manoeuvring area extension from the accessway. In this regard, the private open space courtyards of Units 2, 3 and 6 in addition to the associated brush fenceline which separates each private courtyard shall be reduced in accordance with the amendments marked in red on the submitted plan dated the 31st January, 1990 and be to the satisfaction of Council's Manager of Town Planning.
18. The applicant provide photographs and measured drawings of the Californian bungalow building on the site suitable as an historic record to the satisfaction of the Manager of Town Planning and prior to demolition of the building.

Mr.Geoff Hawkes addressed the Committee.

COMMITTEE'S RECOMMENDATION

AN INSPECTION BE carried out.

The Committee inspected the site at 3.15 p.m. Aldermen present at the inspection were Aldermen Horrex, Sledge, Bazeley, Benson, Books, Rotherham and Sheather.

THAT THE APPLICATION be approved subject to the following conditions:

1. The development shall be carried out generally in accordance with the submitted plan dated the 31st January, 1990 except that a revised plan shall be submitted along with the building application and landscaping plan as

required, indicating a design that retains the existing large jacaranda on the eastern boundary, the liquidambar in the north west corner, conifers on the northern (street) boundary and that the drawings attempt to retain the large conifer in front of the existing dwelling and the gum tree to the west of the existing swimming pool.

- 2-12. Standard conditions 11, 16 (5m) (five), 17, 20, 81, 50 (15) (fifteen), 70, 74, 87, 104, 6 (\$12,089.00) (twelve thousand and eighty nine).
13. The building design shall incorporate features to mitigate aircraft noise intrusion to the satisfaction of the Manager of Environment and Building Services (e.g. acoustic insulation at walls and roofs/ceilings and reduced glazed areas).
14. Doors shall be provided between all kitchens and laundries.
15. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the Building Application. In this regard, the garbage bin store shall be removed from the front yard area and relocated in a more central location or otherwise the service yard shall be utilised for the storage of garbage receptacles.
16. The walls of the existing swimming pool shall be demolished to a level at least 1 (one) metre below ground level and a 1 (one) square metre perforation shall be made in the floor of the pool.
17. The development shall make provision for a brick paved manoeuvring area extension from the accessway. In this regard, the private open space courtyards of Units 2, 3 and 6 in addition to the associated brush fenceline which separates each private courtyard shall be reduced in accordance with the amendments marked in red on the submitted plan dated the 31st January, 1990 and be to the satisfaction of Council's Manager of Town Planning.
18. The applicant provide photographs and measured drawings of the Californian bungalow building on the site suitable as an historic record to the satisfaction of the Manager of Town Planning and prior to demolition of the building.

SECTION 3 - FINANCE

ACCOUNTS PAID

COMMITTEE'S RECOMMENDATION

THE ACCOUNTS SUBMITTED be confirmed as shown hereunder:

General Fund Nos.	86098 -	86846	\$8,148,011.04
Trust Fund Nos.	7660 -	7719	1,969,736.65
			\$10,117,747.69

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 A1-6) [20.786]

SUBJECT: FORM 2A REPORT AS AT 31 MARCH 1990

REPORT (T.C.)

ESTIMATED WORKING FUNDS POSITION AS AT 31 MARCH 1990

	<u>General</u>	<u>Sewerage</u>
Estimated total income for year on present trends	40,715,006	5,159,405
Estimated total expenditure for year on present trends	40,717,110	5,459,405
Estimated working funds surplus or (deficit) for year on present trends	(2,104)	(300,000)
Accumulated working funds position as at 31 December 1989	460,342	321,088
Estimated working funds position as at 31 December	458,238	21,088

General Fund

The Form 2A Financial Statement is presented to this meeting with an estimated deficit on the year's operations of \$2,104 based on current trends. This will result in an Accumulated Surplus of \$458,238 at the end of the year.

At the completion of three months activities it is difficult to project the end result for the year result, however, provision and adjustments have been made for those factors which are predictable including contributions to Statutory Authorities and budget variations determined by Council.

Included in the Budget variations are those costs which were not finalised at the end of 1989 in connection with the improvements to the Council Chambers and Offices along with the furnishings, office partitioning and improvements to telephone system. The commitments to be brought to account in the current year have been shown in this Statement and amount to \$305,556. The source of funds, as previously determined, is the 1989/90 Capital Works Programme and moneys recovered from the Department of Social Security for the restoration of the leased area.

Sewerage Fund

Provision was made in the 1990 Budget for a deficit on the operations of this Fund of \$300,000 for the year to enable the construction of reticulation mains for the Mulgrave Industrial Sewer Scheme, as previously determined by Council. This result on operations is still predicted for the year and will result in an anticipated Accumulated Working Funds balance at the end of 1990 of \$21,088.

The Sewerage Fund will continue to be in a good financial position notwithstanding the reduction in the Working Funds balance.

Recommendation

That the Form 2A Financial Statement to 31st March, 1990 be received and the amounts shown as expenditure be now voted.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

ITEM 2: (File P155/10) [20.787]

SUBJECT: SELF ENFORCING INFRINGEMENT NOTICE SYSTEM
(S E I N S)

REPORT (M.E.B.S.)

Subsequent to negotiations between the N S W Police Department and Sydney City Council, the Infringement Processing Bureau of the Department has offered its computer facilities to assist local government authorities in processing infringement/parking penalty notices.

Council's Ordinance Inspectors presently issue parking penalty notices which are then processed by secretarial staff with the occasional need for offences to be determined by the Local Court. This processing of the notices involves considerable time of Council's staff being devoted to the mundane and inefficient follow up procedures in bringing the notices to finality.

S E I N S propose that all infringement/penalty notices be submitted to the Bureau for processing (i.e. courtesy letter, enforcement order, notice of enforcement order and summons or receipt of penalty, as applicable). Council would retain the power to withdraw a particular matter from any stage of the process, as it deems fit.

The offences currently embraced by S E I N S are:-

1. Parking contrary to sign (Section 269A(15) of the Local Government Act).
2. Parking on footway (Reg.81(1) of the Motor Traffic Regulations).
3. Uncovered loads (Ordinance 30 (18A) of the Local Government Act).

It is envisaged that the range of offences will be legislatively expanded to include other areas of Council responsibilities and concerns (e.g. activities in public reserves, littering, street trading, pollution of public places, signs on footpaths and the like).

Penalties under S E I N S will be standardised State-wide and Council will not have the discretion of setting or altering penalties. It is noted that Council's penalties for various parking offences are generally consistent with the Bureau's scale of penalties. Penalties will also be subject to periodic review by the Police Department.

Cost to Council for participation in S E I N S would be \$15.00 for the processing of each infringement notice issued. This cost is deducted from each penalty payment lodged with the Bureau and the balance remitted to Council on a monthly basis. This cost is also subject to periodic review. Council will still be liable for any legal costs heard at the Local Court, which is currently the case.

Training of appropriate Council officers as Reporting Officers under S E I N S will be provided by the Bureau.

Council will always have the option of withdrawing from S E I N S on thirty (30) days notice to the Bureau.

Recommendation

1. That Council enrol and participate in the Self Enforcing Infringement Notice System operated by the Infringement Processing Bureau of the N S W Police Department.
2. That Council's officers Messrs. Charles Whitelock, David Harvey and Ian Stubbs be appointed as Reporting Officers under the System and be authorised to act in that capacity.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

3. PROPOSED MULTIFUNCTION POLIS. W275. [20.788]

Earlier this year WSROC established a Task Force to advise the Regional Organisation on the proposed development of a Multifunction Polis. The Report of that Task Force was placed before the last meeting of the Region and the following resolution carried :

- "1. WSROC takes the view that the Multifunction Polis may offer potential opportunities for Western Sydney provided :
 - a) it does not develop as an economic enclave within Western Sydney;
 - b) it does not develop as a social enclave within Western Sydney;
 - c) it does not impose costs on the people of Western Sydney in terms of the provision of infrastructure, and does not distort government programs for the provision of infrastructure within the region; and
 - d) Australians do not subsidise development of the proposal.
2. WSROC seek answers from the Commonwealth and State Governments to the attached list of questions about the Multifunction Polis.
3. WSROC seek a clear undertaking from the State Government that Local Government's planning powers are retained and in no way overridden or diminished. Furthermore, WSROC takes the view that a discriminatory application of planning powers viz a viz local industry compared to industry locating within the Multifunction Polis is untenable.
4. WSROC reserve the right to make a more definitive statement on the Multifunction Polis following receipt of answers to the attached questions.
5. All delegates be provided with a copy of the proceedings of the WSROC seminar on the Multifunction Polis.
6. WSROC advise member councils of its decision.
7. WSROC request the taskforce to reconvene following the receipt of answers to the attached questions and present a further report to the regional organisation."

The New South Wales Department of State Development (which is handling the Multifunction Polis within the New South Wales Government) is working with WSROC addressing a number of questions. The New South Wales Government has until the 17th of May to present a final proposal to MFP Australia Research (the organisation which will be making a recommendation to the Commonwealth Government) on a preferred site for the proposal.

The Chairman of WSROC has asked whether member Councils have any additional questions regarding the proposal other than the following :

1. General

- Given that Western Sydney has developed in a multifaceted manner over the last 20 years, why does Western Sydney need the MFP to continue this process?

2. Employment/Economic

- what number of jobs might the MFP be expected to generate in Western Sydney?
- what types of jobs will they be?
- will a dependence on foreign capital further expose the Australian economy?
- what measures, if any, are under consideration to ensure that the host community benefits by way of increased employment opportunities?
- what measures, if any, are proposed to integrate existing or future businesses within the host community into the MFP?
- what impacts would the investment of \$40B and the presence of highly paid workers have on the price of housing, goods and services within the region?

3. Infrastructure

- which Governments [Australian(Federal/State?) or Japanese] bear the risk for the provision of necessary infrastructure?
- regarding Australia's share of the risk, what risks are there that any guarantee would need to be honoured? What implications would this have for the diversion of government expenditure?

4. Social Integration

- will the development become or be perceived as an enclave?
- what steps are to be taken to prevent the MFP developing into an enclave? Are these consistent with the rest of the MFP concept?
- will the MFP distort Australia's existing immigration program, with possible effects on the existing migrant communities in W.S., e.g. limits on family reunion numbers?

5. Governance

- what steps have been/will be taken to seek the views of affected Councils?
- what steps have been/will be taken to seek the views of local residents/businesses?
- which authorities will be responsible for the provision of local infrastructure?
- what arrangements are proposed for the transfer of assets and liabilities between existing councils and government authorities on the one hand and the proposed MFP government body on the other?

6. Environmental

- what innovative development standards can be applied to the development, e.g. regarding energy use and pollution?

7. Consideration of the Proposal

- what criteria will be used to decide whether Australia adopts the MFP proposal? Will the recommended development have to satisfy all nine principles set down by the Australian Government, or just

some of them? If the latter case, which ones, and what of the principles which the proposal does not satisfy?

8. On-going Consultation

- what processes of consultation with the community of the recommended site are proposed?
- if a decision is taken to proceed with the project, what steps are proposed to address community concerns regarding the development?
- if the MFP does not proceed, what lessons/benefits can we draw from the proposal?

Recommendation

WSROC be advised that Council concurs with the list of questions prepared in seeking further information regarding the Multifunction Polis proposal from the State and Commonwealth Governments.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

4. CAPITAL FUNDING FOR ESTABLISHMENT OF YOUTH CENTRES.
G95; C44/2 [20.789]

On Friday, the Local Government Association advised that the Office of Youth Affairs has called for submissions from Councils and community organisations for grants of up to \$250,000 to establish five youth centres. Capital funding only is available and there is no recurrent money to operate services.

Applications close on Friday, 27th April and applications must be received by the Manager, Office of Youth Affairs, by that time.

The Associations have welcomed the initiative but are concerned at the very limited time allowed for the submission of applications.

The Minister's announcement indicates that one of the Centres is to be established in his own Electorate with the other four yet to be determined.

The Centres are to be supported by the widest possible range of people in the community with the day to day operations being the responsibility of community based Management Committees.

The submissions are to cover such matters as the number of young people in the area (aged 13 to 25), evidence of disadvantage or special needs, how young people would be involved in planning of the proposal and use of the Centre, details of existing facilities and Centres available in the district, support from local organisations, any details of joint funding, a detailed operating budget for three years, and evidence that local people would be prepared to be involved in management of the Centre. Council will appreciate it is particularly difficult in the very short time allowed to submit all the details involved.

There has been a problem with space for the youth operations at the Richmond Neighbourhood Centre. Contact has been made with the Centre regarding a

proposal prepared some time ago to extend the building to enable for an expansion of youth activities. It is considered this is the only location in the City likely to be acceptable for funding. With the attractions in the town, the current population and the continued young population associated with the R.A.A.F. and the University, it is considered that a case can be made for consideration. As well the local Police have been involved for some time in an attempt to have a Police Youth Centre established in the district. Contact has been made with the Richmond Neighbourhood Committee and it is hoped that further details can be made available at the meeting.

Recommendation

Council make a submission for capital funding for Youth Centre facilities at the Richmond Neighbourhood Centre, Richmond.

COMMITTEE'S RECOMMENDATION

THE RECOMMENDATION BE adopted.

QUESTIONS WITHOUT NOTICE [20.790]

Alderman Sheather sought advice on the current position regarding the sand mining at Sackville.

The Manager of Town Planning stated that he had spoken to Mr. Lance on a couple of occasions and Mr. Lance had forwarded a copy of the file from Baulkham Hills in relation to the matter and that file is being investigated. He advised that he and the Mr. Karl Berzins, Council's Executive Planner, has an appointment to see Mr. Lance within the next couple of days to go through the file with him and hopefully Council's resolution can then be carried out by giving support to the application. He stated that his preliminary look at the file has led him to the conclusion that most issues have been adequately covered but there still seems to be a gap so far as the need for that small extraction just for the orcharding industry.

Alderman Sheather stated that last year a gentleman came to Council in relation to a subdivision - he wanted to subdivide a property, his wife had been hurt in an accident. Alderman Sheather asked that he be made aware of the advertisements in the paper recently that they have up until the 30-6-90 to make claims for road accident compensation during that period where he could not previously claim.

Alderman Sledge stated that the person concerned works with her and she undertook to take the matter up direct with him.

Alderman Sheather referred to the new access to the building, carparking was to be provided and asked where this would be situated.

The Mayor undertook to advise Alderman Sheather.

Alderman Sheather asked when would the Aldermen's badges be available.

The Mayor stated that any day now and that they would certainly be provided prior to the Flood Mitigation Conference.

Alderman Denne referred to damage on the corner of Grose Vale Road and Pecks Road caused by the Water Board and stated that it is very dangerous. She asked who is responsible for the damage. She pointed out that the work has not been done properly.

The Manager of Operations stated that the Water Board forwards a reinstatement order to Council generally after they have finished the work and undertook to check to see whether an order has been received. He stated that the work would be carried out in any case.

The Mayor asked for comment on Cabbage Tree Road.

The Manager of Operations stated that Cabbage Tree Road near the bush fire shed has been subject once more to a slip due to the wet weather. The actual road pavement has dropped. Work was carried out last year as the result of flood damage, but this has not solved the problem. A temporary 2 tonne load limit has been put on the road at this stage. Council has had some geotechnical experts up to have a look at the situation and is waiting on their report to see what work can be done in an endeavour to remedy the position.

Alderman Benson drew Council's attention to the effect of the recent floods on Bardenarang Creek. He stated that the flood mitigation pipe that was installed seemed to be designed for a small flood. He pointed out that the pipes are situated on the creek at a point where the bank and the end of his property meet with the result that the creek fills up and the water flows over and takes fences with it every time. He stated that it is a big problem.

The Mayor stated that the matter would be investigated.

Alderman Bazeley asked if he could have a report on flood damage and likely costs resulting therefrom.

The Manager of Operations advised that investigations are currently being carried out. An inspection is being done of the Macdonald Valley and Upper Colo area to-day to try and get some estimate of the damage. There is still water covering some of the roads. A final estimate of cost has not been reached at this stage.

Alderman Bazeley asked the present status of Nepean Park, Yarramundi.

The Manager of Town Planning stated that a letter has been received from the Water Board indicating that it had agreed to the private water supply scheme.

Alderman Bazeley asked where the matter has reached with the Department of Planning.

The Manager of Town Planning undertook to advise Alderman Bazeley.

Alderman Sheather stated that there has been a problem for quite some time at the intersection of Cabbage Tree Road in that the buses will not go down and pick up children. If there is to be major alterations done to the road, could it possibly be looked at on the basis of the realignment of the whole slip area so that bus access is provided.

The Manager of Operations stated the whole aspect is being looked at together with the location of the bush fire shed.

The Committee then adjourned for inspections.

The meeting terminated at 4.23 p.m.

REPORTS FOR DETERMINATION

FINANCE AND ADMINISTRATION1. CONTRACTS AND DOCUMENTS FOR EXECUTION UNDER SEAL OF COUNCIL. C51/8/g, C51/5/h, C51/26

IT IS RECOMMENDED THAT the Seal of Council be affixed to the following documents:

- Lease - Mr R & Mrs P Still - Exercising 2 (two) year option of lease for Shop 8 Hobartville Shopping Centre. Rental for initial year \$10,400 (ten thousand four hundred) plus 17.55% (seventeen point five five) of annual outgoings for the complex.
- Lease - M/s L Train - 3 (three) plus 3 (three) year option lease agreement for Shop 7 Wilberforce Shopping Centre. Rental for initial year \$9,880 (nine thousand eight hundred and eighty) subject to annual Consumer Price Index adjustment plus 11.54% (eleven point five four) of annual outgoings for the complex.
- Lease - Home Care Service of N.S.W. - Exercising 3 (three) year option under the lease agreement for Reverend Turner Cottage. Rental for the whole of the term is \$13,000 (thirteen thousand) per annum plus outgoings.

2. SENIOR RESIDENTS HANDBOOK. C45

This has been updated and printing will be completed in the near future. Because of the popularity of community services directories, and the cost involved it is recommended that a copy be made available to each organisation included in the book, that 50 copies be retained for government and other agencies and that the publication be available to the general public at a cost of \$2.00.

In the past the Handbooks have been made available at no charge. However, there is now a considerable demand for this document from commercial organisations, university students, as well as community groups. It is felt that a minimal charge to off-set the printing costs is appropriate.

IT IS RECOMMENDED THAT 1 (one) copy of the Senior Resident's Handbook be issued to all organisations included, that 50 (fifty) copies be retained for free distribution to government departments and other agencies and that the publication be available to the general public for a cost of \$2.00 (two).

3. DELEGATION OF AUTHORITY - ASSISTANT FINANCE MANAGER. S1/8P.

Following the resignation of the former Assistant Finance Manager, it is now necessary to provide the new appointee the necessary delegations of authority to continue efficient operations of the Finance Section of Council's operations. Mr. Peter MacDonald has been appointed to the position and has a number of years experience in a senior accounting function at Blacktown City Council.

IT IS RECOMMENDED THAT in accordance with Schedule 3 to Clause 2.9, Authorised Officer - Assistant Finance Manager, PETER MACDONALD, subject to compliance with statutes and any policy of Council, be authorised to:

1. Sign or countersign cheques on Council's behalf.
2. During the absence of the Rates Clerk and Assistant Rates Clerk, sign Section 160 Certificates on behalf of Council.
3. Sign purchase requisitions for goods, works and services on behalf of Council.
4. Check and certify accounts against Council.

4. HAWKESBURY SISTER CITY ASSOCIATION - NATIONAL CONFERENCE, DARWIN. A7-40, C50.10

The Hawkesbury Sister City Association has forwarded the following letter to Council:

"The Mayor requested at our last meeting that we write to Council seeking permission to send, in addition to our two representatives, a youth delegate to the National Conference in Darwin in September.

It should be noted that this was included in our submitted budget.

As stated in previous correspondence, a youth programme is a vital part of the Sister City ideals and we will be seeking a suitable candidate who hopefully will generate interest and co-ordinate our exchange students and young people who have visited our Sister Cities.

Your advice at your earliest convenience would be most appreciated."

Council recently agreed to the appointment of Miss Kelland to the National Awards Committee which required her attendance at the National Conference. There are usually two persons who attend this Conference from the Sister City Association and

it is felt that a youth delegate would be appropriate to the overall Sister City programme.

Funds have been provided to the Sister City Committee for this purpose in 1990 as requested in their Budget allocation.

IT IS RECOMMENDED THAT the Hawkesbury Sister City Association be advised that Council supports the attendance of a youth delegate to the National Conference and the funds be provided from the Hawkesbury Sister City Association allocation.

5. FINANCIAL ASSISTANCE GRANT - MINIMUM GRANT - BAULKHAM HILLS SHIRE COUNCIL. G95-44

Council has recently received a request from Baulkham Hills Shire Council seeking support for the increase of the per capita subsidy from 30% to 50% under the distribution of funds provided by the Federal Government through the Local Government (Financial Assistance) Act, 1986.

Baulkham Hills Council has also requested support in their representations to the responsible Federal and State Ministers for an inquiry to be held to ascertain if the criteria for the distribution of Financial Assistance Grants in its present form is fair and equitable. In this regard, Baulkham Hills Shire has requested Council's support by making representations to local State and Federal Parliamentarians to show that Metropolitan Councils are dissatisfied with the existing distribution and calculation process of the funds provided under the Financial Assistance Grants.

There have been numerous inquiries into the method of determination of allocation to each of the Local Government areas of the grants received under the Local Government Assistance Funds since the Commonwealth Revenue Sharing Grants originally commenced. The most recent extensive inquiry was in 1985 when Professor Peter Self conducted a "National Inquiry into Local Government Finance". The Self Inquiry was quite extensive and enabled all Councils to provide input into the inquiry process and, in particular, the allocation of funds received under the Local Government Assistance Grants.

Whilst there are many aspects to be considered in regard to the percentages of per capita subsidy, revenue allowances and expenditure differentials, it is considered that the increase of the per capita subsidy would certainly benefit the Metropolitan Councils in contrast to those Council that have large expansive areas with smaller populations.

Baulkham Hills Shire Council has also claimed that unless Councils can offset the revenue component with expenditure disabilities, then the proportion of the grant will continue to be reduced. This, obviously, raises the whole issue in regard to the purpose for which the Commonwealth Revenue Sharing Grant was established and,

in particular, the principle of providing financial assistance to those Councils which required the greatest assistance. These issues are constantly addressed by the New South Wales Grants Commission in accordance with the guidelines established by the New South Wales and Federal Governments, with the review of the State and Federal Grants Commissions and the establishment of the Local Government (Financial Assistance) Act, 1986.

It is felt that there is no financial advantage to be gained for this Council to have the per capita subsidy increased from 30% to 50% of the funds allocated under the Financial Assistance Grants and that there is little value in making further representations to State and Federal Members for another review of the principles under which these grants are allocated to Local Government.

IT IS RECOMMENDED THAT Baulkham Hills Shire Council be advised that Council does not support another inquiry into the principles of the allocation of the Local Government Financial Assistance Grants as the National Inquiry into Local Government Finance 1985 addressed the major principles for the allocation of those grants and that another inquiry at this stage would be unlikely to result in any major changes to the process.

6. PENSIONER REBATES, R186-3

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, Department of Veterans Affairs and signed declarations made by pensioners. Details of the reductions are listed below.

	<u>Write Off</u>	<u>Subsidy Claim</u>
Claim No. 1	\$204,005.27	\$102,002.64
Claim No. 2	\$83,214.52	\$41,574.60

IT IS RECOMMENDED THAT application be made for subsidy in respect of rates owing by pensioners, written off or reduced in 1990 and previous years, and that an undertaking be made under the Seal of Council in respect of writing off or reducing rates owing by pensioners in pursuance of Section 160AA of the Local Government Act and that proceedings shall not be taken in their recovery.

ENGINEERING1. BONDING OF ROAD AND SEWER WORKS - SUBDIVISION LOT 102 DP 788786 - WINDSOR DOWNS ESTATE STAGE 1 - APPLICANT ROSE CONSULTING GROUP FOR RIVERSTONE MEAT COMPANY. S89/46

Application has been made for Council to accept a bank guarantee covering the outstanding road works and the sewer works including the reticulation, mains, rising mains and pumping station for the subdivision to allow release of the linen plan.

The roadworks are proceeding satisfactorily with the drainage virtually complete and the pavement at various stages of completion ranging from boxing of the subgrade to placement of the temporary seal, while the sewer works have not yet commenced.

The cost of the outstanding works have been estimated in conjunction with the applicant as follows:

1.	Outstanding roadworks	\$840,000
2.	Sewer reticulation	\$163,000
3.	Rising main	\$172,200
4.	Pumping station	\$230,000

The bond amount has been calculated by adding 50% oncosts to cover unforeseen contingencies, increases in cost to the time of completion and to ensure that the applicant has an incentive to complete the works quickly.

IT IS RECOMMENDED THAT Council accept bank guarantees of \$1,260,000 (one million two hundred and sixty thousand) covering completion of roads and drainage works for Stage 1 Windsor Downs Estate in accordance with the approved engineering plans and any requirements of the Manager of Engineering Services and \$847,800 (eight hundred forty seven thousand and eight hundred) covering the construction of sewer reticulation mains, rising main and pumping station to serve the lots to the requirements of the Manager of Engineering Services subject to the following conditions.

1. The work is to be completed by 30th April, 1991.
2. A covering deed of agreement prepared by Council's Solicitor be completed by the owner of the property.
3. The cost of the preparation of the Deed is to be paid direct to Council's Solicitor by the owner.
4. Council's seal be attached to the completed documents.

2. TENDERS - ATTENDANT GOVERNOR PHILLIP PARK RECREATION AREA AND BOAT RAMP. 625-205.

Tenders were invited for the supply of equipment and duties associated with the operation of the boat launching ramp and maintenance of lawns and gardens at the Governor Phillip Park, Windsor, for a twelve month period.

Tenders received are listed hereunder:-

J. Burden, 659 George Street, South Windsor	\$32,400
J.T. Pye, 58 William Cox Drive, Richmond	\$33,750
J.D. Day, Lot 1 King Road, Wilberforce	\$33,900
G. Pratt, 394 Terrace Road, Freemans Reach	\$34,442
B. Johnson, Lot 7 Bora Place, Wilberforce	\$49,400
E.J. Clifton, 53 Balmain Road, McGraths Hill	\$81,917

Discussions have been held with the lowest tenderer regarding assurances for supply of the equipment and performance of duties.

IT IS RECOMMENDED THAT the tender of J. Burden for the duties of Attendant and undertaking maintenance works at Governor Phillip Park Recreation Area and Boat Ramp for the sum of \$32,400 (thirty two thousand four hundred dollars) for an initial period of 12 (twelve) months be accepted, and documents be executed under Seal of Council.

HEALTH AND BUILDING1. PITT TOWN LAGOON. 625

It will be recalled that recently the water in Pitt Town Lagoon turned black and Council was advised that Dr. D Cheng, Dean of the Faculty of Life Sciences of the University of Technology had been engaged to carry out a study of the ecology of the lagoon to determine as far as practicable, the cause of "The Black Water Phenomenon".

Following investigation with appropriate sampling and analysis, Dr Cheng submitted his report, the concluding remarks of which are reproduced below:-

"Overall, at the time of sampling on 2.3.90, Pitt Town Lagoon was in a rather poor state. The Lagoon was visually very turbid, with extensive coverage of brown surface scum of organic matter, iron and manganese. The oxygen level was moderate, but should be much closer to full saturation. The Algal cell counts were very high, considering the very high turbidity and therefore low clarity of the water so that light would be a limiting factor for algal growth. This would suggest that the Lagoon was excessively rich in plant nutrients and so giving rise the possibility of undesirable algal blooms in the future.

It is postulated from the available data that the condition of the Lagoon as determined on 2.3.90 represented the aftermath of a major event of extreme environmental stress, caused by rapid decomposition of abundant organic matter and leading to the development of anoxia and the Lagoon turning 'black'. If it can be assumed that the causes of the stress and anoxia have now been largely dissipated, the Lagoon should recover further from its condition on 2.3.90 and which would result in an increased dissolved oxygen level and greater water clarity due to sedimentation of particulate matter from the water column.

There is as yet insufficient scientific data available to determine whether the 'black' Lagoon phenomenon was a one-off event triggered by a combination of unfavourable factors coming together at the same time, or that there were some fundamental causes of ecological stress which still operate on the Lagoon. However, judging from the abundant birdlife and the general beauty of the Lagoon and its surrounding environment, it is clear that the Lagoon is an important wildlife sanctuary and a possible educational amenity for nature studies for educational institutions, schools and the public as a whole. As such, it must be protected and if necessary, managed, to ensure its long term viability. In a healthy state, the Lagoon system is an environmental asset, but in poor state the Lagoon could become a serious environmental problem.

Thus, for the long term protection of Pitt Town Lagoon,

IT IS RECOMMENDED THAT A PROGRAM OF INVESTIGATION AND MONITORING BE INSTITUTED TO:

- (i) *fully ascertain the causes and effects of the 'black' Lagoon phenomenon in Pitt Town Lagoon;*
- (ii) *continuously assess the ecological well-being of Pitt Town Lagoon so that quick remedial actions can be taken should the Lagoon condition deteriorate suddenly;*
- (iii) *provide a scientific data base for the formulation of a management plan to ensure the long term viability of Pitt Town Lagoon."*

(NOTE: It is proposed to keep a copy of Dr Cheng's full report and findings at the Library for public perusal.)

In regard to his recommendations above (i), (ii) and (iii), Dr Cheng has proposed a programme containing three phases of sampling, analysis and monitoring with the third phase being the compilation of a comprehensive management plan of the Lagoon.

The first two phases, to run over a twelve (12) months period, are estimated to cost a total of approximately \$24,000 which includes the relevant reports. The third phase is unable to be costed at this stage as it will depend largely on the findings of phases 1 and 2.

There is little doubt that the Pitt Town Lagoon is an important wildlife sanctuary and a valuable environmental asset and it is believed that the National Parks and Wildlife Service, who control the area, should be approached to fund the recommended study.

IT IS RECOMMENDED THAT

- (i) the report be received, and
- (ii) the National Parks and Wildlife Service be approached to fund the Ecological Study of Pitt Town Lagoon as proposed by Dr Cheng.

PLANNING

✓

wp 11-10-90

1. DEVELOPMENT APPLICATION FOR 8 TOWNHOUSES ON THE CORNER OF CHARLES AND WILLIAM STREETS, NORTH RICHMOND - DA71/90

The recommendation from the last General Purpose Committee Meeting in relation to this proposal was as follows:-

"That the applicant be invited to submit a revised proposal for Council's consideration by the deletion of one unit from the William Street frontage thereby creating an increased setback and, additionally, the the design propose a common ingress/egress for all units and provide landscaping in front of visitor parking to the Charles Street frontage".

The applicant has now submitted amended plans which:-

- a) Change the proposal from 4 x 3 bedroom units and 4 x 4 bedroom units to 2 x 3 bedroom units and 6 x 2 bedroom units. The application now complies with the density requirements of Council's DCP for Medium Density planning.
- b) Increase the proposed setback from Charles Street from 3.0 metres to 6.0 metres. The amended layout provides for better sight distances of the intersection and also allows relocation of the carport for Unit 1 to be accessed from the common driveway.
- c) Provides for landscaping in front of the car parking spaces within the Charles Street setback.

The amended plans have achieved the density requirements as specified in Council's DCP not by reducing the number of units but by reducing the number of bedrooms in some of the units. It is considered that this approach satisfies the intent of the General Purpose Committee recommendation and on this basis it is recommended that the application be approved.

IT IS RECOMMENDED THAT the Application be approved subject to the following conditions:

- 1-6. Standard Conditions (DAs) - 6 (\$8635) (eight thousand six hundred and thirty five), 31, 70, 73, 104, 50 (15) (fifteen).
7. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Details to be submitted for approval with the Building Application.

Town Clerk/General Manager's Report

Ord. 8/5/90

8. Parking spaces, accessways and aisle widths are to be constructed with a sealed pavement, drained and marked to Council's requirements. Details to be submitted for approval with the Building Application.
9. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the site.
10. The driveway shall be finished in paving blocks or other similar high quality material and not concrete.
11. Sound attenuation measures are to be incorporated into the development for protection from aircraft noise, to the satisfaction of the Manager of Environment and Building Services.
12. The development be carried out generally in accordance with plan No. V1/2R, dated April, 1990.

Muehler 17-2-90

2. PROPOSED GENERAL BUSINESS ZONING - LOTS 308 AND 341 RIFLE RANGE ROAD, SOUTH WINDSOR (OWNERS: MESSRS JACKETT AND LONSDALE). L4/89

The following correspondence has been received from Mr Lonsdale in relation to this matter.

"This letter seeks to draw together some of the ideas canvassed at our meeting of 24th April and indicate possible guidelines for future action.

Neville Jackett and I reaffirmed our belief that the subject land occupies a special position in the district. From the General Purpose Committee meeting we gained the impression that certain of the aldermen share this view. Our discussion moved on swiftly to what constituted the highest and best use. We noted that the Hawkesbury now has a population of 48,000 city status and as yet no discount department store.

If a discount department store is to be promoted then there are three broad options for the location.

- a. Adjacent to existing centres ie. Richmond or Windsor.*
- b. Greenfield site eg. Richmond Road or Clarendon.*
- c. At the centre of Bligh Park/South Windsor.*

Current approaches are being made to K Mark, Big W and Target to elicit their views. There is much work to be done. The enclosed reprint from the N.S.W. Dept. of Planning, Rouse Hill Retail Development Strategy will help in assessing the alternatives.

The social and economic viability of such a major project will depend on it having "style" which can only proceed from a clear "vision". This will take time

and require input from many quarters. Meanwhile the mundane aspects of zoning need to be addressed. Although the land is to be designated 2A it would be helpful if formal acknowledgment could be made that a wider investigation is currently under way. May I suggest that a note from the Town Clerk in the forthcoming business paper would serve to ratify the position.

Thanking you for your help in these matters."

The principle of location of a Discount Department Store (DDS) has long been held by Council that such development should only be located either within, or immediately adjacent to, an established retail centre. It is acknowledged that such a preferred "principle" location is more difficult to achieve, but nonetheless is achievable. To site a DDS divorced from an existing retail hierarchy would have disastrous consequences for existing retailing. For this reason, in addition to there being no commercial justification for the Lonsdale/Jackett land, it is considered that Council should indicate that it does not favour the site for such development.

Additionally, for reasons of locational principle, including adverse traffic impact, it is not considered to be sound planning to utilise the sites for even lower scale commercial development. This is because of an existing planned commercial centre diagonally opposite the sites, across what will become a major collector road and because of the location of three other existing commercial complexes within the South Windsor/Bligh Park area, making already four complexes, with the subject sites making five.

IT IS RECOMMENDED THAT Messrs Lonsdale and Jackett be advised that Council does not support the development of their sites for business/commercial/retail development.

3. MEDIUM DENSITY DEVELOPMENT - DESIGN STANDARDS. DA 39/90

Michael idf

Council is referred to Item 11 of the Planning and Development Section of the General Purpose Committee within this business paper and, in particular, to its recommendation that " ... town house applications be presented by an Architect".

There would seem to be difficulty should Council resolve in this way in that firstly, it distinguishes townhouse applications from villas, whereas, it is believed that the Committee was of the opinion that the policy was applicable to all medium density development and, secondly, that it blanketly precludes applicants other than Architects from submitting applications. This would appear to be contrary to the provisions of the Environmental Planning and Assessment Act in that it does not distinguish between applicants other than those preparing Environmental Impact Statements.

Town Clerk/General Manager's Report

Ord. 8/5/90

At its meeting of 21st January, 1989, in relation to development within commercial and industrial areas, Council resolved as follows:-

"That, as a general policy, Council requests the use of professional qualified Architects in submitting development proposals, particularly for commercial and industrial uses and, in doing so, points out the benefits to the district in maintaining and improving standards and to developers in the processing of applications."

It is felt that the medium density applicant should be advised in similar terms.

IT IS RECOMMENDED THAT, as a general policy, Council requests applicants to use professionally qualified Architects in submitting development proposals, particularly for commercial, industrial and medium density housing development and, in doing so, points out the benefits to the district in maintaining and improving standards and to developers and applicants the likelihood of quicker processing of applications.

REPORTS FOR INFORMATION

1. COMMUNITY SERVICES REPORT - APRIL, 1990. C45A. CO-ORDINATOR'S REPORTWestern Sydney Area Assistance Scheme - Consultation

The Hawkesbury Consultation Meeting for the preliminary discussion of programmes for the Western Sydney Area Assistance Scheme was held on Thursday 19th April, to identify priorities in the categories covered by this year's scheme. Application forms are now available for funding of projects in the following areas: Youth Facilities and Services: Children's Facilities and Services: Recreation, Leisure and Sport: Cultural Facilities and Activities: Community Development: Community Health. Community Services staff outlined existing services in each of these categories and representatives from organisations and members from local committees indicated what they felt were priorities which needed to be addressed. The minutes of this meeting will appear in the 1990 Community Profile document under preparation.

Blaxlands Ridge Neighbourhood Centre

The Management Committee received funding from the NSW Department of Sport, Recreation and Racing and Council towards construction of a multi purpose court. Construction works are now completed.

B. COMMUNITY ARTS OFFICER'S REPORTFriends of the Hawkesbury Art Collection

With local arts groups taking out group memberships, in addition to individual memberships, this organisation is growing. \$1,000.00 has been placed on fixed term deposit. It was decided to hold a members-only cocktail party before the opening of the Macquarie Towns Acquisitive Art Exhibition.

Focus on Ageing Week. 6 - 13 May

Arrangements have been finalised for the free concert and afternoon tea on 9th May. The housebound library service will present a video and display in the foyer beforehand. A professional entertainment group will perform a specially devised concert for senior residents and afternoon tea will follow. The following donations have been received towards afternoon tea cost - \$50.00 Rotary Club of Windsor, \$100.00 Windsor & District RSL Sub-branch, \$100.00 Richmond Ex-Servicemen's Club.

Dave de Hugard, folk singer and collector of Australian folk-lore will visit Richmond Nursing Home and Richmond Rehabilitation Day Care Centre to entertain.

Town Clerk/General Manager's Report

Ord. 8/5/90

The Premier's Department has organised a one-day conference in Sydney, on "Pathways to Action", an adult education programme which has been running successfully for six years.

Arts Development in Western Sydney

This report, commissioned by the Australia Council, has been received. Cultural groups in this area were heavily involved in consultations and Council provided statistics and background information. This report is part of a strategic planning and development process to address the inequities in arts support for Western Sydney.

C. YOUTH/RECREATION OFFICER'S REPORTEaster Vacation Care Centres

Council operated three vacation care centres over the Easter holiday period: Richmond, South Windsor, and a new centre at North Richmond.

All three centres had maximum enrolments. Richmond had an average daily attendance of 30, South Windsor had an average of 24.5, and North Richmond had an average of 25.5.

Overall a total of 111 children attended the centres.

Youth Week Activities

Consultation is being held with local youth associations and with the young people of the area to formulate a satisfactory programme of activities to highlight Youth Week '90.

Youth Week Concert

The Youth Week concert will be held on Sunday 27th May, 1990 at the Hawkesbury Showground. Planning is well under way, and tickets will be distributed in the next two weeks.

The concert is for 12 - 18 year olds, as it is felt that this is the age group who suffer the most due to lack of entertainment facilities in the area.

2. AREA ASSISTANCE SCHEME 1989/90 FUNDING PROGRAMME - C45-14, G95-2

The Minister for Planning the Hon. David Hay, MP has recently announced the second list of funded projects for the 1989/90 programme. Of the 44 applications

Town Clerk/General Manager's Report

Ord. 8/5/90

received from the Hawkesbury local government area, 9 projects are to receive a total of \$126,037 according to the following list:

Gross Motor Skill Equipment Care and Share Toy Library	\$ 1,850
Equipment Wilberforce Out of School Hours Care	\$ 4,000
Recreation Equipment Hawkesbury Area Rehabilitation Centre	\$ 2,300
Children's Art Classes Macquarie Towns Arts Society	\$ 3,242
Hawkesbury Pregnancy Help Richmond Neighbourhood Centre	\$ 4,345
Development Officer Hawkesbury Indoor Recreation Centre	\$25,000
Extension of Community Worker's hours, Neighbourhood Centre, Richmond	\$28,000
Follow-up Housing worker Hawkesbury Co-Operative Society	\$18,408
Bligh Park Community Worker Bligh Park Neighbourhood Centre	\$38,892

3. AUSTRALIANA PIONEER VILLAGE. C51/54

Following are the financial details relating to the operations of the Australiana Pioneer Village for the month of April, 1990.

Income

Gate Takings	7,761.70
Other (including rental and filming activities)	2,464.98

10,226.68

Town Clerk/General Manager's Report

Ord. 8/5/90

Less Costs Providing Income

Entertainment	4,780.13	
Nett Total Income		5,446.55

Overheads

Grounds Maintenance	5,316.00	
Attendants Wages	2,981.00	
Animal Feed/Hire	1,250.00	
Service and Admin Costs	1,541.00	
Promotions	3,592.00	
Printing and Stationery	450.00	
Train Maintenance	125.00	
		15,255.00
Nett Loss		(9,808.45)

Ticket sales included:

Family	257
Adults	503
Children	91
Pensioners	115

During the month of April, six schools visited the Village, as did eight pensioner groups and four group visits by passengers of the Lady Hawkesbury cruise vessel.

Of particular note was a tour of 52 Canadian war veterans, this being co-ordinated through the tour operators, ANZA Travel Limited Sydney. Representatives of that company were in attendance and were extremely impressed with the Village as a tourist destination spot. It is noted that the company presently has in excess of 70% of the overseas Canadian tourist market, and is keen to expand upon its existing itinerary of tourist destinations. Further discussions are under way between the Village Promotions and Publicity Officer, and representatives of the company with a view to establishing an ongoing arrangement.

Town Clerk/General Manager's Report

Ord. 8/5/90

It is noted that total attendance figures and income is significantly up on that for the March period, notwithstanding the fact that the Village was closed for several days due to inclement weather and local flooding.

There is increasing interest being shown by both coach/bus operators and tour operators with regard to the recently launched tourism packages being: Twilight Tours consisting of a river cruise, a visit to Tizzana Winery and a twilight corroboree and supper at the Village, and also the joint promotion by the Village and Tebbutt's Observatory.

A number of specific activities have been organised for the remainder of the year, including the following:

- Sunday 3rd June - Pioneer Family Day. This is being co-ordinated in conjunction with students from the Ku-ring-gai College of Advanced Education.
- 20th June - A Fashion Parade with garments from several local boutiques being modelled.
- July - Arbor Day will be commemorated with a tree planting ceremony involving the children of the community. The final date has not yet been decided and it is proposed that the Men of the Trees movement will be involved on the day.
- August - Staging of the annual bush fire brigade field day.
- October - The Friends of the Village will hold what is proposed to be their first annual fair as part of the Macquarie Towns Festival Programme.
- November - This month commemorates the 20th anniversary of the establishment of the Village and a special programme of events is currently being prepared.
- December - Based on previous success, Colonial Christmas Days for school children will again be staged.

Discussions are also under way with a senior promotional representative of the McDonalds organisation with a view to establishing promotional opportunities in conjunction with that company through McDonalds outlets in the North-Western Sector, and indeed, hopefully throughout the Sydney Metropolitan area.

MEUAWIE

4. DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY. P160/33 9-5-90

The following is a list of development applications which were approved under delegated authority subject to conditions.

Town Clerk/General Manager's Report

Ord. 8/5/90

Applicant/Land	Type of Development	Date Received	Date Approved
Demafe P/L & Neothema P/L Lot 11 DP 717896 Cnr Groves Avenue & Hannabus Place Mulgrave	5 Lot Strata Subdivision S90/13	31/1/90	6/4/90
St George Building Society Pt Lot 3, Sect 4 245 Windsor Street Richmond	New Commercial Premises & refurbishment S90/9	20/2/90	6/4/90
E Cosentino Shop 5, Lot 1, Sect 4, 255 Windsor Street, Richmond	First Use as Sandwich Bar DA86/90	13/3/90	6/4/90
L & J Meszaros Unit 2, SP 35678 Anderson Place South Windsor	Est. of furniture making business DA81/90	13/3/90	9/4/90
F Hitz Lot 31 DP 263025 8 Blackman Crescent South Windsor	Est of food processing operation DA52/90	14/2/90	9/4/90
McKinlay Morgan & Associates P/L Lot 15, DP 263025 124 Ham Street South Windsor	Stage 1 of 2 Stage Strata Subdivision S90/57	7/3/90	9/4/90
C Colpani Lot 101 DP 707850 William Street North Richmond	8 Lot Strata Strata Subdivision S90/62	6/3/90	9/4/90
P Murray Lot 5 DP 593340 Kurmond Road Freemans Reach	2 Lot Torrens Title Subdivision S90/53	20/2/90	11/4/90

Town Clerk/General Manager's Report

Ord. 8/5/90

Teniere Pty Ltd Lot 1156 DP 800323 Settlers Crescent Bligh Park	Dual Occupancy DA49/90	13/2/90	11/4/90
David Dobson Electrical Pty Ltd Lot 1 DP 528975 Shop 10, 251 George Street, Windsor	First Use of retail furniture shop DA73/90	6/3/90	11/4/90
Endeavour Homes Lot 1043 DP 788674 Marsden Crescent Bligh Park	Dual Occupancy DA33/90	5/2/90	11/4/90
R Hanckel Lot 28 DP 800054 Albert Street McGraths Hill	Dual Occupancy DA48/90	8/2/90	17/4/90
W C Rankin Lot 112 DP 775240 Charles Street North Richmond	2 Lot Strata Subdivision S90/63	9/3/90	17/4/90
B Bailey Lot 11 DP 717896 Unit 1, Cnr Groves Avenue and Hannabus Place, Mulgrave	Est of tyre and mechanical workshop DA90/90	29/3/90	18/4/90
P Hodges Lot 11 DP 717896 Unit 3, Cnr Groves Avenue and Hannabus Place, Mulgrave	Est of mechanical repairs operation DA79/90	15/3/90	18/4/90
D Buchardt Lot 6, DP 313404 Lot 172, DP 729325 Blaxlands Ridge Road, Kurrajong	Subdivision to consolidate 2 Lots S90/61	2/3/90	18/4/90

Town Clerk/General Manager's Report

Ord. 8/5/90

Calcorp Pty Ltd Part Unit 1, Lot 11 DP 717896, Cnr Groves Avenue and Hannabus Place, Mulgrave	Est of sandwich shop DA15/90	19/1/90	18/4/90
Berela Pastoral Co Amajeau Pty Ltd & R S Sawyer, Lots 18 & 19, DP 792127 Cnr Wingate Road & Curtis Road, Mulgrave	6 Factory units DA68/90	2/3/90	19/4/90
D Rose Lot 3, MPS 14462, Shop 5, 10 West Market Street, Richmond	Est Craft Shop DA77/90	7/3/90	11/4/90
P J Murray Lot 5 DP 593340 Kurmond Road Freemans Reach	2 Lot Torrens Title Subdivision S90/53	20/2/90	11/4/90
Begaud, Boxall & Smith, Lot 1 DP 589333, Argents Road, Wilberforce	Subdivision to create 2 Lots S90/60	2/3/90	23/4/90
N B Buttsworth Lot 708 DP 777657 2 Neptune Crescent Bligh Park	Duplex DA41/90	8/2/90	23/4/90
L Paull & V Whitty DP 75108, 204 George Street Windsor	Est of Delicatessen DA118/90	30/3/90	23/4/90
W Reinhardt Lot 797, DP 778220 Brittania Place Bligh Park	2 Lot Strata Subdivision S90/66	12/3/90	23/4/90

Town Clerk/General Manager's Report

Ord. 8/5/90

Teniere Pty Ltd Lot 1169 DP 800323 Cnr Acres & Wright Place, Bligh Park	Dual Occupancy DA50/90	12/2/90	26/4/90
E & S Orth Lot 6 DP 253291 Bells Road, Grose Vale	2 Lot Torrens Title Subdivision S90/67	13/3/90	27/4/90
Charles Glanville Architects Pty Ltd Por 307 Psh of St Matthew, Collith Avenue, Sth Windsor	Stage 5 Regional Catholic School DA75/90	7/3/90	27/4/90
J & P Lyons Lot 2 DP 562753 East Kurrajong Road East Kurrajong	Dual Occupancy DA93/90	22/3/90	27/4/90
Jennings Industries Ltd, Part Por 249 Psh of Pitt Town Charles Street, Pitt Town	Landscaping on Cnr Charles & High Streets, Pitt Town DA88/90	15/3/90	1/5/90

5. BUILDING APPLICATIONS. B25

The following is a summary of Building Applications received during the month of April, 1990. Applications received during April, 1989, shown in brackets.

<u>No.</u>	<u>Type of Building</u>	<u>Estimated Value</u>	
35	(73) New Dwellings	\$3,164,389	(\$5,694,160)
47	(63) Additions to Dwellings	752,993	(960,005)
2	(-) Residential Flat Buildings	440,000	(-)
3	(7) New Buildings Other Than Residential	1,592,000	(4,571,100)
7	(3) Additions to Buildings Other Than Residential	1,714,400	(284,000)

Town Clerk/General Manager's Report

Ord. 8/5/90

4	(6)	Swimming Pools	39,000	(79,137)
-	(4)	Additions to Dwelling - Dual Occupancy Unit	-	(363,500)
<u>98</u>	<u>(156)</u>		<u>\$7,702,782</u>	<u>(\$11,951,902)</u>

Building Applications received up to the end of April 1990. Approvals for the corresponding period during April, 1989, shown in brackets.

No.	Type of Building	Estimated Value	
195	(229) New Dwellings	\$16,525,862	(20,114,980)
209	(271) Additions to Dwellings	2,500,948	(3,306,418)
5	(3) Residential Flat Buildings	1,670,000	(910,000)
11	(28) New Buildings Other Than Residential	4,314,000	(10,993,748)
21	(13) Additions to Buildings Other Than Residential	2,715,003	(2,017,758)
33	(43) Swimming Pools	400,901	(617,276)
17	(18) Additions to Dwellings - Dual Occupancy Unit	1,817,967	(1,493,265)
<u>491</u>	<u>(605)</u>	<u>\$29,944,681</u>	<u>(\$39,453,445)</u>

6. SULLAGE REMOVAL. \$195/6

Prior to the commencement of the new sullage removal contract in September, 1989, the average monthly volume of sullage removed was 6 million litres. Advice from other Councils which had introduced a flat rate charge indicated that an increase in volume of approximately 30% (to 7.8 million litres) could be expected.

Since commencement of the contract, the average monthly volume removed has been 10.5 million litres, an increase of 75%.

The increase in volume over the best advice that could be given in the tender documents has resulted in some difficulties for the contractor with additional plant having to be purchased. The fortnightly service is now generally being delivered with

a very small number of complaints being received. Regular meetings are held with the contractor to discuss difficulties as they arise.

The volume of effluent now being illegally disposed of is negligible with significant environmental improvements being experienced in areas such as Glossodia, Wilberforce and Freemans Reach.

7. BABLANA PTY LTD. 2579(C)

EC Records

Knock 11-5-90

Council has received complaints regarding offensive noise at night emanating from Wilberforce Abattoir.

The premises are licensed under the State Pollution Control Commission Act and a meeting was held on site on 22nd March, 1990, between officers of the Commission, Council and abattoir management to discuss the noise nuisance.

It was agreed that stock transport movements should be controlled under the existing licence and that the carcass loading dock would be enclosed. The dock has not, to this time, been enclosed and this matter has again been taken up with the abattoir management.

The State Pollution Control Commission has now advised that the following additional conditions have been included on the existing licence. The complainants have been notified of the conditions.

1. The entry of stock delivery vehicles shall take place only between the hours of 5.00 am and 10.30 pm on Mondays to Fridays, and between 8.00 am and 5.30 pm on Saturdays and Sundays.
2. Stock unloading and the departure of stock vehicles shall take place only between the hours of 5.00 am and 11.00 pm Mondays to Fridays and between the hours of 8.00 am and 6.00 pm on Saturdays and Sundays.

8. TREE PRESERVATION ORDER APPLICATIONS. P160/30

The following determinations have been made under application of Tree Preservation Orders.

Town Clerk/General Manager's Report

Ord. 8/5/90

Applicant	Reason/Request	Determination
Mr M & Mrs A Nutman Portion 50 Ashtons Road Grose Wold	Remove Lantana and Wattle - pasture improvement 7.2.90 - 12.4.90	Approved subject to conditions
Nth Richmond Child Care 26-28 Elizabeth Street North Richmond	Remove 1 Bunya Pine - falling debris - dangerous 1.3.90 - 12.4.90	Approved
Mrs S Bentley 385 Lt. Bowen Drive Bowen Mountain	Remove 1 dead Eucalypt tree and 1 Angophorra tree for extension 9.3.90 - 4.4.90	Approved
Mr K Thompson 8 Merrick Place North Richmond	Remove 1 large Gum tree - exposed roots 13.3.90 - 12.4.90	Approved
Mr J Dillon "Hillgrove" Grose Wold Road Grose Vale	Lop top of several Gum trees for safety 14.3.90 - 12.4.90	Approved to lop by 1/3 only
Mr & Mrs T Axiak Lot 12 Mountain Avenue Yarramundi	Clear 6ha of trees for dwelling and out buildings 15.3.90 - 18.4.90	Approved subject to conditions
Mr F Nagy Lot 9 Wingate Road McGraths Hill	Remove 1 Iron Bark tree for factory const. 12.3.90 - 12.4.90	Approved
Mr J & Mrs M Berrell Lot 5 Bells Road Grose Vale	Remove miscellaneous trees for pasture improvement 12.3.90 - 12.4.90	Approved subject to conditions
Ebenezer/Pitt Town Uniting Church 99 Bathurst Street Pitt Town	Lop 2 limbs only - danger to neighbouring dwelling 21.3.90 - 12.4.90	Approved

Town Clerk/General Manager's Report

Ord. 8/5/90

Mr G & Mrs L Jarvis Lot 228 Boomerang Drive Glossodia	Remove 6 Gum trees too close to dwelling 20.3.90 - 12.4.90	Approved
Windsor Pre School Church Street South Windsor	Lop branches of 4 trees 20.3.90 - 12.4.90	Approved
Mr A & Mrs D Byron 22 Bradley Road South Windsor	Remove 2 Poplar trees - borer infested 26.3.90 - 23.4.90	Approved
Mr A Hendrikson 266 George Street Windsor	Remove dead top branches of Kurrajong tree 27.3.90 - 12.4.90	Approved
Mr B Bradney 21 Harradine Crescent Bligh Park	Lop top branches of 2 Gum trees - danger of falling on house 27.3.90 - 27.4.90	Approved to lop 1 tree at front of house only
Mr L & Ald F Denne 5 Pecks Road North Richmond	Remove 2 Black Wattle trees - falling branches causing hazard 28.3.90 - 12.4.90	Approved
Mrs D Williamson Lot 31 Pamela Crescent Bowen Mountain	Remove several dying trees 2.4.90 - 27.4.90	Approved to remove 1 dead tree only and lop 1 other tree
Mrs S Moffitt Lot 3 Bells Line Road Kurrajong Heights	Remove several trees for dwelling const. 29.3.90 - 23.4.90	Approved
Mr S & Mrs J Tsicalas 28 Warks Road Kurrajong Heights	Lop 2 Eucalyptus trees near dwelling 3.4.90 - 27.4.90	Approved
Mr J MacQuillian 7 Colonial Drive Bligh Park	Remove 1 Stringy Bark too close to dwelling 3.4.90 - 23.4.90	Approved to lop only
Mr K Heap 7 Youl Place Bligh Park	Remove 1 tree - borer infested and unsafe 3.4.90 - 27.4.90	Approved

Town Clerk/General Manager's Report

Ord. 8/5/90

Mr K Au 160 Terrace Road North Richmond	Remove 2 Gum trees - branches and leaves falling into gutter 30.3.90 - 17.4.90	Approved to lop 1 tree only
Mr P Miller 4 McMahon Park Road Kurrajong	Remove 1 large Black Wattle tree - danger of falling 4.4.90 - 27.4.90	Not approved - provides visual amenity
Mr G Murphy Lot 292 Arcadian Street Kurrajong	Remove several trees for proposed dwelling 4.4.90 - 27.4.90	Approved subject to Building Approval

9. PUBLIC WORKS. S205/3/A

ROAD RECONSTRUCTION

Argyle Street, George Street to Mileham Street.

The placement of the asphaltic concrete wearing surface now completes the reconstruction work in this section.

Gorricks Lane - Wilberforce/Kurmond Road.

Line marking has been carried out, thus completing the reconstruction of Gorricks Lane between Blacktown Road and Graeme Place.

Mileham Street - Forbes Street to Brabyn Street.

Kerb and gutter construction has been completed with the exception of some short infill sections on the eastern side near Brabyn Street. The extension of the culvert to the south of Forbes Street has been completed.

Richard Street.

Application of the two coat bituminous wearing surface completes this project.

DRAINAGE

Bathurst Street, Pitt Town.

Construction of the drainage line has commenced.

ROAD RESEAL

Reseal works have been carried out on the following roads:-

1. Regional Roads -
Blaxlands Ridge, Comleroy, Londonderry and
Saunders Roads.
2. Local Roads -
Laurence Street and Moray Street (75%
complete)

As indicated to Council, the resealing programme has been delayed due to the wet weather, however, all efforts are being made to complete the programme within the first two weeks of May.

FLOOD MITIGATION MAINTENANCE

Desilting the inlet channel leading to the Bakers Lagoon headworks structure is in progress.

Sealing of the roadway above Buttsworth Creek headworks structure has been completed.

MAINTENANCE

During the extended period of wet weather, maintenance works has been concentrated on patching and associated drainage works in an effort to keep the City roads in a trafficable condition.

The additional resources that have been necessary over this period have placed a considerable strain on available funds and it will be necessary to constrain maintenance works to that of an urgent nature in an attempt to keep within budgetary limits.

OTHER WORKS

Application of the wearing surface and linemarking in the laneway at the rear of South Windsor commercial centre has completed this project.

PARKS AND GARDENS

Again, due to the wet weather, minimal mowing has been undertaken as the majority of ovals and sporting grounds have been unfit for use. With the return to somewhat

Town Clerk/General Manager's Report

Ord. 8/5/90

normal conditions in the last week of April, staff are now attempting to return to a normal mowing routine.

Maintenance works were undertaken around the War Memorials at Wilberforce, Windsor, Richmond and Pitt Town for Anzac Day ceremonies.

Attention has been given to shopping centres at McGraths Hill, Glossodia and Wilberforce.

SEWERAGE

Rainfall was registered over 18 days during the month, with 257mm recorded.

McGraths Hill Wastewater Plant.

Average Daily Flow -April 3,650kl/day

Irrigation was not operated during the month, due to weather conditions.

South Windsor Wastewater Plant.

Average Daily Flow -April 3,067kl/day

Problems are still being experienced with the treatment process due to the continued high inflows.

Sixteen mainline blockages were attended to over the period.

10 . REPORTS REQUESTED BY COUNCIL - STATUS - AS AT 8TH MAY, 1990. C50-1

File Rep Date	Referred To	Subject	Comment
12 Jul 88	Park & Street Bins MO	Investigation into installation of Sulo bins to replace existing bins	Report April GPC
11 Oct 88	Boundaries TC/GM	Possible changes	Report when investigations completed
13 Jun 89	Transfer of Lands TC/GM	Financial aspects of proposed transfer of lands - Dunsford Investments Pty Ltd	Report when definite plan is prepared
13 June 89	Development Control Plan MTP	Area generally bounded by March & Lennox Streets, Richmond	Under investigation
13 Jun 89	Development Control Plan MTP	Future residential development of land bounded by George, Macquarie, Ham, Mileham and Woods Streets, South Windsor	Under investigation
12 Sep 89	Tree Planting Programme MES	Planned areas, storage and maintenance	Report May GPC
12 Sep 89	Sporting Facilities MES	Existing Council sporting facilities and amenities and possible expansion to cover full use	Report June GPC
14 Nov 89	Proposed Sewerage	Report on Development	Report May GPC

File Rep Date	Subject Referred To		Comment
	Treatment Plant Rouse Hill MES		
13 Feb 90	Wheeny Creek Bridge MES	Access during wet weather Bridge Priorities, raising of crossing, effect of lowering of Wheeny Creek	Report May GPC
13 Mar 90	Drainage MES	Teviot Street, Richmond	Report May GPC
13 Mar 90	Drainage MES	Area of South Richmond surrounding College Street	Report May GPC
13 Mar 90	Lot 5 Windsor Road Vineyard MTP	Potential for subdivision of subject and surrounding land	Report May GPC
13 Mar 90	Angle Parking MES	Footpath area The Terrace, Kable Street Parking area to Fitzgerald Street	Report June GPC
13 Mar 90	Clause AS2021. MTP	Clarification of use	Report when information received from Department of Planning

File Rep Date	Subject Referred To		Comment
13 Mar 90	Box culvert Old Stock Route Road MES	Feasibility of replacing roadway pipes across Chain of Ponds with a culvert	Report July GPC
10 Apr 90	Regional Sporting Facilities MES	Clarendon area including project for Richmond Swimming Centre and use of adjoining university area.	Report July GPC
10 Apr 90	Noise Nuisance MES	Greenway Crescent and Moses Street, Windsor	Report July GPC

19

IT IS RECOMMENDED THAT the reports in this section be received.

REPORTS OF COMMITTEES

MANAGEMENT EXECUTIVE COMMITTEE MEETING
held on 11th April, 1990

MINUTES OF THE MEETING OF THE MANAGEMENT EXECUTIVE
COMMITTEE HELD ON WEDNESDAY, 11 APRIL 1990 AT 10AM

PRESENT: G. McCully, Town Clerk/General Manager; J. O'Grady, Manager of Environment & Building Services; G. Falson, Manager of Town Planning; Julia Brown, Chief Librarian; C. Daley, Manager of Operations; L. Weatherstone, Manager of Financial & Administrative Services.

1. CONDITIONS OF CONSENT RELATING TO ACCESS - the Court decisions on three cases were noted regarding the conditions of access. In the matter of Cardwell, Council and King Ranch that went to the High Court of Australia, where the applicant appealed against a requirement to contribute substantially towards the replacement of a bridge and extension of a sealed surface on an access road external to the subdivision - the subdivision was 600ha into 19 lots - the Court held that the determination of the conditions was reasonable and obvious.

In two New South Wales' cases in the Supreme Court, it was held that in relation to building approvals the Councils concerned had the authority to include conditions regarding access to the site and required this construction on existing roads as part of the building approval, including for the purposes of night soil, garbage and other refuse removal. The Manager of Town Planning is to refer the matter to the Development Panel for review of any existing codes and subsequent report to Council.

2. AUSTRALIANA PIONEER VILLAGE - a report was considered from the Administration Manager that detailed the operations over the last four years, the costs and the varying views of the Council regarding its retention. In particular, it was noted that the Council acquired the facility to protect the significant number of local, historical items on the site that, at the time, were under threat. With the current promotion programme it was considered that the option should be assessed at this stage of leasing the operations and a few operators were considered, including the existing lessees of the various attractions. Discussions to be held on this basis and reported to Council prior to further consideration of direct sale.
3. LOCATION OF TOY LIBRARY - the Toy Library is currently located in the basement of the Function Centre. There is increasing conflict with its operation and that of other activities on the site, particularly in relation to the movement of vehicles and children. The Community Services Co-ordinator had a number of options and he is to discuss these with the Toy Library people prior to a report to Council.
4. HAWKESBURY INTERAGENCY - AGED SERVICES - correspondence from Interagency advising that funding is available for Councils to employ a community worker for developing services for aged people. It is to be noted that the funding is on a 50/50 basis and the

50% to Councils is for salary only and does not include any proportion of oncosts. Interagency requested an investigation into the feasibility of employing such a worker, as it would have the benefits of improving co-ordination of existing services, increase funding from H.A.C.C. and overall improve the needs of aged and disabled people. The Chief Librarian is to undertake investigation and further report on the matter.

5. **COMMUNITY SURVEY** - discussion regarding the results of the community survey undertaken by Council last year and one recently published in the metropolitan press undertaken by the Local Government Association. It is noted from the State survey, that there was equal interest in local government as in the other areas of government and a high participation rate; that respondents favoured the present compulsory voting and supported franchise for adult residents who were Australian citizens, resident ratepayers and rate paying businesses. There was widespread support for use of Council-provided services and a large number of respondents indicated they would be willing to pay more to improve services such as child care, waste recycling, street closures and improvements and cycle paths. However, there was not support to pay more to improve other services, including parks, community halls, roads, libraries, town planning, community halls and community leadership.

A combination of the Council survey, the State one and that proposed for the library, have been discussed with a research company. They indicated that the Council's local survey could be improved by a combination of street intercept survey and telephone survey, with a random sample of population from the various locations. The matters to be considered by the Communications Officer in connection with her report on communications programme that is to be ready for July.

6. **RECORDS MANAGEMENT** - a further detailed discussion regarding the operations of the current records system; the need to look towards obtaining an external site for archives and the impracticability of returning to hard copy file. The main problem with this is bulk of material. The Records staff training programme was noted and that this was proceeding and improving the records operation. The Records Manager reported on the need for a "Records Management Thesaurus". This would enable immediate data entry of file titles into the current computer master index for all subject and general files. In doing so, it would significantly improve both the retrieval of documents and the accuracy of data entry caused by use of ambiguous titling and mock file references. A quotation has been obtained from RAIM in the amount of \$3,000 that would provide total customisation to Hawkesbury Council's requirements, with accompanying software and instruction for users. It was noted that this system is used by a number of other Councils.

It is recommended that the amount of \$3,000 be voted for the Keyword Thesaurus.

7. **STAFF MATTERS** - approval be granted in accordance with the Council's policy for Health and Building Surveyor, Graeme Cook, to undertake the external course of Associate Diploma of Health and Building Surveying.
8. **EARLY PAYMENT OF ACCOUNTS** - it was noted that some American Cities have achieved reductions in payments of accounts, where these are paid within a short period of time say, within fifteen days. The Finance Manager is to look at the cashflow position of early payment of accounts with a reduction in the amount paid, as opposed to the existing system.
9. **EXTRACTIVE INDUSTRY LEVY** - it was noted that over the last year payments of \$110,946.80 had been made for maintenance and repair of roads used by extractive industries. At recent discussions with the Town Clerk/General Manager, Manager of Town Planning and Manager of Engineering Services with the Operator of Readymix Quarry at East Kurrajong it was also noted it was proposed that an improvement to the road would significantly decrease noise from trucks and problems for the local residents; that pavement tests are currently being undertaken to ascertain the construction requirements for the road and, as a result, Readymix is to be asked to contribute in advance funds/materials and have the road reconstructed at an earlier date incorporating existing funds held in reserve. This report to be available for the next meeting of Council.

G.M. McCully
Town Clerk/General Manager

CORRESPONDENCE FOR INFORMATION

1. COMLERROY ROAD PUBLIC SCHOOL - APPRECIATION. C50-17

Thanking Council for the donation towards its Country Fair held on 17th March, 1990. Stating that the day was very successful and that money raised will be used to buy much needed items for the children to use during their primary education.

2. BOWEN MOUNTAIN PARK MANAGEMENT COMMITTEE - COMPOSITION OF COMMITTEE. 625-22

Advising that the following members were elected to executive positions at the Annual Meeting on 21st November, 1989: Chairman - Mr Howard Mitchell, Deputy Chairman - Mrs Penny Sheppard, Secretary - Mrs Susan Owens, Assistant Secretary - Mrs Carmen Gleason, Treasurer - Mrs Olive Wells and Property Officer - Mr Barry Owens.

3. DEPARTMENT OF IMMIGRATION, LOCAL GOVERNMENT AND ETHNIC AFFAIRS - COMPOSTING OF SEWAGE SLUDGE - WESTERN SYDNEY LIBRARIES TECHNICAL SERVICES PROJECT. G95-39

Advising that Council's applications for financial assistance under the 1989-90 Local Government Development Program were unsuccessful. Stating that application forms and guidelines for the 1990-91 Program will be distributed later this year.

4. EAST KURRAJONG SCHOOL OF ARTS. D64

Indicating that it has been Council's practice to make a donation towards the Rates of this Organisation and requesting Council's assistance again this year.

(TC/GM - Provision has been made in the 1990 Estimates for a donation equivalent to the amount of the rates to this organisation. The rates have been paid amounting to \$285.16.)

5. PUBLIC WORKS DEPARTMENT, METWEST REGIONAL OFFICE - HAIL, STORM AND FLOOD DAMAGE - MARCH 1990. F84/16

Advising the availability of financial assistance for the restoration of storm damaged Council assets.

Town Clerk/General Manager's Report

Ord. 8/5/90

(MES - Identifiable damage from these storms is limited to hail damage to the roof parapets of the Library, Function Centre and Administration Building and an insurance claim is being made to repair damage.)

ci records Glen 18/6/90

6. ROADS AND TRAFFIC AUTHORITY - EXTRACTION INDUSTRIES - EAST KURRAJONG E78; 665-1927; 68A/297/76

"I refer to a meeting held in Council's offices on 29 March 1990 regarding extractive industry operations at East Kurrajong.

As stated by the Authority's Mr. Frost the Authority's heavy vehicle inspection and weighing teams regularly patrol the Putty Road. Whilst this type of operation cannot guarantee that overloaded or unsafe vehicles are not using the road, it is the only method of enforcement currently available.

The Authority strongly supports the concept of applying Section 94 contributions levied under the Environmental Planning and Assessment Act towards works on classified and local roads affected by development. Council's advice as to the possibility of imposing additional levies on the existing operations to cover pavement damage on the Putty Road would be appreciated.

It would also be appreciated if all future developments of this kind, which generate large movements of heavy vehicles, are referred to the Authority for an assessment of possible Section 94 contributions. Precedents in this area are now well established."

7. THE READYMIX GROUP - EXTRACTIVE INDUSTRY - EAST KURRAJONG ROAD, SECTION 2, EAST KURRAJONG. 68A/297/76; E78

"Further to your correspondence of 7 March 1990 and our subsequent meeting of 30 March 1990 regarding the above operation, we wish to confirm the following.

- . A comprehensive Management Plan was submitted to Council on 27th August 1987. The plan which encompassed the full life of the quarry was approved by Council and this was verified in its letter of 14 October 1987.
- . Extraction stages have been surveyed and markers located on site to facilitate accurate identification by Council officers.
- . All extraction activity since Readymix commenced operation has been in strict accordance with the Management Plan.

Town Clerk/General Manager's Report

Ord. 8/5/90

In light of the above and the fact the Management Plan is in its initial stages we believe that compilation of a revised plant is not warranted."

8. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS - GENERAL CIRCULAR NO. 5/1990. C44/2

1. Transport of House/House Sections by Road.
2. Proposed Funding Changes - Regional Art Galleries and Regional Museums.
3. Innovative Child Care Program.
4. Intergovernmental Child Care Consultative Mechanism.
5. Day Activity and Vocational Programs for People with Disabilities.
6. Kapooka Chapel Appeal.
7. Preparation of Rolls for Extraordinary Elections.
8. Underground Utilities.
9. Shires Conference 1909.
10. Local Government Commission.
11. Letter from Commissioner of Taxation.
12. Professional Indemnity Insurance.
13. Problems with Typewriter Ribbon Suppliers.
14. Commonwealth Training Guarantee Legislation.
15. The Necessity of Formally Planning each Operation/Activity.
16. Surplus Public Lands - Re-zoning Costs.
17. Section 94 Inquiry - Simpson Report.
18. Intensive Cattle Feedlots Seminars.
19. August Recycling Seminar.
20. Inquiry into Chemicals.
21. Mapping.
22. Lane Cove Municipal Council Building Access Booklet.
23. Standards for Relocatable Home Parks.
24. Uniform Signposting for Hospitals.
25. Pavement Management Systems (PMS) for Local Government - State of the Art Report ARR 174 by Peter Mullholland.
26. Transport Industry (State) Superannuation Award.
Transport Industry - Sanitary and Garbage (State) Superannuation Award.

9. RICHMOND LITERARY INSTITUTE - DONATION. S197-5, 4334W

The Richmond Literary Institute has forwarded its remittance of \$956.36 for rates and garbage charges for 1990 and has requested a donation equivalent to the amount of rates, as in previous years.

Town Clerk/General Manager's Report

Ord. 8/5/90

(TC/GM - Provision has been made in the 1990 Estimates for a donation to the Richmond Literary Institute equivalent to the rates. The rates amount to \$855.48 and a donation has been made for this amount).

IT IS RECOMMENDED THAT the correspondence in this section be received and appropriate replies forwarded where necessary.

