

HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

BUSINESS PAPER

DATE OF MEETING: 30 August 1994

LOCATION: Council Chambers

TIME: 9:30am

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HAWKESBURY CITY COUNCIL

MISSION STATEMENT:

*"To protect and enhance the unique,
historical and environmental features
of the Hawkesbury Region
whilst encouraging planned development
and providing services
appropriate to the needs of the
wider community."*

How Council Operates...

Hawkesbury City Council fully supports the involvement and participation of local residents in issues which affect the City.

The twelve Councillors who represent Hawkesbury City are elected at local government elections held every four years. Voting at these elections is compulsory for residents who are aged eighteen years and over and who reside permanently in the City.

The Ordinary Meeting of Council meets on the second Tuesday of each month at 7.30pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets at 9.30am to consider activities in the areas of works, finance, and planning and development. Both of these meetings are open to the public.

Meeting Procedure...

The role of the General Purpose Committee Meeting is to make recommendations about issues put forward in the areas of works, finance, and planning and development. These recommendations are then forwarded to the Ordinary Meeting of Council, two weeks later, for adoption or final decision. The Ordinary Meeting also considers other matters of general business as appropriate.

The Mayor is Chairperson of both the Ordinary and General Purpose Committee.

Public Participation...

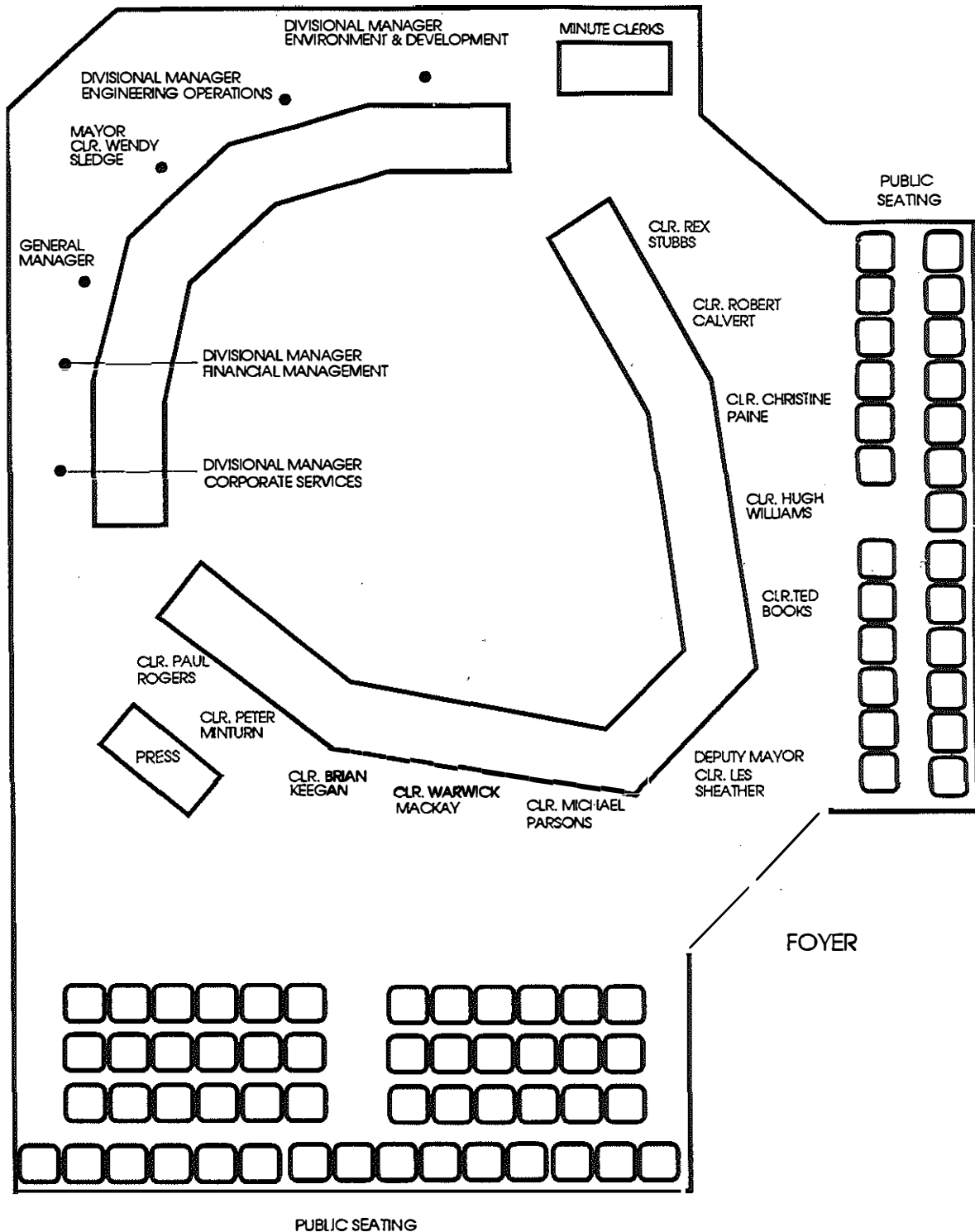
Members of the public can request to speak about a matter that is before the Council at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There is provision at the conclusion of the agenda for members of the public to ask questions of Council.

A Point of Interest...

Voting on matters for consideration is operated electronically. Councillors have in front of them both a 'Yes' and a 'No' button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This is a recent innovation in Australian local government pioneered by Hawkesbury City Council.

COUNCIL CHAMBERS



HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

BUSINESS PAPER MINUTES

DATE OF MEETING: 26 July 1994

LOCATION: Council Chambers

TIME: 9:30am

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Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 26 July 1994, commencing at 9.30am.

PRESENT: Councillor W J Sledge, Mayor and Councillors H J M Books, R G Calvert, B N Keegan, P J Minturn, C A Paine, P E Rogers, L C Sheather, R P Stubbs, and H Williams.

Apologies for absence were received from Councillors W J Mackay and M G Parsons.

RESOLVED on the motion of Councillor Paine and seconded by Councillor Rogers that the apologies be accepted.

Councillor Calvert arrived at 11.10am and left at 2.55 pm. Councillor Books arrived at 12.08pm. Councillor Keegan left the meeting at 2.40pm. Councillor Stubbs left the meeting at 2.47pm.

RESOLVED on the motion of Councillor Sheather and seconded by Councillor Keegan that the Minutes of the General Purpose Committee Meeting held on the 28 June 1994, be confirmed.

The following recommendations were passed as resolutions of the Committee:

SECTION 1 - ENVIRONMENT

21: POULTRY FARM EXTENSIONS - LOT 6 DP215575 NO. 53 WALLACE ROAD, VINEYARD - J XUERE (DA117/94/EVD)

Mrs P Schembri and Mrs S Hogarth, objectors, addressed the Committee.

A SITE INSPECTION be carried out.

The Committee inspected the site at 4.20 p.m. Councillors present at the inspection were Councillors Sledge, Books, Paine, Rogers and Sheather.

As there was not a quorum a recommendation was not made.

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Mayor

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22: TYRE LANDFILL - HENDRENS ROAD, EBENEZER (DA347/92/GMA)

Mr B Porter, the applicant, addressed the Council.

THAT COUNCIL APPROVE this application subject to a personal undertaking from Mr Porter and an undertaking from his Company that all dumping will cease within 2 years from the General Meeting, in accordance with his public statements reported in the press, and that there is a resolution of this Council that from now on no further applications for tyre dumping will be approved. In the meantime the tyres be shredded.

23: HOLLANDS PADDOCK CAR PARK - COMMERCIAL DEVELOPMENT (P1408/95 PT2/GMA)

THAT THE WINDSOR and District Chamber of Commerce be advised that previous advice to the Council has been that rezoning for large scale commercial development was unlikely and the current position with this will be ascertained. Further, that redevelopment of the properties fronting George Street, including some of the Hollands Paddock area would be supported subject to consideration of appropriate access and other development considerations.

24: DEMOLITION OF WEATHERBOARD COTTAGE - 339 WINDSOR STREET, RICHMOND (DA281/93 PT1/GMA)

THAT COUNCIL DOES not consent to demolition.

25: URBAN LAND RELEASES (GT190/002 PT2/GMA)

THE MINISTER FOR Planning be advised of the critical problem of land for the Defence Housing Authority to provide housing for defence families associated with the Royal Australian Air Force Base at Richmond and the current action of relocating them some distance from their work place. Further, that the support of the Member for Hawkesbury and the Member for Londonderry be sought in this matter.

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26: TREE REMOVAL - PROSPECT ELECTRICITY (GE010/004PT02/EVD)

- A. PROSPECT ELECTRICITY be advised that there would be no objection to the re-introduction of a tree removal or replacement program as requested subject to the following conditions:-
1. Prior to any tree removal being undertaken, an application be submitted and approved by this office, removal costs to be borne by applicant.
 2. A minimum of 1 (one) replacement tree is to be provided for each tree removed subject to the discretion of the inspecting officer, replacement trees to be provided and planted at cost of applicant.
 3. Where it is found that it is impractical to undertake complete removal, the offending tree or trees be ground lined and the resulting residue stump growth be treated with the weedicide "Round Up" as a deterrent to regrowth.
- B. That Prospect Electricity be invited to have discussions with Council concerning the merits and workings of a Community Environmental Liaison Committee with regard to tree management issues in respect of Prospect Electricity's undertakings.

27: RE-INSTATEMENT OF AFTER HOURS COURTESY KENNELS (GE020/002/EVD)

THAT THE INFORMATION be received.

28: WEATHERBOARD COTTAGE - NOTICE OF INTENTION TO DEMOLISH - 80 LENNOX STREET, RICHMOND - V & P TCHADOVITCH (P515/135/EVD)

THAT THE REPORT be received.

29: THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 - AMENDMENTS (GC070/006 PT2/EVD)

THAT THE INFORMATION relating to recent amendments to the Environmental Planning and Assessment Act 1979 be received.

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30: ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 1980 - CHANGES TO SCHEDULE 3 - DESIGNATED DEVELOPMENT (GT090/001 PT2, LEP8/91 PT1/EVD)

THAT THE INFORMATION be received.

31: SHOPPING CENTRE PROPOSAL - PAGET, WINDSOR AND EAST MARKET STREETS, RICHMOND (P1343.212/10 PT1/EVD)

Clr Rogers declared an interest in this matter.

Mr R Tolson addressed the Committee

1. THAT AN APPROPRIATE curtilage around the Richmond Railway Station be determined by Council's Heritage Adviser.
2. That the architects of the proposed development be advised that Council considers that the proposal has some merit and as such further discussions with the State Rail Authority should be undertaken. This advice however does not necessarily mean that Council support for the preparation of a draft local environmental plan over the site will be forthcoming.
3. That the architects attention be directed to the shortfall in off street carparking and Council's desire to ensure that the parking provision complies with its DCP as well as providing for the current and projected demand for commuter parking.

32: MUSHROOM COMPOSTERS PTY LTD - POST OFFICE ROAD, EBENEZER (P1609.110 PT8/EVD)

Mr B. Daley - Chairman Mushroom Composters, Ms M. Lawson, Ms J. Davis - Australian Mushroom Growers Association, on behalf of the applicant, addressed the Committee.

Mrs F Peters, Mr N Byrnes, Mr N. Diamond - President Tinda Creek Progress Association, objectors, addressed the Committee.

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THAT THERE BE no action taken until such time that all these problems are addressed so that they can move to their new site and that an independent odour assessment be undertaken urgently and that the matter be further reported to the next General Purpose Committee meeting.

THAT A SITE inspection of the Tinda Park premises of the applicant be undertaken and that all interested parties be invited to attend.

33: INDUSTRIAL DEVELOPMENT CONTROL PLAN (DCP1/93/EVD)

THAT THE ITEM be withdrawn until the next General Purpose Committee Meeting.

34: TYRE LANDFILL - HENDRENS ROAD, EBENEZER (DA347/92/GMA)

THAT THE INFORMATION be received.

35: BOUNDARY ADJUSTMENT - OBJECTION TO ENGINEERING CONDITIONS - LOT 22 DP622668, LOT 379 DP210302 AND LOT 383 DP210303 BELLBIRD CRESCENT AND GUNBOWER ROAD, BOWEN MOUNTAIN - MR J ROCHE (SA174/93/EVD)

Mr J Roche, applicant, addressed the Committee.

THAT CONDITIONS 7, 8 and 9 be deleted.

36: TWO LOT SUBDIVISION - LOT 1 DP 815222 NO. 29 CHAPEL STREET, RICHMOND - FALSON & ASSOCIATES (SA0071/94/EVD)

THAT THIS MATTER be deferred to the Ordinary Meeting at which time a letter should be tendered from the Hawkesbury Village giving their advice to this proposal.

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37: PROPOSED COMMUNITY TITLE SUBDIVISION - STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - GROSE VALE ROAD AND BELLS ROAD, GROSE VALE - MCKINLAY MORGAN AND ASSOCIATES PTY LTD (SA25/94/EVD)

1. THAT THE APPLICATION be referred to the Department of Planning for the Director's concurrence under State Environmental Planning Policy No. 1.
2. That the application be determined under delegated authority following receipt of the Director's concurrence.

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SECTION 2 - INFRASTRUCTURE

10: THE TERRACE WINDSOR (2019/R/GMA)

THAT THE CLOSURE of the Terrace at Bridge Street incorporate a lay-by immediately adjacent to Bridge Street suitable for parking of break down vehicles and that a paved area be established incorporating bollards and an appropriate horizontal component sufficient to prohibit the traversing by vehicles.

11: CYCLEWAY/FOOTPATH - REDBANK CREEK TO COLO HIGH SCHOOL (423/R PT5/ENG)

THAT SUBJECT TO Roads & Traffic Authority approval, the cycleway/footpath between Redbank Creek Bridge and Colo High School be named "*Colo Way*" and the Geographical Names Board be advised of the proposal.

12: PROPOSED ROAD WIDENING - STANNIX PARK ROAD, WILBERFORCE (1911/R PT2/ENG)

THAT ACTION BE taken to widen Stannix Park Road, Wilberforce in the three locations within Lot 12 DP817345 as indicated on Plan N^o 1911-4 with the extent of widening to be as fenced and Council to bear reasonable legal and survey costs.

13: PARK IMPROVEMENT PROGRAM 1994/5 (GP010/017 PT1/ENG)

THAT THE PARK Improvement Program for 1994/5 be adopted.

14: 1994/95 ROAD, DRAINAGE AND KERB & GUTTER PROGRAM (GR120/011 PT2/ENG)

See Item 16.

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15: ARGYLE/MACQUARIE STREETS INTERSECTION - PEDESTRIAN FATALITY - SPECIAL MEETING OF LOCAL TRAFFIC COMMITTEE - 22 JUNE 94 (0119/R PT02/ENG)

THAT THE ROADS & Traffic Authority be requested to provide unbroken parking lane lines for the full length of Macquarie Street between Richmond Road and George Street, where appropriate, including left turn lanes, merging lanes at intersections, and 5 (five) locations for right hand turns at intersections.

16: 1994/95 ROAD, DRAINAGE AND KERB & GUTTER PROGRAM (GR120/011 PT02/ENG)

THAT THE ROAD, Drainage and Kerb & Gutter Program for 1994/95 be adopted with the inclusion of the Comleroy Road/McMahons Road intersection reconstruction at an estimated cost of \$45,000 (forty five thousand) and Windsor Street, Richmond, reconstruction of bituminous footpath south side between Bosworth and West Market Street in brick pavers, Stage 1 at an estimated cost of \$17,600 (seventeen thousand six hundred) in lieu of the original Windsor Street footpath proposal.

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SECTION 3 - ORGANISATION AND RESOURCES

6: MONTHLY FINANCIAL STATEMENTS (GF011/004/FNC)

THAT THE INFORMATION be received.

7: COMMITTEES OF COUNCIL - FUNCTIONS & OBJECTIVES (GC280/003 PT2/GMA)

THAT COMMITTEES OF the Council only deal with those matters directly identified in their establishment or those as referred by the Council. Further, that the various Committees be requested to provide comment and the basis of their objectives for consideration in September.

8: BICENTENNIAL CELEBRATIONS (GC030/012 PT3, PK/203 PT9, PK/205 PT3/GMA)

1. THAT COUNCIL AGREE to the Bicentennial Committee's arrangements for exclusive catering rights for McQuade Park on Saturday the 1st of October and Governor Phillip Park on Sunday the 2nd of October.
2. That Council also agree to the granting of an appropriate Liquor Licence for those occasions.
3. That approval be given for a band to play in McQuade Park on Saturday evening the 1st of October and the Committee be requested to advise all surrounding landowners and ensure that appropriate steps are taken in relation to noise and finishing times.

9: EMERGENCY SERVICES BUILDING - COMMUNITY FACILITIES (GC305/009 PT1/GMA)

1. That SES relocate to McKinnons Road, vacating current Local Headquarters with a sub-local at the CWA Hall, Windsor, under their approval.
2. That the Bush Fire Control remain at the present location and be partially funded by the Bush Fire Council.

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3. That SES supply plans and approximate costs of improvement/extensions to the Local Headquarters by the General Purpose Committee.
4. That Bush Fire Control supply plans of alterations to existing building by the General Purpose Committee.
5. That the funding of SES extensions be provided by the sale of 325 George Street, Windsor.
6. That the Community Centre be located at Bush Fire Control.
7. The helipad be located at the Local Headquarters.

10: PROPERTY DEVELOPMENT STRATEGIES (GC285/002/CSV)

THAT THE INFORMATION be received and that support in principle be given by the Council to enable the strategies defined in the report to be implemented accordingly.

11: WINDSOR PENINSULA - LEASE OF VACANT LAND (GC283/084 PT2/CSV)

1. THE LEASE OF Lots X and Y DP162477 Pitt Street, Windsor be granted to Mr K Kennedy for a initial term of 6 (six) months.
2. Tenancy beyond the initial term shall be on a month by month basis.
3. The lessee will pay to Council rental in the amount of \$190 (one hundred and ninety) per calendar month.
4. Rental shall be reviewed at each annual anniversary of the commencement of the lease, reviews to reflect movement in the Sydney Consumer Price Index.
5. The lessee shall pay all services used or separately consumed/metered on the site.
6. The lease shall rest on correspondence.

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12: MACQUARIE PARK HOUSE - LEASE (GC283/064 PT6/CSV)

1. COUNCIL LEASE MACQUARIE Park House to Mr Noel Greentree for a period of 3 (three) x 3 (three) years at a commencing annual rental of \$5,000 (five thousand).
2. The lessee shall, after 12 (twelve) months operation and at a subsequent 12 (twelve) month periods provide audited financial statements for the purposes of enabling assessment of appropriate rental.
3. The lessee shall be responsible for:-
 - a. the operation of the restaurant/kiosk facility in Macquarie Park House.
 - b. act as caretaker (or appoint a suitable persons) for the whole of the property. As such the caretaker will be responsible for opening and closing on a daily basis of gates which may be installed at the entrance of Macquarie Park.
 - c. the payment of outgoings on the premises including electricity, gas, telephone, water consumption charges and any costs associated with the provision of services or utilities separately provided or metered to the premises.
 - d. the cleaning of toilet blocks, showers, change rooms and any other facilities available for public use in Macquarie Park with the supply of materials to achieve these tasks being at the sole expense of the lessee.
 - e. the collection of rubbish within the immediate vicinity of the premises and placing the rubbish in a single collection point for removal by Council staff.
 - f. the maintenance of the immediate surrounds of Macquarie Park House including the maintenance of gardens - nurturing of trees, operation of any irrigation system etc and minor repairs to fences, signs, light fittings etc and mowing of lawns with the lessee to supply all equipment necessary to achieve these tasks at the lessees sole expense.
 - g. the payment of various insurances including:-
 - i. a minimum of \$5,000,000 (five million) indemnity for Public Risk Insurance;
 - ii. Worker's Compensation Insurance as appropriate;
 - iii. Personal Accident Insurance;
 - iv. Contents Insurance for Macquarie Park House; and
 - v. Plate Glass Insurance.
 - h. to comply with provisions of the Occupational Health and Safety Act, 1983 and the Liquor Act, 1981.

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- i. subject to an appropriate agreement, the lessee shall manage all water based activities within the property with due regard to safety and environmental concerns.
4. The lessor will be responsible for:-
 - a. all rates and taxes charged to Macquarie Park House.
 - b. major maintenance, that is structural repairs to Macquarie Park House, picnic areas and toilet - shower facilities.
 - c. Industrial Special Risks Insurance for all structures in Macquarie Park.
 - d. payment of water rates and electricity for the non leased area of Macquarie Park.
 - e. collection of rubbish from the nominated collection point.
 - f. the broad acre maintenance of the remainder of Macquarie Park.
5. All necessary documents be completed under Seal of Council.

13: INSURANCE QUOTATIONS 1994 - 1995 (GI001/004 PT5/CSV)

COUNCIL RENEW THE specific categories of insurance as detailed in this report for the term 20 August 1994 to 20 August 1995.

14: 20 FITZGERALD STREET, WINDSOR - LEASE (GC283/042 PT4/CSV)

1. COUNCIL LEASE 20 Fitzgerald Street, Windsor to Colbell Investments Pty Ltd on the following terms:-
 - a. A 3 x 3 year Lease to commence on 1 October 1994.
 - b. In recognition of various works to be under taken to the building, rental for the first year of the term shall be \$12,000.
 - c. Rental in the second year shall be set at \$30,000 with rental in the third year to be adjusted by the Sydney CPI factor.
 - d. Rental for the first year of the new term shall be reviewed to market.

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- e. The lessee to pay outgoings including oil, gas, water consumption, electricity, telephone and any other charges separately metered or utilised on the site.
 - f. The lessor to pay rates and taxes.
 - g. The lessee shall liaise closely with Council staff to ensure all buildings works are to Council's satisfaction. The lessee shall lodge a "Works as Executed" plan on completion of the works.
2. All necessary documents be completed under Seal of Council.

15: RICHMOND MALL RE-DEVELOPMENT (LEP19/93/CSV)

THAT THE INFORMATION be received and that by the next Ordinary Meeting Council obtain legal advice in relation to the Deed of Understanding and Agreement proposed by the applicant and that a deed be settled as agreed between the parties evidencing those matters discussed in debate and that the Richmond Chamber of Commerce be advised of Council's intentions.

16: DRAFT ACCESS POLICY (GC150/015/CPL)

Mr K Ferris addressed the Committee.

THAT THE DRAFT Access Policy be advertised for a period of 28 (twenty eight) days, with the following amendments :

DEFINITIONS

ACCESS : Line 2 Add the words "and accessibility" after "Access" to now read :
"Access and accessibility is intended to permit the general...."

OBJECTIVES

1. Line 1 To be amended to read "Provide access to appropriate buildings/developments and facilities."

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2. Line 1 To be amended to read "To ensure appropriate existing buildings and facilities (parks, streets,....."
- 2.3 Line 1 To be amended to read "Existing buildings which are subject to a change in use which significantly increases....."
- 4.2 To be deleted.
5. To be amended to read "Council shall, where possible, assist in community education and the integration of persons with disabilities into all aspects of life in the community".
6. By the Ordinary Meeting there be a definition of the Hawkesbury Access Forum ensuring that there are delegates on the Forum from Council both by elected and senior staff.

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SECTION 4 - QUESTIONS WITHOUT NOTICE

1. Councillor Rogers stated that the removal of the clothing bins from the CBD areas has caused a problem for the need of an alternative collection site and asked what has been proposed in this regard.

The Divisional Manager Environment and Development undertook to look into the matter and advise Councillor Rogers.

2. Councillor Rogers asked if a note had been sent to the local branch of the Gideon's Society thanking them for the provision of bibles.

The Mayor advised that this would be done.

3. Councillor Sheather asked if Gunbower Road could be looked at to see if it can be programmed within the Works Program.
4. Councillor Sheather advised that Baker Street between George and Macquarie Streets on the eastern side is overgrown with vegetation and one cannot walk down the pathway. He asked if this could be cleaned up as part of the Mall.
5. Councillor Sheather stated that where the traffic lights are as one enters East Richmond there is a white Ford Falcon which stops there permanently on the left hand side at about two places down where the S lane is located, and asked if a "No Parking" sign could be installed where it indicates a parking place for vehicles turning left into Bourke Street, or the matter addressed by the Local Traffic Committee.
6. Councillor Paine referred to the condition of the Windsor Railway Station carparking area.

The Divisional Manager Engineering Operations advised that Council is currently responsible for it. Council has a lease from CityRail. CityRail gave Council the use of the land if it maintained it for carparking services.

The meeting then adjourned for a site inspection.

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The meeting terminated at 5.00 p.m.

Submitted to and confirmed at the meeting of the General Purpose Committee held on August 30, 1994.

.....
Mayor

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SECTION 1

ENVIRONMENT

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41:	AGED PERSONS' HOUSING DEVELOPMENT - PROPOSED LOT 6 IN SUBDIVISION OF LOT 1 DP554590, LOTS A & B DP331606, PART PORTION 102, PART LOT 1 DP9148 AND LOTS A, B, C & D OLD BELLS LINE OF ROAD AND VINCENTS ROAD, KURRAJONG - MR A O'GRADY DA142/94/EVD	18
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ITEM 38: FLOODLIGHTS FOR EXISTING DRESSAGE AND SHOWJUMPING ARENAS - LOT 8 DP602821 37 OGDEN ROAD, OAKVILLE - APPLICANT: C MUNCASTER

FILE NUMBER: DA107/94/EVD

Owner: Mr C Muncaster
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Area: 3.177ha
Zone: Rural 1(c)
Advertising: Advertised with five submissions; readvertised 7 June 1994
Date Received: 29 April 1994

Key Issues:

- ◆ Objections
- ◆ Amenity (noise, illumination from floodlights)

Action:

Approval with conditions

REPORT:

Application is made for the installation of floodlights to be used at night for existing dressage and showjumping areas.

The applicant has stated that because of his involvement with the administration of equestrian sports for over 12 years and being a committee member for the New South Wales Showjumping Council, present working hours restrict his training activities during the winter months.

In support of his proposal the applicant states:-

"Two of the objectors suggested in their submissions that if the lights were relocated such that they shone into rather than out of the property their concerns would be overcome.

As a gesture of goodwill I have hereby amended my application in the following manner:

- 1. The two 9m tubular steel lighting towers proposed for the existing showjumping arena have been relocated to the opposite side such that the lights shine into rather than out of the property;*
- 2. The 12m tubular steel lighting tower proposed for the existing dressage arena has been relocated to the opposite side such that the lights shine away from rather than toward the residences fronting Ogden Road that are situated on the crest of the ridge.*

These amendments are depicted on the amended drawing No. FL-1/A".

Effect of the Proposal on the site

I have been an active rider for the past 21 years and have been competing in showjumping at the state, national and international levels for the past 11 years. My main reason for moving to the Hawkesbury region in 1989 was to further my equestrian career.

Since I have a full time job, the only time I have to train my horses is before and after work. In the summer months adequate time is available to achieve this, particularly with the advent of daylight saving which allows me to ride until 8.30pm. Unfortunately, however, this is not possible in the winter months.

Over the past 12 months or so the number of horses that I have had in training has increased and I have found it increasingly difficult to find the time to train them, particularly in the winter months. Hence, my proposal to install floodlights to the existing dressage and showjumping arenas.

My use of the floodlights, therefore, would be restricted to the winter months and would not extend past the time of 8.30pm which is the same time the arenas have been in use during the summer months for the past 4 years."

Statutory Situation

The use of lights is considered to be an ancillary use to an existing horse stable complex and is permissible with consent.

The subject property is located within a Rural zone which primarily provides for a rural/residential lifestyle.

Submissions

Objections were received indicting the following concerns:-

- current use
- location of lights
- noise generated
- existing activity inconsistent with the general amenity of the area
- devaluation of properties

The applicant was advised of the concerns and has provided supporting information as indicated earlier and as follows:-

- *The lights will only be used during the winter months and would not be used after 8.30pm. The arenas have been in use for similar period during the summer months for the past four years without complaint;*

- *The proposed towers are quite tall which means that the 400w lights will be pointing in a predominantly downward position. They have been designed in this manner to eliminate direct glare to the surrounding properties and streets. As mentioned in the previous proposal, if any problems were experienced in relation to direct glare, 3mm galvanised steel shrouds could be fitted to overcome this;*
- *The proposed lighting towers are of tubular steel construction, rather than lattice, to present a slim and unobtrusive appearance. I had intended to have the towers galvanised to prevent corrosion, however, if Council deems it appropriate they can be painted in an environmental friendly colour;*
- *I have planted approximately 100 trees to improve the amenity and privacy of both myself and my neighbours. I intend planting a further 100 trees over the next 2 years to further improve amenity and privacy;*
- *The problem of noise was also raised. I find this argument particularly ludicrous. Firstly, I do not consider the riding of horses to be a noisy activity. Secondly, both arenas are located a considerable distance from any neighbouring residence. Finally, I am not aware of any noise complaint being registered against me during the five years I have been living at 37 Ogden Road."*

Planning Assessment

The subject property, amongst others in the locality contain, horse yards and a stable. The land slopes down to a small watercourse traversing the rear boundary. The property is rectangular in shape with a street frontage measuring approximately 100m. Dwellings on surrounding properties are located amongst scattered trees providing shade and some screening from adjoining areas. To the rear the closest dwellings are located approximately 100m away from the showjumping area. The floodlights located here will be directed away from these dwellings. Objectors located at 47 and 55 Ogden Road are located approximately 120m and 170m respectively from the floodlights for the dressage arena.

With respect to property devaluation of land values, it is considered that the development will not have any discernible affect.

The applicant has demonstrated that he is prepared to overcome concerns raised within the submissions. To this effect the lights have been relocated, so as not to affect the closest dwellings. Hours of operation will be restricted to 8.30pm during the winter months when insufficient daylight hours are available to train the horses, further limiting concerns.

It is anticipated that some noise will be generated from horse floats carrying horses however this is caused due to the nature of the use on the land. Conditions of consent can overcome hours of operation. The applicant agrees to this.

The applicant has stated that the arenas will only be used to train horses that reside within the property. As a consequence, horse floats or transporters will not be used at night.

Spillage of light which has been modelled by an independent consultant in accordance with Australian Standards.

RECOMMENDATION:

That the application be approved subject to the following:

1. The development shall be carried out generally in accordance with plans referenced FL-1/A and supporting documentation submitted with the application.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council.
4. 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 Divisional Manager Environment and Development prior to the use commencing.
5. 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.
6. Operating hours of the floodlights shall not exceed 8.30pm Mondays to Fridays and shall not be used on Saturdays, Sundays and Public Holidays.
7. The spillage of light shall be controlled by the satisfaction of the Divisional Manager of Environment and Development.

ATTACHMENTS:

AT-1 Site map

FN:EN830NAX.V04

**** END OF ITEM 38 ****

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 30 August 1994

Item: 39

ITEM 39: AGED PERSONS' HOUSING DEVELOPMENT - LOT 1 DP811506
AND LOTS 21 & 22 DP812698 KING ROAD, WILBERFORCE -
GARY WHITE PROPERTY CENTRE

FILE NUMBER: DA236/92/EVD

Owner: A McIntyre
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 State Environmental Planning Policy No. 5 - Housing for Aged and
 Disabled Persons
 SEPP No. 11 - Traffic Generating Developments
Area: 25.667ha
Zone: Environmental Protection (Scenic) 7(d1)
Advertising: Advertised with 9 submissions received
Date Received: 22 September 1993

Key Issues:

- ◆ Visual Impact
- ◆ Flooding
- ◆ Water Supply
- ◆ Effluent Disposal
- ◆ Amenity

Action:

Refusal

REPORT:

Council considered an application for the development of the subject property for aged persons' housing comprising 85 residential units at its Ordinary Meeting held on 14 December 1993. At the meeting, the following was resolved:-

"that the matter be deferred to allow the applicant to submit a revised proposal for a reduced number of units located above the 1 in 100 year flood frequency level."

The applicant has submitted an amended plan which reduces the number of dwellings to 71 (a 16% reduction) to overcome Council's concerns.

The appropriate flood level to assess this application against is the floor height standard which in Wilberforce is RL 15.9m AHD. The level of the new 1 in 100 year flood is RL 17.3m AHD. The proposal has been amended by reducing the number of units and relocating the community building to floodprone land thus providing additional space above the floor height standard for residential development. All units are now sited either wholly or partially above 15.9m AHD and in addition the applicant has offered to construct the finished floor levels at 17.3m AHD should this be required.

The development involves the following:-

- total of 71 x 1, 2 & 3 bedroom dwellings
- caretaker's cottage
- community centre
- on-site recreation and leisure facilities including tennis court, pool and recreation centre
- on-site collection of stormwater
- on-site disposal of effluent
- car parking

The development is proposed to be staged in the following manner:-

- Stage 1 - Construction of units 1 - 13, caretaker's cottage and office facilities, and associated infrastructure.
- Stage 2 - Construction of units 14 - 35 with part development of the community and recreational facilities.
- Stage 3 - Construction of units 36 - 59 with part development of the community and recreational facilities.
- Stage 4 - Construction of units 60 - 71 with the balance of the community and recreational facilities.

The applicant has advised that the community and recreational facilities could be brought forward to stage 1 to ensure an adequate level of facilities in the unlikely event that the development did not proceed past the first stage. It is envisaged that the entire development will take two years to complete.

The applicant has requested an "in principle/deferred commencement" consent so that further detailed research can be undertaken where necessary, with the knowledge of a certain consent upon the satisfactory completion of further studies. Amendments to the EPA Act allow, "in principle/deferred commencement" applications to be considered.

Statutory Provisions

The development is permissible, with consent, under the provisions of State Environmental Planning Policy No. 5 and Hawkesbury Local Environmental Plan 1989.

The application has been referred to the Local Traffic Committee in accordance with the requirements of SEPP 11 - Traffic Generating Developments. The Traffic Committee raised no objection to the proposal subject to:-

1. All median strips on King Road to be raised concrete construction.
2. Kerb & gutter and sealed road shoulder to be provided full width of site.
3. Extend internal median strip to boundary line, with bollards at either end.
4. Pedestrian refuge be incorporated in raised median strip on King Road to west of drive entry in proximity of proposed bus stop.

Clause 11 of SEPP5 requires the concurrence of the Water Board prior to consenting to an application. The Board concurs with the granting of an "in principle/deferred commencement" approval. In granting concurrence, the Board has recognised the problems associated with the on-site disposal of effluent using private treatment plants from such a large development and has therefore imposed the following conditions:-

1. The consent is an "in principle" consent pursuant to S 91AA of the Environmental Planning and Assessment Act.
2. The consent is not to operate until the applicant satisfies the Council that -
 - a. the following investigations have been undertaken by consultants approved by the Water Board in accordance with briefs agreed to by the Board and other relevant authorities, and funded by the applicant:
 - i. an overall water cycle study showing feasibility of disposal of effluent, including the impact of the proposal on the water balance of the area and water quality of the Hawkesbury-Nepean River;
 - ii. when the total water cycle study is complete and shown to be satisfactory to the Water Board and other relevant authorities, an environmental impact statement for the water and sewerage components of the development; and
 - iii. a financial analysis of the ability of the proposed development to sustain water and sewerage services, including ongoing revenue to meet the true cost of the services provided and minimisation of financial risk to the Water Board. This analysis is to be conducted by a suitably qualified person, briefed jointly by the proponent and the Water Board.
 - b. the investigations set out in (a) above have been completed to the satisfaction of the Water Board and within a period of 12 months from the date of "in principle" consent of the Council; and

- c. the Water Board and the applicant have entered into a contract or other arrangement with the applicant, which has been approved by the Minister administering the Water Board Act, 1987, to provide, construct, operate, manage and maintain the sewage treatment system servicing the development.
3. Water is supplied to the development on the basis of a maximum of a 3 litre/minute restricted service (or equivalent) for each existing lot with frontage to an existing watermain.

Submissions

Eight submissions have been received which object to the development on the following grounds:-

- flooding
- sewerage
- lack of public transport
- inability of King Road to cater for the development
- poor accessibility to retail facilities
- lack of medical services
- pollution from on-site disposal
- impact on localised drainage
- median will deny vehicular access for residents opposite
- removal of trees

One submission was received in support of the proposal.

Planning Report

The subject property is irregular in shape with a total area of 25.667ha having frontage to King Road at Wilberforce. The property drains towards the rear and then through adjoining land to the Hawkesbury River.

Flooding

Council's Medium Density Housing Development Control Plan does not support development below the floor height standard which in this locality is RL 15.9m AHD. The application has been amended so that all units are sited on or above the 15.9m contour. Therefore the floor height standard of 15.9m AHD can be readily achieved for all units with either no filling or very minimal filling for 11 of the units. In addition the applicant has offered, if required, to construct all habitable floors at the new 1 in 100 year flood frequency level of 17.3m AHD.

The site is reasonably accessible to higher ground in the instance of a flood event in excess of the floor height standard.

Amenity

The property is currently rural in character with 2 dwelling houses and a number of outbuildings scattered across the site. This application proposes 71 single and 2 storey dwelling units, caretaker's cottage and administration offices plus a large community and recreational building. This development has limited setbacks along the western and northern property boundaries and is inconsistent with the rural amenity of the south eastern side of King Road.

The setbacks are limited as a consequence of the higher and reasonably flood free land being located close to King Road and around the adjoining lot 7.

In addition the amenity for future residents of the majority of the site is hampered by its relative low elevation, an existing natural drainage channel and limited setbacks to King Road.

SEPP No. 5

The development complies with the provision of SEPP5 in relation to heights of buildings, disabled access car parking, density and amount of landscaped area.

Support Services

Support services, including medical and retail facilities, are located approximately 1km along King Road from the subject property. The applicant has offered to provide a community bus for the transport of residents who do not have access to a car. Given the size of the development the depreciation and running costs for a small bus should be able to met from the body corporate.

Water Supply

The existing 3 allotments in this property are connected to a reticulated water supply, however, the Water Board has limited the amount of water to be obtained from this source. As a consequence, the applicant proposes to continually gain water from the Board's supply and store this in a number of megalitre tanks on the property. The amount of water from this source is not sufficient to cater for the entire development so it is proposed to supplement the stored reticulated water with either separately stored stormwater and riverwater, or the reuse of treated effluent for uses such as toilet flush, garden watering etc.

These issues will be addressed in the water cycle study the applicant will have to prepare in order to satisfy the requirements of the Board.

Sewerage

The applicant has proposed an aerated treatment system to cater for the development. As with the water supply, this will be the subject of further investigation.

Conclusion

The application is a permissible use of the land with Council's consent and complies with the requirements of State Environmental Planning Policy No. 5.

In the assessment of the application it is apparent that there are a number of constraints in the development of the site which may be able to be overcome. These include the provision of a reticulated water supply, the disposal of effluent, and stormwater drainage. Flood affectation is of less significance.

The relationship of the proposed development to King Road and adjoining development poses further issues. These include the limited setbacks and the density of development.

In addition the amenity for future residents of the majority of the site is hampered by its relative low elevation, an existing natural drainage channel and limited setbacks to King Road.

In summary there are two issues which may or may not prevent the development from proceeding, being the supply of reticulated water and the disposal of sewerage. However even ignoring these considerations, the proposed site is not well suited to the development for the reasons indicated. If this proposition is accepted then consideration should be given to the need for need for this type of housing in the Hawkesbury and the availability of alternative sites.

From discussions with real estate agents, it is apparent that there is a real need for aged and disabled accommodation. Unlike other forms of urban development the potential for siting aged and disabled housing is not overly restricted by zoning constraints. They are a permissible use of either residential or rural zoned land, the constraints in SEPP No. 5 being that;

- (a) *the land is within or adjoins land zoned for urban uses;*
- (b) *the residents of the proposed development will have reasonable access to community facilities and shops of a type which, in the opinion of the consent authority, the residents could reasonably require: and*
- (c) *the proposed development will, on completion, be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage and drainage from the land.*

Given the number and extent of existing urban zonings in the City, there is potentially a reasonable supply of land adjoining those zonings which would be suitable for SEPP No. 5 development. This does not include potential sites within the existing zonings which are available for SEPP No. 5 development.

On balance it is considered that the application should not be supported because of the site's constraints and the opportunities which exist for aged and disabled housing on or adjacent to land zoned for urban purposes.

RECOMMENDATION:

That the application be refused on the following grounds:-

1. The development is contrary to the objectives of the Environmental Protection (Scenic) 7(d1).
2. The proposal is considered to be an overdevelopment of the site.
3. The proposal will adversely affect local amenity.
4. The proposal is not in the public interest.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NAX.V09

**** END OF ITEM 39 ****

ITEM 40: INTRODUCTION, MASSAGE AND RELAXATION CENTRE - LOT 13 DP787262 UNIT 1, 13 ASPINALL PLACE, MULGRAVE - BODY MAINTENANCE SERVICES

FILE NUMBER: DA157/94/EVD

Owner: Mr J Vlastic
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1,000m²
Zone: Industry General 4(a)
Advertising: Advertised to adjoining owners with 1 submission received
Date Received: 23 June 1994

Key Issues:

- ◆ Morality
- ◆ Criminality

Action:

Approval with conditions

REPORT:

Council is in receipt of an application proposing the use of an industrial unit located on the subject property as an introduction, massage and relaxation centre, in that order.

Four persons are to be employed in respect of the use which will operate between the hours of 10.00am until 12.00 midnight daily. The applicant, Body Maintenance Services, states that the business will feature 2 spa rooms and 3 massage rooms. They contend that the business will not be noisy and will have no affect on any business in the area.

Five car parking spaces are allocated to the unit.

Statutory Situation

The proposed use is not prohibited under the provisions of Hawkesbury Local Environmental Plan, therefore it is permissible with consent.

Submissions

Adjoining property owners were notified of the proposal and one submission was received objecting to the development on the following grounds:-

- morality
- will encourage criminal activity

Planning Comments

This Council has previously been involved in Court action regarding introduction and escort agencies. In the appeal, Council sought to prove the application was a 'sham'. In this case the Court held 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."

There is no provision in the Environmental Planning and Assessment Act for Council to consider morality in the assessment of a development application.

It is considered that there would be widespread community support for the notion that introduction agencies, massage centres and the like would be better located in industrial zones than in residential areas.

Council's Parking Development Control Plan does not stipulate a requirement for this specific activity but it is considered that the 5 spaces proposed would be satisfactory. Ample street parking is available should it be required.

The application is considered suitable for approval with conditions.

RECOMMENDATION:

Approval subject to:

1. The activity shall be confined to Unit 1.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council. Any such advertising structure erected or displayed without prior approval will be removed and disposed of at the expense of the advertiser.
4. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
5. Provision of toilets in accordance with the requirements of the Building Code of Australia.
6. The spa pools shall be registered prior to commencement of the activity.
7. The spa pools are to comply with the requirements of the Public Health Act 1991 and the NSW Department of Health guidelines for the disinfecting of public swimming pools and spa pools.

8. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood.

ATTACHMENTS:

AT-1 Site map

FN:EN830NAX.V11

****** END OF ITEM 40 ******

ITEM 41: AGED PERSONS' HOUSING DEVELOPMENT - PROPOSED LOT 6
IN SUBDIVISION OF LOT 1 DP554590, LOTS A & B DP331606,
PART PORTION 102, PART LOT 1 DP9148 AND LOTS A, B, C &
D OLD BELLS LINE OF ROAD AND VINCENTS ROAD,
KURRAJONG - MR A O'GRADY

FILE NUMBER: DA142/94/EVD

Owner: Mr K & Mrs P Bennett
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
State Environmental Planning Policy No. 5 - Housing for Aged and
Disabled Persons
Area: 7.8 hectares
Zone: Rural 1(b)
Advertising: Advertised with 3 submissions received
Date Received: 9 June 1994

Key Issues:

- ◆ Amenity
- ◆ Water Supply
- ◆ Effluent Disposal
- ◆ Traffic

Action:

Approval with conditions

REPORT:

Council is in receipt of an application proposing the establishment of an Aged Persons' Housing Development on the subject property.

The development involves the following:-

- 8 x 3 bedroom cottages
- 16 x 2 bedroom cottages
- 8 x 1 bedroom cottages
- 1 caretaker's cottage
- community centre
- bowls and croquet facilities
- on-site parking

The development is proposed to be staged in the following manner:-

Stage I - Cottages 1 to 16, caretaker's cottage, main driveway and access drives, main

entrance gate, community centre, bowls and croquet lawns, carpark, screened service area, sewage treatment works, screen planting and landscaping.

Stage II - Cottages 17 to 32 inclusive, completion of driveway and accessways, landscaping.

Statutory Situation

The application is permissible, with consent, under the provisions of HLEP, 1989 and SEPP 5.

Clause 11 of SEPP 5 requires the Water Board to concur with the proposal. The Water Board, by letter dated 3 August 1994, has concurred with the application.

SEPP 5 outlines requirements for access for disabled persons, parking, heights of buildings, density and amount of landscaped areas. The subject development can comply with all of the requirements of SEPP 5.

Submissions

Three submissions have been received objecting to the development on the following grounds:-

- out of character with locality
- dangerous vehicular access
- on-site disposal of effluent
- traffic

Planning Report

The subject property is a proposed lot of some 7.8ha having frontage to Old Bells Line of Road and Vincents Road, Kurrajong. The lot has been created as part of a boundary adjustment approved under SA40/93.

The site is currently vacant and slopes down steeply from both road frontages. A number of dams are located on the lower, less steep sections of the property. The site and adjoining allotments have a rural character.

Siting and Design

This application proposes the erection of 32 single storey 1, 2 and 3 bedroom dwellings. The dwellings are arranged in 8 groups of 4. The dwellings are located on the lower sections of the property some 50m from the road frontages. Because of the steeply sloping nature of the property, the majority of the development is located at least 12m below the road frontage, thus minimising visual impacts.

The cottages are designed with both front and rear courtyards, both of which provide adequate usable private open space. Suitable solar access is provided to both the courtyard areas and the dwellings themselves. The development has been designed with variety in both the elevations and rooflines and thus has a suitable appearance and architectural style.

Amenity

The subject property and the surrounding area is rural in character. It is considered that the scale of the development, along with the proposed design, will not adversely affect the area.

Water Supply

The property is currently served with a restricted supply from the Kurrajong reticulated system. This is, however, insufficient to fully supply the development and it is proposed to supplement this system by collecting stormwater on-site and storing this within tanks. The Water Board has examined this proposal and has deemed it satisfactory by granting concurrence to the proposal.

On-site Disposal

At this stage, the applicant has proposed an aerated package treatment plant which will process wastewater to the secondary stage. The wastewaters are then gravitated to an artificial wetlands system for tertiary treatment. The application recognises the ongoing developments in relation to wastewater disposal on-site and it will be possible to incorporate any further advancements within this development. The final treatment plant, proposed, however, would require approval and ongoing licensing from the Environment Protection Authority.

Traffic

Access to the site is via Vincents Road which has a sealed carriageway width of 4.5m and would best be described as a quiet country lane. Earth shoulders provide additional clearance when required.

The proposal is accompanied by a traffic study which estimates that traffic will increase from 36 to 45 vehicles during peak hour flows. Consequently, this has even less significant impacts on Old Bells Line of Road which carries a greater number of vehicles.

It is considered that the proposed access to the site, Vincents Road and the intersection with Old Bells Line of Road will adequately cope with the additional traffic generated by this development.

Access to Services

Future residents of the development will have satisfactory access to the Kurrajong Village which will provide suitable retail and medical facilities normally expected.

Section 94 Contribution

It is considered that the proposed development will provide adequate recreational and community facilities to cater for the needs of the residents. Consequently, a Section 94 Contribution should not be sought.

Conclusion

In conclusion, it is considered that the proposed development will have negligible impact. The submissions received do not warrant refusal of the application. The proposed development will assist in the provision of aged persons' housing within the Hawkesbury area generally. Consequently, the application is recommended for approval.

RECOMMENDATION:

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

1. The development shall be carried out in accordance with Plan Nos. B2-93-8-9-10, dated 21 May 1994.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. 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.
4. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
5. 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.
6. No excavation or site works shall be commenced prior to the issue of the building permit.
7. 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 Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
8. 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.
9. A common television antenna shall be provided for the development.
10. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.

11. Erosion control measures such as hay bales or geotextile silt traps are to be provided during construction to stop silt, rubbish or debris from leaving the property. Details shall be submitted for consideration prior to the works commencing.
12. Construction of Council's standard heavy duty footways and layback vehicular crossings to suit the access to the site with a minimum width of 3.5m.
13. 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. Full details of works shall be submitted for approval with the building application.
14. All driveways to be constructed with a sealed pavement and all necessary drainage. Particular attention is required to control runoff from the slope above the development. Details to be submitted for approval with the building application.
15. Submission of a satisfactory Geotechnical Report covering the stability of the slope above the development with particular regard to the proposed works.
16. Detailed design of the access road and garage entrances to provide for adequate manoeuvring to the garages.
17. Provision of a turning area at the end of the access drive to Units 29 to 31 inclusive.
18. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.
19. The development shall provide for wheelchair access. Full details to be submitted with the building application.
20. The proposed wastewater treatment plant to be licensed by the Environment Protection Authority.
21. The submission of a Subdivider/Development Certificate from the Water Board (a Certificate under Part 3, Division 2, Section 27 of the Water Board Act, 1987).
22. Cut and fill is to be minimised in accordance with the sections shown on plan B2/93/10.
23. Any batters are to be suitably retained and stabilised.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM 42: TOURIST FACILITY - GARDEN DISPLAY - LOT 2 DP600918 91
MENIN ROAD, OAKVILLE - MRS J CICCOLELLA

FILE NUMBER: DA199/94/EVD

Owner: V & J Ciccolella
Stat. Provisions: Hawkesbury Local Environment Plan 1989
Area: 2ha
Zone: Rural 1(c)
Advertising: Adjoining owners notified with 2 submissions received
Date Received: 29 July 1994

Key Issues:

- ◆ Amenity
- ◆ Septic Tank Effluent

Action:

Approval with conditions

REPORT:

Council is in receipt of an application proposing the establishment of a tourist facility on the subject property. The proposal involves the opening up of existing gardens on the property for public display. Visits to the site are to be by way of appointment only, principally through garden clubs. Up to 12 people will visit the site at any one time, and it is envisaged that up to 4 visits will occur in any one week. Visits will generally take up to 4 hours. Toilet facilities are to be provided.

Statutory Situation

The proposal may be defined as a tourist facility which is a use permissible, with consent, under the provisions of HLEP 1989.

Submissions

Submissions have been received objecting to the proposal on the following grounds:-

- access road is located adjacent to property boundary of adjoining property
- privacy
- vegetation on boundary reduces moisture on the adjoining property
- request provision of a 2.6m high timber fence along entire southern boundary
- effluent disposal

Planning Comments

The subject property is a regular shaped allotment with an area of 2ha. The site contains a dwelling house located towards the Menin Road frontage. Behind the residence are formal display gardens and a wholesale nursery. It is the applicant's intention to open up the gardens for public display.

Carparking is to be provided for 6 vehicles within a parking area located near the middle of the site. Council's Parking Development Control Plan does not specify a requirement for this type of activity, however given the scale of the development, the proposed number is considered adequate. Access is via a 3m wide roadway, 3m off the adjoining property. Both the parking and accessway should be finished in compacted crushed rock to minimise dust, and sealed if dust becomes a nuisance.

The site falls slightly towards the adjoining property to the north. The proposed amenities are located near this boundary so care will need to be taken to ensure the adjoining property is not adversely affected by the effluent disposal system. This can be required as a condition of consent.

Conclusion

It is considered that the proposal is of a satisfactory scale and will not adversely affect the amenity of the locality. Suitable conditions can be imposed to overcome any adverse impacts.

RECOMMENDATION:

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

1. The development shall be carried out in accordance with Plan dated July 1994.
2. Construction of a compacted crushed rock dust-free surface to the access drive and the carpark. The access is to be sealed if dust becomes a nuisance.
3. The development to be operated so as to avoid on-street parking and the proposed carparking is to be suitably signposted.
4. 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.
5. Parking spaces, accessways and aisles to conform to Council's Development Control Plan.
6. Operating hours shall be limited to 8.30am (eight thirty) to 4.30pm (four thirty) daily. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.

7. The gardens shall be opened for display a maximum of 4 (four) days in any 1 (one) week.
8. The number of persons visiting the site at any time being limited to 12 (twelve).
9. Submission of a building application, plans and specifications complying with the Building Code of Australia.
10. Full details of wastewater treatment shall be submitted for consideration with the building application.

ATTACHMENTS:

AT-1 Site map

FN:EN830NAX.V17

****** END OF ITEM 42 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 30 August 1994

Item: 43

ITEM 43: SIX LOT SUBDIVISION - LOT 141 DP751658 WHEENY CREEK ROAD, EAST KURRAJONG - APPLICANT: MR A BOW

FILE NUMBER: SA12/93/EVD

Owner: Mr A Bow
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
State Environmental Planning Policy No. 1
Area: 32.376ha
Zone: Environmental Protection 7(d)
Advertising: Not required
Date Received: 20 January 1993

Key Issues:

- ◆ Non compliance with Hawkesbury Local Environmental Plan, 1989
- ◆ High Bush Fire Risk area
- ◆ Unauthorised structures
- ◆ Access
- ◆ Disposal of effluent
- ◆ Emergency services
- ◆ Locality

Action:

Refusal

REPORT:

Proposal

Application is made to subdivide the subject property into six allotments with areas of 4,600m², 5,000m², 9,600m², 1.0ha, 1.7ha and 11.4ha. Dwellings exist on each of the allotments. An existing track, off Comleroy Road, traverses private property known as "Boongarie" 1224 Comleroy Road, and the Wollemi National Park.

Statutory Situation

The application could have been assessed under Clause 11(4) of Hawkesbury Local Environmental Plan, 1989 which stated that:-

"The Council may consent to the subdivision of land for the purpose of locating existing detached dwellings (not being dual occupancy) at the appointed day on separate lots."

However, this clause has now been deleted. Proposals of this nature now require the submission of an objection under State Environmental Planning Policy N° 1. However, such an objection has not been submitted. Council is therefore unable to support the proposal.

Notwithstanding this, property records indicate that some of the dwellings are unauthorised, thus casting doubt as to whether the proposal complied with clause 11(4). Building approvals have not been issued for three of the dwellings. These would be located on proposed lots 4, 5 and 6.

Zoned Environmental Protection 7(d) under Hawkesbury Local Environmental Plan, 1989, each separate allotment created should have an area no less than 40ha. In this respect, the application, as it stands, does not comply.

Development consent N° 1542 issued on 4 April 1975 approved "*The establishment of a passive recreation centre incorporating 5 double and 21 single self contained holiday cabins*". This would explain the existence of more than one dwelling on the property.

Planning Comments

Site Characteristics

The subject property is rectangular in shape with the rear boundary being Wheeny Creek. Located approximately 700m east off Comleroy Road, the property is surrounded by the Wollemi National Park except the northern boundary which is owned by the applicant, Mr Bow. The soil is very rocky and is considered to have low absorptive qualities. Access is of an unformed sandstone nature which would require upgrading for satisfactory vehicular access. Current access is situated on the ridgeline with large steep valleys surrounding the northern, southern and eastern boundaries. Surrounded by thick vegetation the property is within a high bush fire area.

History

The first development application was submitted in October 1974 proposing a passive recreation area incorporating holiday accommodation in the form of cabins. Approval, subject to conditions, was issued on 23 December 1974 incorporating four double and 16 single self contained holiday cabins. This was then amended and Development Consent 1542 as previously mentioned applies.

Building Applications (BA110/81; BA111/81 and BA112/81) were submitted for the construction of the cabins relating to the 1974 Council consent, however were not determined.

Two years later resited dwellings were moved to the subject property without consent.

To date there exist six dwellings, 3 approved and 3 unauthorised. These buildings are currently being lived in either on a full time or temporary basis. Telephones are connected to some buildings, however electricity is powered by either solar, battery and/or generator.

Access

The subject property does not have access to a public road. Access is via an informal track through the Wollemi National Park. This is contrary to Council policy which requires rural type subdivisions be provided with access to public roads.

Once subdivided it would seem likely that the lots would be sold and that the existing dwellings will be demolished with a higher quality of home erected with permanent residents. Such owners would require a higher level of services than currently provided, or available in the locality. Further, pressure would be placed on Council to provide maintenance of vehicular access to the property.

Fire Risk

The subject land is considered to be within a very high risk area. Currently, the existing buildings have insufficient water supply for both domestic and fire fighting purposes. Council's Bush Fire Mitigation Policy requires a capacity of 60,000 litres. Future development would require an upgrade to this, however, due to the access traversing the National Park and being vegetated on both sides, fire fighting and rescue operations may be at risk in the event of bush fire.

Conclusion

Notwithstanding that the six existing dwellings are being used, at least three of these are unauthorised. It is considered that due to its remoteness, future development would be jeopardised because of the extreme bush fire risk, low absorptive nature of soil for on-site disposal and lack of readily available water supply for domestic and fire fighting purposes.

RECOMMENDATION:

That the application be refused because:-

1. The proposal does not comply with the provision of Hawkesbury Local Environmental Plan 1989.
2. The proposal is located within a high bush fire risk area.
3. The soil quality is insufficient to suitably contain an on-site effluent disposal system.
4. Access is unsatisfactory.
5. The proposal is not in the public's interest.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM 44: ADDITIONS TO SERVICE STATION - LOT 2 DP706131 1255
BELLS LINE OF ROAD KURRAJONG HEIGHTS - APPLICANT: L
& G GRAHAM

FILE NUMBER: DA125/94/EVD

Owner: Ironpass Pty Ltd & Dunromin
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
SEPP11 - Traffic Generating Development
Area: 1,408m²
Zone: Business General 3(a)
Advertising: Adjoining owners notified with no submissions received
Date Received: 26 May 1994

Key Issues:

- ◆ Visual impact
- ◆ Car repair station
- ◆ over development of the site
- ◆ impact upon heritage item
- ◆ traffic

Action:

Refusal

REPORT:

Council is in receipt of an application proposing additions to the service station which exists on the site. The application comprises the following:-

- new building to be used as a shop
- concrete forecourt area which is elevated in part
- canopy over forecourt area
- car repair station located underneath the forecourt area
- on-site parking
- relocation of existing fuel pumps

Statutory Situation

This application is permissible with consent under the provisions of HLEP, 1989.

The existing building is identified as a heritage item within Schedule 1 of HLEP. Consequently, consideration must be given to the impact of this proposal on the heritage item.

The application is required to be referred to the Local Traffic Committee under the provisions of SEPP 11. At its meeting, the Traffic Committee resolved the following:-

"No objection subject to official RTA comments."

Planning Comments

The subject property is a corner allotment with an area of 1,408m² having frontage to Bells Line of Road and Douglas Street, Kurrajong Heights. The site currently contains a service station with 3 dispensing bowsers and a heritage item which contains a post office/shop and a dwelling. Entrance to and exit from the site is informally provided off the unsealed road shoulder of Bells Line of Road. The site slopes down from the Bells Line of Road frontage towards the rear of the site and has a total drop of approximately 3.5m. The site contains existing mature vegetation.

Siting and Design

The new building is located behind the existing when viewed directly from the front of the site. The canopy projects from the heritage item towards the east whilst on-site parking is principally at the rear of the site adjacent to the new building. The proposed workshop is located underneath the elevated forecourt with the access off Douglas Street.

The development has a reasonable appearance when viewed directly from Bells Line of Road. The proposed new shop has been sited appropriately and designed to complement the heritage item. The canopy has been designed with a pitched roof and is setback approximately 3.5m behind the heritage item to reduce the impact. It is difficult to blend service station canopies with heritage items given the bulk and height required to provide access underneath however under the circumstances the proposal is considered reasonable.

The development is considered to have an unsatisfactory appearance when viewed from Douglas Street and further eastward along Bells Line of Road. This is due mainly to the impact of the canopy and the overall height of the development caused by elevating the forecourt area by up to 3.5m above natural ground level. The retaining wall is located on the property boundary with Douglas Street and it is considered that this will detract from the visual amenity currently experienced in the locality. Furthermore, this will result in development which is in excess of 10.5m above natural ground level. This is considered unsatisfactory.

Impact upon heritage item

The proposed development has been designed to complement the heritage significance of the site. Whilst this has been achieved to a certain extent, the elevation of the development with high retaining walls will detract from the appearance and significance of the heritage building. Further, this development will require the removal of existing vegetation which contributes to the heritage significance of the site.

Car repair station

Provision has been made for 1 work bay and six car parking spaces underneath the service station forecourt area, with access via Douglas Street. Douglas Street is a narrow unconstructed lane which services only a couple of lots which are developed for residential purposes. A church, which is also a heritage item is located opposite. It is considered inappropriate to orientate the car repair station towards residences as this activity can affect amenity, particularly by way of noise.

Traffic and Parking

Although this application does not propose additional fuel pumps, the upgrading of the service station and the new shop will result in increased patronage, and thus vehicle movements, to the site. Whilst this is undesirable, the impacts are off set marginally as the opportunity arises to provide on-site parking and formalising access to the site with designated entrance and exit driveways.

The car repair station however has an unsatisfactory impact upon Douglas Street as it will attract vehicles where currently few appear to exist. The provision of parking within the building is unsatisfactory as vehicles will likely be parked in Douglas Street awaiting access to the workshop and when delivered to the site outside the operating hours. Further, the location of masonry walls along the property boundary will restrict sight distances and safety for vehicles leaving the site. Although an attempt has been made to overcome this by splaying the entranceway, it is still considered unsatisfactory. Finally, access off Douglas Street would require the upgrading of the carriageway which will adversely affect its amenity and character.

Conclusion

In conclusion, it is considered that the development has significant impacts and should be refused.

RECOMMENDATION:

Refusal for the following reasons:-

1. The development has an unsatisfactory appearance.
2. The development incurs significant visual impact upon the heritage item on the site.
3. The orientation of a car repair station towards Douglas Street is unsatisfactory.
4. The location of car parking for the car repair station inside the building is unsatisfactory.
5. The proposal is an over development of the site.
6. The attraction of vehicular traffic to Douglas Street will adversely affect the character of Douglas Street.

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7. The upgrading of Douglas Street to provide suitable access will adversely affect the character of Douglas Street and could result in the removal of significant vegetation.
8. The development requires the removal of all significant vegetation on the site.

ATTACHMENTS:

AT-1 Site map

FN:EN830NAX.V21

**** END OF ITEM 44 ****

ITEM 45: REZONING PROPOSAL - TRUCK SALES AND SERVICE CENTRE
- LOT B DP411701 130 WINDSOR ROAD, MCGRATHS HILL -
BASTIAN SALES PTY LTD**FILE NUMBER:** LEP4/94/EVD**REPORT:**

At its meeting of 14 June 1994, Council considered an application to rezone land on the corner of Windsor and Mulgrave Roads, McGraths Hill, to permit the establishment of a truck sales and service centre. Whilst the truck servicing component of the proposal, defined as a "truck depot" is permissible with consent on the site; the truck sales component, defined as a "motor showroom", is prohibited. At the meeting, Council resolved to defer the matter so that Mr Bastian could properly address all the issues in relation to the application.

These issues include:

- ◆ access and traffic, particularly the intersection of Windsor and Mulgrave Roads;
- ◆ the flood liability of the site;
- ◆ the visual impact of the development and the desirability of including the site within the "environmental park" proposed to enable the reuse of treated wastewater effluent from the McGraths Hill Sewerage Treatment Plant; and
- ◆ the appropriateness of the locality, given the location of the "Motor Village" at Vineyard.

The applicant's planning consultant has now submitted correspondence in relation to these issues, which is discussed below.

Access and Traffic

The application was again considered by the Local Traffic Committee at its meeting of 22 July 1994 and the applicant given the opportunity to address traffic concerns. At the meeting the Committee raised no objection to the rezoning provided appropriate arrangements are made to upgrade the intersection of Mulgrave and Windsor Roads suitable for single-axle trucks.

In this regard the applicant's consultant has advised that:

"... we have contacted Mr Doug Lamont of the RTA and will meet with him in the near future with the view to discussing the requirements of the RTA for the upgrading works. We are awaiting confirmation from the RTA regarding an initial meeting time. It is envisaged that the preliminary design requirements of the RTA for the subject intersection will be discussed at this meeting."

Upon the resolution of Council to prepare a draft Local Environmental Plan (LEP) to effect the rezoning, my client will undertake to further negotiate with the RTA to provide an intersection design which will conform to RTA requirements."

Flooding

In relation to flooding, the submission from the applicant's consultant states that:

"We understand that Council has concerns with regard to the topography of the site and in particular whether the site can be developed for the proposed Truck Depot and Motor Showroom without developing flood prone lands.

We are of the opinion that the site can be successfully developed without the need for structures being located below either the 1:100 year flood levels or those levels detailed as development standards in Hawkesbury Local Environmental Plan 1989 (Amendment No. 33) as gazetted on 20 May 1994.

Upon resolution of Council to prepare a draft LEP, our client will commence negotiations with Council Planning and Engineering Staff with the view to obtaining requirements for the site prior to reworking the original designs to accommodate the recent changes provided for in Amendment No. 33. An amended development application will be submitted in accordance with those requirements of Council."

Visual Impact and 'Environmental Park'

The consultant's submission states:

"At the 31 May 1994 Committee Meeting, mention was made of a proposal to establish a park in the vicinity of the site which would not only provide an avenue for environmental education but would provide an entrance to Windsor. We have made enquiries of the Planning Department of Council regarding both the location and proposed concept for the park with the conclusion that the subject land does not fall within the land earmarked for such development.

The proposed park does, however, contain land adjacent to the subject land and it is the intention of our client to commence discussions with Council Staff in an endeavour to, as far as practicable, incorporate the park concept into the design and layout of the proposed development. We consider that professional landscaping and layout design of the subject land as part of the proposed development will ensure that it does not adversely impact on the park concept."

It is confirmed that the site is not included in the proposed "environmental park".

Further the applicant's consultant states:

"The above works proposed by our client will involve a large financial commitment on his behalf. It is considered unreasonable for Council to seek the expenditure of such large sums of money without a resolution of Council that a draft LEP be prepared over the site. In this regard, our client wishes to assure Council that all the above negotiations will be commenced upon the resolution to prepare the draft LEP."

There has been some concern expressed that should Council resolve to prepare the draft LEP and a solution to any or all of the above issues is not forthcoming, then Council is locked into the rezoning of the site. Under the provisions of the Environmental Planning and Assessment Act 1979, Council is able to withdraw its support for the rezoning at any stage in the rezoning process prior to the matter being referred to the Minister for gazettal. In the unlikely event that our client does not comply with the requirements of Council, Council is able to cease preparation of the draft LEP. We consider this aspect to be a considerable incentive to complete."

Planning Comments

Whilst it is recognised that further funds will need to be expended in preparing a detailed design for the intersection of Windsor and Mulgrave Roads and in reworking the plans to overcome flooding concerns and to incorporate the "environmental park" concept into the design and layout of the development, the visual impact of the development is an issue that should be resolved prior to deciding whether or not to prepare a draft local environmental plan.

Although the site is adjacent to two service stations, its location and 100m frontage, enable views over South Creek, towards the town of Windsor, to be enjoyed from Windsor Road. The proposal will involve the construction of two buildings on the site which vary in height from 5 to 9m, parking for 72 trucks and 23 cars, and signage including two 9m high structures on the Windsor Road frontage.

Consequently, the development is likely to result in the loss of these extensive views.

Unlike the motor village, the proposal involves a minimal setback from Windsor Road of 10m with a 1.8m high powder coated aluminium fence on the existing road boundary.

Appropriateness of the Locality

In relation to comments made regarding the already substantial amount of land zoned for "motor orientated" uses at Vineyard, the applicant's consultant submits:

"Our client has written to the Mayor detailing the process which was undertaken in an attempt to buy such land, all attempts proving fruitless. The following comments have been made by our client in this regard."

"Subdivision near corner Park Road and Windsor Road, Vineyard. The only land available facing Windsor Road was owned by Mr Steve Grant from Grant Constructions. For a site measuring 6,072m², Mr Grant wanted \$810,000, a ludicrous \$133/m². The same land on the Great Western Highway was selling for under \$100/m². He stated that he did not really want to sell anyway, hence the inflated price."

"11 acre parcel owned by Mrs Huneman. Mrs Huneman wishes to sell as one parcel and wants \$1.5m. I spoke to her by phone many times but could not progress far."

"No. 264 Windsor Road, Vineyard. I contacted Mr Peter Magazzu, the owner of the above block who said he was not interested in selling. This is the site with a red brick home on it next door to Blue Wren Motors."

"Lot 6, 8 Wingate Road, McGraths Hill, owned by Rothenberger Australia Pty Ltd. They intend to relocate from their Richmond premises at a future date."

"Lot 10 Wingate Road, McGraths Hill. I made contact with Steve and Robert Denton several times to no avail. They wanted to sit on the land and to see what happened."

The above attempts to purchase land were made prior to any interest being shown in the subject land by my client. This demonstrates that he has made every attempt to locate on land already zoned to permit the proposed development.

Planning Comment

Whilst it is understood that the applicant has made attempts to purchase land already zoned to permit the proposed development, rezoning additional land because an individual cannot purchase that land is not considered sufficient justification for the rezoning. In addition to the 3(b) "Motor Village" land at Vineyard, there is approximately 20ha of vacant industrial land in the Mulgrave/Vineyard area, which would permit the proposed development. A further 22ha of vacant industrial land also exists at South Windsor.

Therefore, given the site's visual prominence and the substantial amount of land already zoned for "motor showrooms"; it is considered that the site should not be rezoned.

RECOMMENDATION:

That Council not support the preparation of a draft local environmental plan to permit the establishment of a motor showroom on the site.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V01

**** END OF ITEM 45 ****

ITEM 46: DECENTRALISED SERVICE CENTRE - RECYCLING OF USED
MOTOR OIL - WORTH OIL**FILE NUMBER:** GW010/011 PT09/EVD**REPORT:**

Council at its Ordinary Meeting of 14 June 1994 resolved to investigate the provision of a decentralised service centre for recycling used motor oil.

Discussions were held with Worth Oil with the company willing to use two or three drop off points.

Worth Oil is willing to provide and service the collection containers free of charge. As an incentive to service station managers to participate in this scheme, Worth Oil is also willing to service the station's tank free of charge, a saving of \$60.00.

It is considered that recycling facilities at service stations will be convenient and staff have commenced discussions with the service station industry regarding this service.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V02

****** END OF ITEM 46 ******

ITEM 47: COST OF SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATES ISSUED BY THE WATER BOARD**FILE NUMBER:** SA174/93PT1/EVD**REPORT:**

Section 12 of the Local Government Act 1919 which relates to subdivision was saved with the introduction of the Local Government Act 1993. Section 331 of this Act relates to the subdivision of land within the area of operations of a Water Board or water supply authority. It requires that Council must condition all subdivision approvals to require the issue of a compliance certificate from the Water Board.

In the instance of the City of Hawkesbury, a large part of our rural area is remote from reticulated water and sewerage. Notwithstanding, it is a legal requirement that subdividers obtain a compliance certificate.

The schedule of fees for subdivider/developer compliance certificates issued by the Water Board indicate that the standard application fee for a certificate is \$300 and that any required additional investigation is invoiced at the rate of \$70 per hour.

In relation to a recently approved subdivision at Bowen Mountain, the applicant queried the necessity of the compliance certificate and the "dubious privilege" of having to pay \$300 to be advised by the Water Board that water will not be available to Bowen Mountain.

In instances where subdivisions are outside reticulated areas, it is difficult to comprehend that the work involved in the issue of the compliance certificate is anything more than a standard letter. Therefore it should be queried whether the \$300 fee is a user pay fee on the work required or, alternatively, has some general revenue component.

As a matter of principle, it is considered that the fee should only have a user pay element and should not be a source of general revenue for the Water Board at the expense of subdividers well outside the area serviced by the Board.

RECOMMENDATION:

That the Water Board be advised that the \$300 (three hundred dollar) fee for a subdivider/developer compliance certificate application in areas of the City of Hawkesbury remote from reticulated water and sewerage would seem to be excessive and not comparable with the amount of investigation and reporting required by the Board.

Further, the Water Board be requested to investigate the need for compliance certificates in localities remote from its services or, alternatively, to reduce the application fees to a figure commensurate with the issue of a standard letter.

ATTACHMENTS:

AT-1 Subdivider/Developer Certificate.

FN:EN830NBX.V03

****** END OF ITEM 47 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 30 August 1994

Item: 48

ITEM 48: MUSHROOM COMPOSTING OPERATION - 6127 SINGLETON ROAD, TINDA CREEK

FILE NUMBER: DA171/94/EVD

REPORT:

Legal advice has recently been received from Council's Solicitors regarding the application for mushroom composting on the above property. This advice states that the proposal is classed as designated development due to the quantity of chicken manure processed each year. This requirement was introduced recently as amendment to the Environmental Planning and Assessment Regulations. The consequence of this advice is that the present application cannot be considered as proposals for designated development must be accompanied by an Environmental Impact Statement (EIS).

The applicant has been notified of the above and has been requested to withdraw the current application and lodge a fresh proposal when the EIS is complete.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V05

**** END OF ITEM 48 ****

ITEM 49: REDEVELOPMENT OF THE LAND SURROUNDING
CLAREMONT COTTAGE AS A MEANS OF FUNDING ITS
RESTORATION FOLLOWING FIRE DAMAGE**FILE NUMBER:** GH020/033 PT 2/EVD

REPORT:**Background**

On 13 June 1992, a fire severely damaged the major part of the circa 1820 cottage.

A firm of engineers with conservation experience was commissioned by the Heritage Branch of the Department of Planning to report upon the structural condition of the cottage.

This report, that found that the existing structure was satisfactory for reuse, providing certain stabilisation measures were carried out, was accepted by the Heritage Council at its meeting on 3 December 1992, together with a plan of action for the conservation of the property.

A further meeting involving Council, Mr & Mrs Mansfield (the owners) and the Heritage Branch of the Department of Planning was held on 20 July 1993 to discuss conflicting structural advice which had been received by the owners together with the financial implications of the building's restoration.

The owners said that the trauma caused by the destruction of their home was such that they could no longer contemplate living there again and besides the restoration costs would exceed the insured value of the building. In any event the insurance money which had been received had been used to purchase alternative accommodation.

At the meeting on 20 July 1993, Council representatives stated that they would support, in principle, an appropriate development of the site that would raise money for the work on Claremont Cottage providing it also received the endorsement of the Heritage Council.

It was suggested that an architect be engaged to prepare documentation for the conservation of the cottage and at the same time indicate a "footprint" for future development, possibly for a single unit dwelling or dwellings, for the initial consideration of all parties.

The Heritage Council provided generous financial assistance for a consultant to investigate development options for the remainder of the site and the preparation of conservation documentation for the cottage. This work was recently completed by McDonald McPhee and Associates, Architects.

Site Development Options

The consultant architects have prepared four site development options which they state would not be detrimental to Claremont Cottage and its curtilage, and which could help fund the conservation work required. The options are as follows:-

- OPTION A Four new dwellings involving use of the existing driveway and turning circle and demolition of the stables.
- OPTION B A total of five new dwellings comprising option A plus an additional dwelling on the tennis court. The development of the tennis court area for a dwelling would require 1-2 metres of fill.
- OPTION C A total of seven new dwellings comprising option B plus an additional two dwellings on the paddock below Fitzgerald Hostel. Approximately 1 metre of fill would be required for the residences below Fitzgerald House.
- OPTION D A total of eight new dwellings comprising option C plus an additional dwelling on the paddock below Fitzgerald Hostel.

Statutory Considerations

The landholding which has been considered by the architects comprises two existing lots, Lot 11 which contains Claremont, its visual curtilage and the stables and Lot 12 which is a separately fenced paddock below Fitzgerald Hostel and adjacent to the Rump Corps barracks.

With the exception of the proposed dwelling at the top of the driveway which is on land zoned Residential 2(a), the remainder of the land is zoned Environmental Protection (Scenic) 7(d1). The minimum area for subdivision in this Zone is 10 hectares.

The permanent conservation order only relates to a previous property description which is basically Lot 11. It does not include the adjoining paddock below the Fitzgerald Hostel.

Clause 29 of the Hawkesbury Local Environmental Plan 1989 provides that:-

"Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is a heritage item or of the land on which that building is erected, if the Council is satisfied that

- (a) the use would have little or no adverse effect on the amenity of the area; and*
- (b) conservation of the building would be assisted by the granting of consent as referred to in this subclause".*

As dwellings and subdivision are both uses of the land, if Council is satisfied in terms of the requirements of clause 29, the proposed dwellings and any subsequent subdivision could be permissible uses without the need to change the zoning.

However Lot 12 being the adjacent paddock is not "*land on which that building is erected*" and consequently anything more than an attached dual occupancy is a prohibited use of the land and would require a rezoning.

Relationship with Adjoining Development

The architects recommended design parameters include:-

- on Lot 11, single storey or single storey with attic forms, with a 3.6 metre external wall height limit
- on Lot 12, maximum 2 storeys with a 7.2 metre external wall height limit.

The proposed 7.2 metre external wall height limit on Lot 12 would completely block views from the Fitzgerald Hostel. An on-site assessment indicated that even single storey dwellings may obscure ground floor views of Richmond and the mountains if the ridge line of dwellings was more than 4.0m to 4.5m above the existing ground levels.

The proposed dwelling to be erected on the stable site is approximately 4m from an existing dwelling on an adjoining lot and may be the subject of an objection.

Access

The development options utilise existing access handles serving adjoining properties rather than the separate driveway which has provided access to Claremont cottage in the past. According to the architects, ownership of Claremont Lane is believed to belong to the present owners of Claremont Cottage with access rights to the residential lots on its north side. However it is conceded that the matter is under dispute.

With an additional traffic loading consideration should also be given to sealing the existing gravel section of Claremont Lane.

Flooding

The large majority of land on both Lots 11 and 12 is below the 16m AHD floor height standard. All of the development options involving Lot 12 require the provision of approximately 1m of fill.

Heritage

The architects have defined a visual curtilage necessary to retain the heritage significance of Claremont Cottage. This equates to views from and to the cottage from the lowlands and does not include the driveway, the stables or land immediately to the side and rear of the cottage.

As a result of the fire the Cottage has lost some of its heritage significance. However in the opinion of the Heritage Council it is still an item of major heritage significance and with reconstruction would continue to demonstrate the spatial and aesthetic qualities that epitomise such rare examples of very early 19th century cottages.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 30 August 1994

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Council's Heritage Advisory Committee considered the four site development options at its meeting on 17 August 1994. The Committee did not support the definition of curtilage proposed by the consultant architects. The Committee considered that the driveway and immediate surrounds of Claremont were all within the cottage's curtilage. The Committee was also of the view that the stables are a significant heritage item and should not be demolished.

Conclusion

As a result of a recent meeting with the Heritage Branch and the owners, it is understood that the owner's position is that if consideration is to be given to the restoration of the Cottage, then on heritage grounds any of the options identified by McDonald McPhee should be acceptable to Hawkesbury Council and the Heritage Council. It was conceded that Council should have an opportunity to provide input as to other planning considerations which may impinge upon the development options.

Given the potential for loss of views from the Fitzgerald Hostel as well as the lack of privacy for residents, the requirement for fill and the need for a rezoning, development on Lot 12 is undesirable. It does have an existing dwelling entitlement, which if exercised should be located and designed so as not to obscure views.

The proposed dwelling on the site of the stables is very close to an adjoining dwelling and should either be deleted or moved away from the dwelling. In addition Council's Heritage Advisory Committee does not support the demolition of the stables on heritage grounds.

If the visual curtilage proposed by the McDonald McPhee is accepted, then there is little problem in principle with the proposed four dwellings on the driveway, turning circle and tennis court. This would be subject to the availability of legal access.

However if this definition of curtilage is not accepted then there is no potential for redevelopment of Lot 11. In this instance the value of the property would presumably depreciate by an amount approximately equivalent to the cost of restoration. Therefore if the current owners were not inclined to restore the property it could be sold and probably at a price which would encourage restoration by a future owner.

RECOMMENDATION:

That the owners be advised that in Council's opinion the proposed development options would be contrary to the required curtilage for Claremont and the conservation of the stables. Further any dwelling on Lot 12 should be located and designed so as not to obscure views enjoyed by adjoining property.

ATTACHMENTS:

AT-1 Site map

FN:EN830NBX.V07

**** END OF ITEM 49 ****

FN:EN830NBX.V07

SECTION B

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ITEM 50: 1994 HERITAGE ASSISTANCE PROGRAM**FILE NUMBER:** GG021/098; GG021/183 PT1; GG021/184 PT1; GG021/191 PT1;
GC040/009 PT2/EVD**REPORT:**

Correspondence has recently been received from the Department of Planning advising of the outcome of Council's applications for assistance under the 1994/1995 Heritage Assistance Program. At its Ordinary Meeting on 8 March 1994, Council resolved to make application for the following projects;

- Repair of Vandalism Damage - Roman Catholic Cemetery, cnr George & Macquarie Streets Windsor;
- Conservation Works - St Monicas Church, Windsor Street Richmond;
- Proposed Supper Room - Richmond School of Arts; and
- Richmond Archaeological Zoning Plan.

The correspondence advises that Council has been successful in obtaining funding for the repair of the vandalism damage at the Roman Catholic Cemetery at Windsor, conservation at St Monicas Church Richmond and the Richmond Archaeological Zoning Plan.

Repair of Vandalism Damage - Roman Catholic Cemetery, Windsor

The repair of extensive vandalism damage and provision for security at the Windsor Catholic Cemetery was estimated to cost approximately \$22,000. Application was made for \$11,000 funding on a dollar for dollar basis.

The Department's correspondence advises that \$11,000 funding assistance is available for the project. Notwithstanding this, Council's 'share' of the funding required for the project can only be matched to an amount of \$7,000 as this is currently available in the Heritage Program. Whilst the scope of the project will need to be reduced commensurate with available funding, the project is of worth as the cemetery has considerable heritage significance.

Conservation works at St Monicas Church, Richmond

The conservation works necessary at St Monicas Church were estimated to cost approximately \$112,000. Application as made for \$50,000 funding on a dollar for dollar basis.

The Department's correspondence advises that \$10,000 assistance is available for the project. Should Council wish to accept the \$10,000 pro rata grant assistance, provision will have to be made in the 1994/1995 Estimates for Council's \$50,000 'share' as insufficient funds currently exists for this project in the Heritage Program.

Richmond Archaeological Zoning Plan

Preparation of the Richmond Archaeological Zoning Plan was estimated to cost approximately \$40,000. Application was made for \$20,000 funding on a dollar for dollar basis for a plan which would survey and assess the archaeological potential of Richmond and enable appropriate planning measures to be taken to conserve the archaeological resource. The Richmond Archaeological Zoning Plan would incorporate a survey of the town as a whole and additionally focus on three sites currently being proposed for major retail development.

The Department's correspondence advises that \$13,000 assistance is available. Given that development pressure is being experienced within Richmond and that Council's 'share' of the funding is available in the Heritage Program ie an amount of \$13,000, it is considered that the Department's offer of funding for preparation of the Richmond Archaeological Zoning Plan should be accepted.

RECOMMENDATION:

1. That information in the report relating to the 1994 Heritage Assistance Program be received.
2. That Council accept the offer of funding assistance from the 1994 Heritage Assistance Program for the Repair of Vandalism Damage at the Windsor Catholic Cemetery and the Richmond Archaeological Zoning Plan.
3. That Council's 'share' of the funding required for the Repair of Vandalism Damage at the Windsor Catholic Cemetery and the Richmond Archaeological Zoning Plan be funded from Council's Heritage Program.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V08

**** END OF ITEM 50 ****

ITEM 51: ENVIRONMENTAL PLANNING AND ASSESSMENT
REGULATION 1980 - CHANGES TO SCHEDULE 3 -
DESIGNATED DEVELOPMENT**FILE NUMBER:** GT090/001 PT2 LEP 8/91 PT1/EVD**REPORT:**

At its Ordinary Meeting of 9 August 1994, Council considered a report regarding changes to Schedule 3 of the Environmental Planning and Assessment Regulation 1980 - Designated Development. In particular, clarification was sought as to whether the following uses would be classed as designated development;

- a. the processes involved in the mushroom composting operation, specifically waste;
- b. the sawing of sandstone; and
- c. the mulching of grass and chipping of bark.

In relation to mushroom composting, Council is referred to Item 48 in this Business Paper.

The sawing of sandstone is included in the "extractive industries" designation which states in part that extractive industries are those that

"obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating...."

and

- handle greater than 30,000 tonnes/annum;
- disturb greater than 2ha;
- are located in or within 40m of a waterbody or protection zone, 200m of a coastline, in acid sulphate soils or where the slope is greater than 18 degrees from the horizontal;
- if involving blasting, are located within 1,000m of a residential zone or 500m of a dwelling;
- are located within 500m of other extractive industries.

Whilst the mulching of grass is not specifically defined in the Schedule, the definition of waste management facilities or works provides:

"Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that:

1.
2.

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3. *purify, recover, reprocess (including by mulching or composting) more than 5,000 tonnes per annum of solid or liquid waste organic materials, including food waste, oil, sludge, pulp, garden refuse, sawdust or wood chips; or*
4. *....."*

Waste is defined as being:

"Waste includes any matter or thing whether solid, gaseous or liquid or a combination of any solids, gases or liquids that is discarded or is refuse from processes or uses (such as domestic, medical, industrial, mining, agricultural or commercial processes or users)."

Therefore, if grass is a waste discarded or is refuse from a particular use, then it would fall within the definition of waste. The mulching of grass, however, would only be considered as designated development if more than 5,000 tonnes of grass were mulched per annum. Similarly, if bark was a waste discarded or was refuse from a particular use, the chipping of bark would be designated development, if more than 5,000 tonnes of material were chipped per annum.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V10

**** END OF ITEM 51 ****

ITEM 52: WEATHERBOARD COTTAGE - NOTICE OF INTENTION TO
DEMOLISH - 80 LENNOX STREET, RICHMOND - V & D
TCHADOVITCH**FILE NUMBER:** P515/135 PT2, DA281/93 PT1/EVD**REPORT:**

Council at its Ordinary Meeting on 9 August 1994 received a report which advised that the applicants had requested additional time to consider a proposal which involved retention of the cottage, its adaptive reuse as commercial office space and construction of a villa at the rear of the cottage.

Since Council's resolution two meetings have been held with the applicants to further discuss the proposal. At the second meeting, the applicants indicated their wish to accept the proposal and withdrew the application to demolish the cottage subject to a number of conditions. The conditions are:-

- Waiver of parking requirements for adaptive reuse of the weatherboard cottage;
- Waiver of fees/contributions for adaptive reuse of the weatherboard cottage;
- Unrestricted commercial/retail use for the weatherboard cottage;
- Approval of an additional two bedroom villa attached to existing villa development on the land;
- Provision of a \$5,000 for dollar grant from the Hawkesbury Local Heritage Assistance Fund;
- Traditional colour scheme for the weatherboard cottage to be prepared by Council's Division of Environment and Development;
- Specification of type of picket fence to be provided by Council's Division of Environment and Development; and
- Waiver of all building fees for the proposed skillion extension at the rear of the weatherboard cottage.

This outcome is particularly pleasing and demonstrates that Council's heritage incentive provisions together with the Local Heritage Assistance Fund can make the retention of heritage buildings a viable commercial proposition.

RECOMMENDATION:

1. That the information in the above report be received.
2. That provision of a \$5,000 (five thousand) dollar for dollar grant from the Hawkesbury Local Heritage Assistance Fund for repainting the weatherboard cottage known as 80 Lennox Street, Richmond in a traditional colour scheme and erection of a picket fence on the land be referred to Council's Heritage Advisory Committee.

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ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V13

****** END OF ITEM 52 ******

ITEM 53: WEATHERBOARD COTTAGE - NOTICE OF INTENTION TO DEMOLISH - 339 WINDSOR STREET, RICHMOND**FILE NUMBER: DA281/93 PT1/EVD****REPORT:**

Council at its Ordinary Meeting on 9 August 1994 resolved the following:-

"That Council undertake a mini conservation plan for 339 Windsor Street, Richmond and that this be paid for out of the Council's Heritage Fund. The matter to be reported back to the next General Purpose Committee Meeting."

Following Council's resolution, Rod Howard - Conservation Architect, was commissioned to undertake preparation of a mini conservation plan for the cottage known as 339 Windsor Street, Richmond. The requirements for the plan were:-

- a dilapidation survey - (a survey of the existing condition of the cottage vis-a-vis drawings and black and white photographs)
- analysis of building fabric
- preparation of a statement of significance for the cottage
- cost/benefit analysis of retention and conservation of the cottage
- recommendations in relation to the future of the cottage
- formulation of appropriate development options for the site.

Given the time constraints associated with preparation of the mini conservation plan only the plan's preliminary findings are available at the time of preparation of this business paper. Preliminary findings of the plan include:-

- *the cottage at 339 Windsor Street, Richmond is a mid nineteenth century building constructed between 1843 and 1860*
- *the original portion of the cottage is one of the earliest remaining buildings in Richmond*
- *Other similar buildings include 9 Chapel Street and 82 Windsor Street. These buildings together with 339 Windsor Street form a group of domestic buildings*
- *the original portion of the cottage includes:-*
 - *open front verandah*
 - *two main rooms under hipped roof*
 - *early skillion section*
 - *two brick chimneys*
- *the original portion of the cottage has historic and aesthetic significance and should be considered for conservation*
- *later additions at the rear of the cottage with concrete floors has little heritage value. It is not essential that those later additions be conserved*
- *the cost of achieving conservation is a major factor to be considered*
- *the original portion of the cottage is in relatively poor condition. It has suffered fire damage and all original wall linings have been removed.*

- *The original portion of the cottage needs an appropriate use such as residential. This will however require a sympathetically designed single storey extension."*

A full copy of the mini conservation plan will be available at the General Purpose Committee Meeting 30 August 1994.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V14

**** END OF ITEM 53 ****

ITEM 54: MUSHROOM COMPOSTERS PTY LTD - INDEPENDENT ODOUR ASSESSMENT - BREACHES OF CONDITIONS OF DEVELOPMENT CONSENT - MOTION FOR STAY OF COURT PROCEEDINGS

FILE NUMBER: P1609/110 PT8/EVD

REPORT:

Independent Odour Assessment

At Council's meeting on 9 August 1994 it was resolved that:-

"there be no further legal action taken until an independent odour assessment be undertaken urgently and that the matter be further reported to the next GPC Meeting of Council".

On 12 August 1994 the Mayor, General Manager and Divisional Manager Environment and Development met with the principals of Holmes and Associates, consultant engineers who specialise in the prediction of fine particle and gas dispersal from pollutant sources. Holmes and Associates had been recommended by the Environment Protection Authority as reputable consultants with the capability to assess odour emissions.

The approach proposed by the consultants was to develop a predictive model of odour dispersal and strength based upon a series of samples (say six) from the odour source. The samples of the odour are taken manually by drawing air into a vacuum bag. Odour strength would be determined by diluting the samples to the extent necessary that only 50% of a panel of people could detect the odour. This 50% detection level is referred to as a single odour unit. The full strength of the odour can then be derived from the dilution required to achieve the single odour unit. The consultants would then use a computer model covering variables such as the odour strength, meteorology and terrain to develop a predictive model of odour fallout and intensity. In discussion it was suggested that the same model could be applied to all composting operations in the area to demonstrate comparative performance.

An indicative cost for this work was discussed with the consultants. The preparation of the predictive model for the Ebenezer site would be in the order of \$3,500 to \$5,000 while the sampling and the independent panel assessment which would be undertaken by subconsultants would be in the order of \$10,000 - \$20,000. Therefore the total cost for the Ebenezer site would be in the order of \$15,000 - \$25,000. This demonstrates that the sampling and assessment requirements are quite labour intensive.

The only other approach to odour assessment which the consultants were aware of was a procedure used by the Water Board in relation to its sewerage treatment plants. The Board has a system whereby it provides nearby residents with a matrix showing on one scale strength of odour and on the other, the time and date of the occurrence. The strength of odour is rated from 1-5. The Water Board contact all of the participating residents at the same time and request that they walk outside and then describe any odour in terms of the scale provided.

Many of the residents have previously reported odour in terms of a scale.

Neither of the systems discussed with the consultants will provide an "independent odour assessment" in the sense of Council's resolution. The system proposed by the consultants is not an assessment but rather a predictive model of something which is already occurring. The alternative approach used by the Water Board, would not be "independent" as it would involve the existing residents undertaking the assessment.

It is suggested that an "independent odour assessment" by scientific means is not practicable because of the extensive sampling network which would be required and the period over which it would need to be maintained. Samples would need to be taken manually at numerous sites in a radius of approximately 5km, day and night and over a period which should include all four seasons. Therefore even if such an exercise was attempted interim results would not be available for many months.

Breaches of Conditions of Development Consent

At Council's meeting on 9 August 1994 it was requested that any further report on the mushroom composters include a recapitulation on the breaches of conditions referred to in the Court Order.

In 1991 action was commenced against Mushroom Composters Pty Ltd in the Land and Environment Court to secure compliance with conditions of development consent in respect to the emission of odours.

On 20 May 1993 the Court found in Council's favour and ordered that the company be restrained from using the premises so as to interfere with the amenity of the neighbourhood in respect of odour, however the Court suspended the order for 12 months until 12 May 1994.

The Chief Judge found that the operations breached the following conditions:-

- A. Condition no. 8 of development consent dated 25/10/78 which required that, *"all operations be carried out in aerobic condition"*.
- B. Condition no. 9 of development consent dated 27/9/85 which required that, *"the development being conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste matter, waste products or otherwise"*.

Also condition no. 11 which required that, *"all operations shall be carried out in aerobic conditions"*.

- C. Condition no.'s 8 & 10 of development consent dated 16/4/87 which were the same as conditions 9 & 11 of the consent dated 27/9/85.

Legal advice was obtained in respect of the Chief Judge's comments that odours may be emitted from time to time due to "accidents and mishaps". An extract of the advice from Council's solicitors is as follows:-

"... Her Honour's comments presupposed that the Company had taken all steps necessary in order to ensure compliance with the Court's order generally. Thereafter if, for example, due to technical malfunction or some other cause the Company emitted an odour so as to be in breach of the Court order during the period of that malfunction such, whilst being a technical contempt of Court, would be taken into account in any proceedings brought by any party in contempt. In the circumstances such as that the Court would more likely accept an apology from the Company in contempt rather than impose a punishment.

However, if the Company took no steps to comply with the Court's order and has been operating since the date of the Court's order coming into effect in breach of the Court orders and that breach is continuing the Council can assume that the Company is in contempt of the Court orders. It is not open to the Company to continue to operate in breach of the Court orders until such time as the new technology has been installed. It is incumbent upon the Company to comply with the Court orders even if this necessitated the closing down of the business until such time as the business could operate in accordance with the Court orders.

Further, if the Company continued to operate in breach of the Court orders after the installation of the equipment which was installed to alleviate the odour knowing that the equipment failed to reach this objective the same would also be in contempt of the Court order..."

Motion for Stay of Proceedings

Mushroom Composters Pty Limited filed a notice of motion for an order seeking to suspend the operation of the orders made by the Chief Judge until the Supreme Court in appeal makes its decision or alternatively for a period of 10 months from 20 May 1994.

Council opposed this extension of time and the matter was heard on 2 May 1994.

At the hearing before the Land and Environment Court the Company gave evidence that it was installing air lines under the existing composting slab to aerate the compost and that these works would eliminate most of the odour currently being emitted. The Company considered that upon completion of these works prior to 20 May, and a reduction in production, it would be able to comply with the Court's order.

The Court found that upon the Company's own evidence that an extension of time was not required and subsequently dismissed its application and awarded costs to Council.

The Company has now relodged virtually the same motion for a stay of Court orders with the exception that the alternative period has been lengthened to a period of 10 months from 1 August 1994. The matter has been set down for hearing on 31 August 1994. If the stay is granted, the Company would no longer be in contempt of the Court orders. However, in addition to that if the orders were granted in the manner sought by the company, the company would be permitted to emit odour for a period of 10 months from 1 August 1994. This would, in effect, double the period permitted by the Court. Even this extended period will be inadequate to prepare and assess an Environmental Impact Statement for the Tinda Creek site and in the event of an approval to construct the facility.

Council's solicitors have sought instructions as to Council's position in the application for a stay of the Court orders. Council previously opposed a stay of the Court's orders and it is not considered that there has been any change in circumstances to warrant an extension of time. At the hearing held on 2 May 1994, the Company said that it would be able to comply with the Court's orders by 20 May 1994 and there has been no evidence to suggest that a further period of 10 months from 1 August 1994 will result in any further improvement, particularly in the event that relocation to Tinda Creek is not effected.

RECOMMENDATION:

1. That an independent odour assessment not be commissioned for the reasons outlined in the report.
2. That the information concerning the breaches of development consent be received.
3. That the application by Mushroom Composters Pty Ltd for a stay of the Court Orders be opposed and that Council's solicitors be instructed accordingly, including making submissions at the hearing on 31 August 1994.

Further that the reasons include the continuing odours being experienced by residents in the neighbourhood and the failure of Mushroom Composters Pty Ltd to alleviate the odours emitted from the premises.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V15

**** END OF ITEM 54 ****

ITEM 55: DPS ABATTOIRS PTY LTD - 62 KING ROAD, WILBERFORCE**FILE NUMBER:** DA52/94/EVD**REPORT:**

At the General Purpose Committee Meeting of 31 May, 1994, a report was requested regarding the ponding of water on the site.

The abattoir site is bisected by a watercourse which drains approximately half of the village of Wilberforce.

The waste water system originally used by the abattoir resulted in discoloured water regularly being irrigated and a high number of complaints from residents regarding odour. As part of this system, the watercourse was protected from surface runoff by earth bunding.

In 1992 the current owners, DPS Abattoirs Pty Ltd, were granted development consent to install a new treatment plant consisting of an initial aeration/sedimentation pond a second storage pond and solids pond. The quality of the treated water is such that it is colourless and has not been subject to complaints regarding odour.

The treated water is mainly irrigated onto an adjoining property however is also irrigated onto the abattoir's paddocks. These paddocks are also used to graze stock which compact the soil thus reducing absorption. The owner does plough these paddocks however water does pond but is prevented from flowing into the watercourse by the bunding.

A number of reports have been received from an adjoining landowner of sudden rises in the water level of the watercourse supposedly due to the abattoir. These instances have usually been reported to Council's staff up to five days after the incident which makes investigation difficult.

Random unannounced inspections of the abattoir are made by staff, with no pollution of the watercourse due to abattoir activities being detected.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830NBX.V18

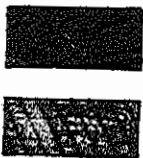
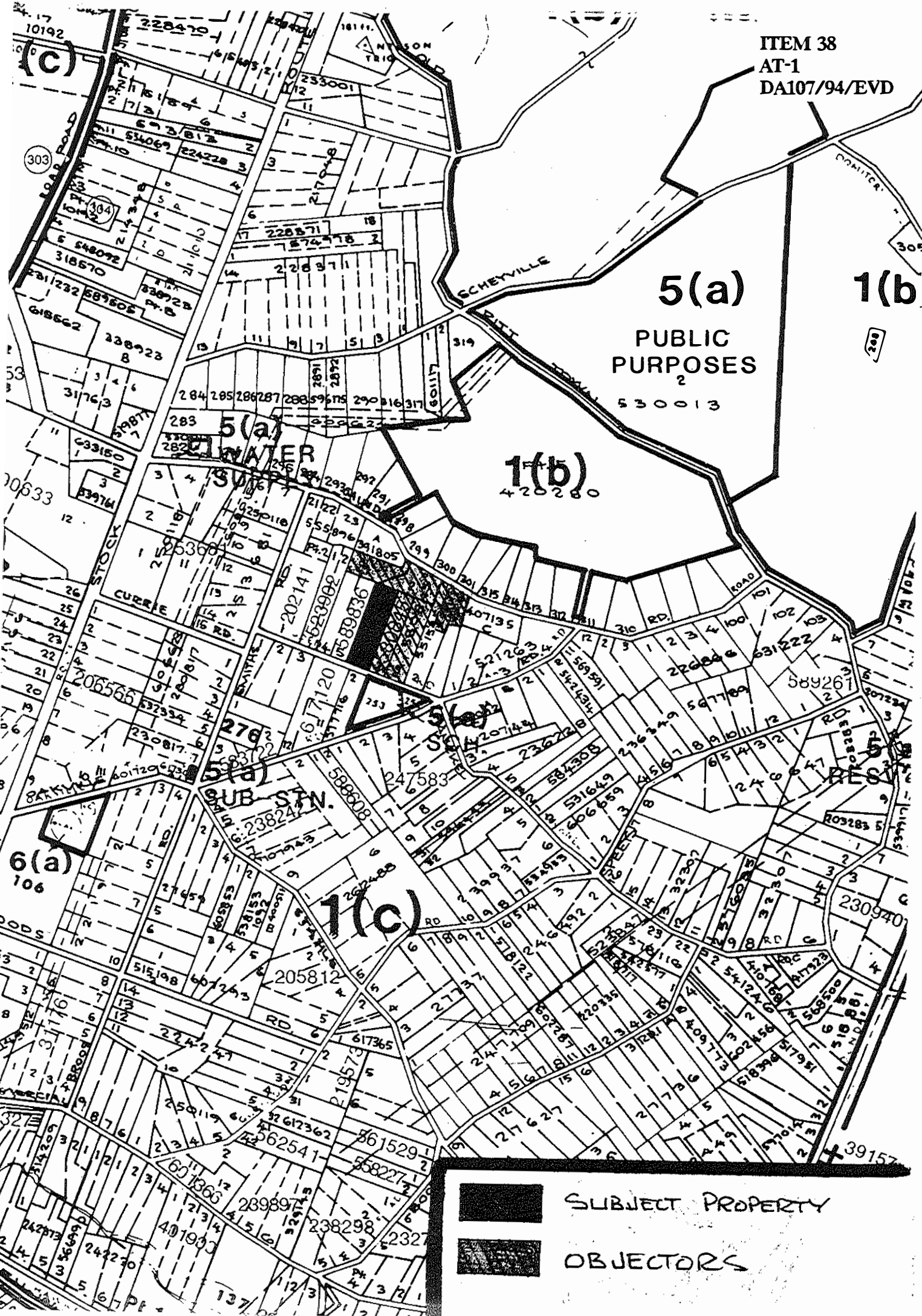
**** END OF ITEM 55 ****

FN:EN830NBX.V18

SECTION B

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DA107/94/EVD

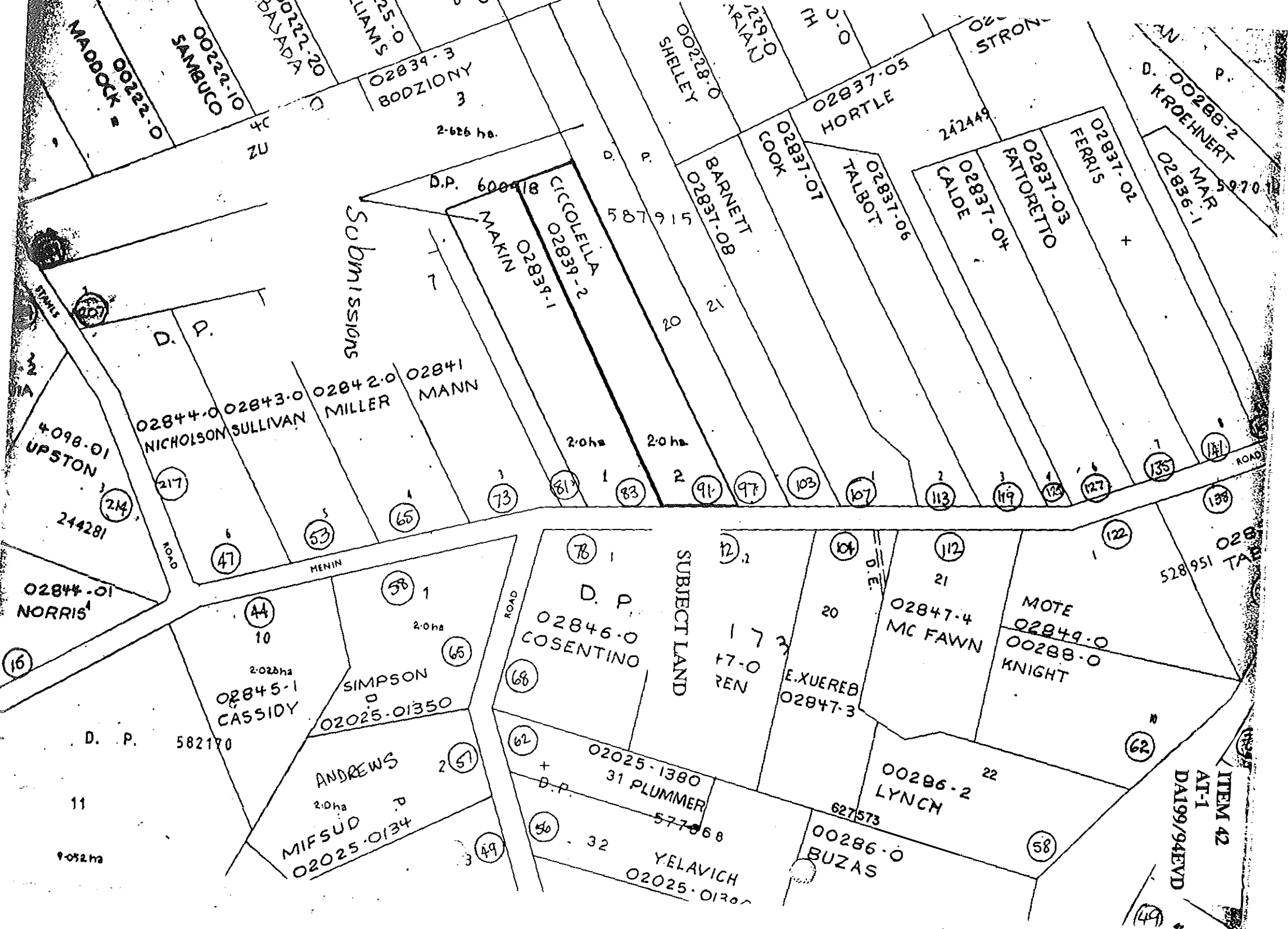


SUBJECT PROPERTY

OBJECTORS

ITEM 40
AT-1
DA157/94/EVD





ITEM 42
AT-1
DA199/94EVD

(49)

(62)

(122)

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COOK

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BARNETT

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CICCOLELLA

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MAKIN

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ITEM 47

AT-1

SA174/93 PT1/EVD

File No. 933725W7/53



SUBDIVIDER/DEVELOPER CERTIFICATE

(A certificate under Part 3 Division 2 Section 27 of the Water Board Act 1987)

DESCRIPTION OF SUBDIVISION/DEVELOPMENT

City, Municipality or Shire <u>Hawkesbury</u>			
Street <u>Single Ridge Rd</u>			
Lot No. <u>2</u>	Portion	Section	D.P. <u>713793</u>
Subdivision into <u>2</u>		Lots Numbered <u>1-2</u>	
NAME OF APPLICANT <u>Bennett Real Estate Pty Ltd</u>			
APPLICANT'S ADDRESS <u>DX 8616</u> <u>Windsor</u>			

The Water Board certifies that the abovenamed applicant has complied with the requirements, relating to the plan of Subdivision/Development described above, of Part 3 Division 2 of the Water Board Act 1987.

THE FOLLOWING ITEMS 3 AND 6 APPLY TO THE LOTS IN THE SUBDIVISION/DEVELOPMENT.

1. Water facilities are to be provided as a result of the subdivider/developer's compliance with the Board's requirements.
2. Water facilities are available.
3. Water facilities cannot be provided within a reasonable time from the date of this Certificate.
4. Sewerage facilities are to be provided as a result of the subdivider/developer's compliance with the Board's requirements.
5. Sewerage facilities are available.
6. Sewerage facilities are under the control of the local council.
7. Sewerage facilities cannot be provided within a reasonable time from the date of this Certificate.

This certificate must be presented to the City, Municipal or Shire Council with which the plan of subdivision/development was lodged. This is necessary before the Town or Shire Clerk can affix their certificate to the plan of Subdivision in accordance with Section 327 of the Local Government Act, or the conditions of the development consent under Part IV of the Environmental Planning and Assessment Act 1979 have been met.

Applicants Reference No. CB/Mc MurrayCouncil's Reference No. SA 83/93Dated this Twenty Seventh day of April 19 94

Approving Officer

(For and on behalf of the Board)

Designation

Project Administration
Officer 0012573

Form 76/332 (July '87)

[42] Water Board Print

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A hand-drawn map of a property. The map is a rectangle with dashed lines indicating boundaries. Inside the rectangle, the text "3" is written at the top left, "372A-55041-2-0" is written in the center, "TRISTON P/L" is written below it, "FAMILY" is written below that, and "TRUST" is written at the bottom right. To the left of the rectangle, the word "Creek" is written vertically. To the right of the rectangle, the number "600" is written. At the bottom left, outside the rectangle, the text "113-0-2-011" and "TRISTON" are written.

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GENERAL PURPOSE COMMITTEE



SECTION 2

INFRASTRUCTURE

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE**Table of Contents**

Meeting Date: 30 August 1994

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ITEM 17: DRAINAGE EASEMENT ACQUISITION - 35 BOWEN MOUNTAIN ROAD, BOWEN MOUNTAIN**FILE NUMBER:** P212/0130 PT02/CSV**REPORT:**

Application has been received from Mr P Dodds of 35 Bowen Mountain Road to carry out drainage works on his property to channel storm water runoff from the adjoining road reserve. The applicant has indicated he will carry out the required construction work at his cost and is prepared to grant a 3m easement to Council for nil monetary compensation on the condition that Council meet all survey and legal fees.

It is noted that Council has regularly acquired easements on these terms and the offer by Mr Dodds is, therefore, supported.

RECOMMENDATION:

1. That Council proceed to acquire a 3m (three) wide drainage easement at no cost across Lot 5 DP220135 N^o 35 Bowen Mountain Road, Bowen Mountain, from Mr P Dodds.
2. That Council meet the applicant's reasonable legal and survey costs.
3. That all necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.C03

****** END OF ITEM 17 ******

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Meeting Date: 30 August 1994

Item: 18

ITEM 18: WATER PIPELINE OVER PUBLIC RESERVE AT KURRAJONG HEIGHTS

FILE NUMBER: P203/170, P203/175, GR060/028/ENG

REPORT:

Application has been received from Mrs D Varosanec of 26 Bellbird Avenue, Kurrajong Heights, for permission for a water line and pump on Council's Public Reserve, Lot 31, DP203876 adjacent to Little Wheeny Creek.

There are a number of such installations and no objection is seen to the current application which seeks to formalise an existing installation.

RECOMMENDATION:

That permission be granted to Mrs D Varosanec of 26 Bellbird Avenue, Kurrajong Heights, for a pipeline and pump across Lot 31, DP203876 to Little Wheeny Creek and the permission rest on correspondence.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E01

**** END OF ITEM 18 ****

ITEM 19: RENAMING ROAD - PART EAST KURRAJONG ROAD SECTION 2 NEAR WEST PORTLAND ROAD**FILE NUMBER:** 510/R PT04/ENG

REPORT:

Requests have been received to separately name the section of road at the eastern end of East Kurrajong Road, Section 2, and which has vehicular access only from West Portland Road and not from the rest of East Kurrajong Road. This situation occurred as a result of road construction some years ago and affects five properties.

Four of the five owners have requested a change of name, with two suggesting "Grey Gum" as being appropriate.

The submission for a separate name is considered valid, subject to agreement from the Hawkesbury Historical Society.

RECOMMENDATION:

1. That action be commenced to alter the name of the part of East Kurrajong Road, Section 2, which is a cul-de-sac gaining access off West Portland Road, under Section 162 of the Public Roads Act 1993.
2. That the proposed name be "Grey Gum Close", subject to the concurrence of the Hawkesbury Historical Society.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E02

****** END OF ITEM 19 ******

**ITEM 20: CONTRIBUTIONS TOWARDS KERB & GUTTER AND
FOOTPATH WORKS****FILE NUMBER: 0119/R PT02/ENG****REPORT:**

Part of the completed 1993/94 Works Program was the construction of concrete footpaving and kerb & gutter works at the following locations:-

- . Argyle Street, South Windsor - footpaving between George & Mileham Streets
- . George Street, Windsor - footpaving
- . Drummond Street, South Windsor - footpaving
- . Nightingale Square, Glossodia - kerb & gutter

In accordance with the Roads Act, 1993, Council may recover up to 50% of the cost of construction, from adjoining property owners.

Letters have been received from four of the owners in Argyle Street objecting to the payment of any contribution towards the footpaving for the following reasons:-

- a) The works were not warranted
- b) The residents were not consulted
- c) The works proceeded following receipt of a petition
- d) The majority of the residents are pensioners and cannot afford the contribution.

The need for footpaving at this location was identified due to the presence of a well worn track along sections of the nature strip. In addition, Argyle Street provides a pedestrian link to the South Windsor shops, Service Station, RSL, bus stop, including a traffic controlled pedestrian crossing.

The project was adopted by Council at its meeting held on 8th February, 1994, as part of the half year Works Program.

In Council's letter dated 18th February, 1994, residents were advised of the proposed works, including an approximate rate of contribution per m². The works commenced on Monday, 14 March, 1994, unaware that a petition against the works had been lodged the previous Wednesday. Although the petition was signed by 64% of the residents, it should be noted that at no stage prior to the commencement of work had any calls been received objecting to the proposed works.

It is considered that the provision of concrete footpaving at this location is justified, as it benefits the general community, particularly the aged.

It is unfortunate that the matter of the petition had not been resolved prior to the commencement of work, however, it is considered insufficient grounds to waive the costs.

The financial concerns of some residents is understood and arrangements can be made for time payments to suit the needs of the individual.

RECOMMENDATION:

That the following schedule of charges representing 50% (fifty) of the cost be adopted in respect of completed kerb & gutter and concrete footpaving works at the following locations:-

. Nightingale Square, Glossodia (kerb & guttering)	\$28.31/m (twenty eight ~~thirty~~ one)
. Argyle Street, South Windsor	\$13/m ² (~~thirteen~~) footpaving \$18/m ² (eighteen) driveways
. George Street, Windsor	\$14/m ² (fourteen) footpaving \$19/m ² (nineteen) driveways
. Drummond Street, South Windsor	\$14/m ² (fourteen) footpaving \$19/m ² (nineteen) driveways

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E04

****** END OF ITEM 20 ******

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Meeting Date: 30 August 1994

Item: 21

ITEM 21: 35TH ANNUAL FLOOD MITIGATION CONFERENCE

FILE NUMBER: GR060/031 PT04/ENG

REPORT:

Correspondence has been received from Wellington Council, advising that the 35th Annual Conference of the Flood Mitigation Authorities of NSW will be held at Wellington from 16th to 19th May, 1995.

Council can nominate up to three delegates who can attend the Conference and vote on Executive Meeting Agenda items if required.

RECOMMENDATION:

That three Councillors be nominated to attend the Conference as delegates.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E05

**** END OF ITEM 21 ****

ITEM 22: EAST KURRAJONG ROAD - PROPOSED RENAMING**FILE NUMBER:** 0510/R PT04/ENG**REPORT:**

In accordance with Council's resolution, a public forum was convened on Saturday, 13th August, 1994, to allow residents/owners of the current road known as East Kurrajong Road, Section 2, to determine by public referendum, the name of the road. Correspondence was forwarded to all land owners of properties fronting the road (77 properties) advising of the meeting.

Fourteen voters attended the meeting and of these fourteen, seven indicated that if it were possible to have no change that would be their preference, however, on the basis that a change in the road name was inevitable, they then voted on their preferred name for the road. The preferred names and associated votes taken on the day were:-

Bull Ridge Road	-	5	) Total 8
The Bull Ridge	-	3	)
Orchard Road/Orchard Ridge	-	1	
East Ridge Road	-	5	
Angophora Road	-	Nil	
Warrawara Road	-	Nil	

It can be seen that eight of the fourteen people present desired that the road name be associated with Bull Ridge in one form or another.

It was also indicated in the letter to property owners that if they could not attend the meeting, that submissions regarding their preference for road names from those previously nominated would be received up until Friday, 19th August, 1994. There were seven submissions received, four indicating Bull Ridge Road, one indicating The Bull Ridge, one indicating Orchard Road and one indicating Warrawarra Road as their first preference respectively.

Whilst only 18% of those invited attended the meeting, the result of this forum is consistent with the results of the questionnaire reported to Council at its meeting of 12th July, 1994, where the majority of those responding to the questionnaire indicated that the road be renamed Bull Ridge Road or The Bull Ridge.

On the basis of the extensive community consultation carried out, it would seem appropriate that East Kurrajong Road, Section 2 be renamed Bull Ridge Road.

RECOMMENDATION:

That East Kurrajong Road, Section 2, be renamed Bull Ridge Road, in accordance with the provisions of the Roads Act, 1993.

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Meeting Date: 30 August 1994

Item: 22

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E06

****** END OF ITEM 22 ******

ITEM 23: PROPOSED RENAMING - BLAXLANDS RIDGE ROAD - PUTTY ROAD TO WEST PORTLAND ROAD**FILE NUMBER:** GR120/003 PT02, 0209/R PT02/ENG**REPORT:**

In accordance with Council's resolution at its meeting of 12th July, 1994, a public forum was convened on Saturday, 13th August, 1994, to allow residents/owners of that section of Blaxlands Ridge Road between Putty Road and West Portland Road to determine by public referendum, the name of the road. The public forum was held at the same time as the forum which was convened in respect of East Kurrajong Road, Section 2.

There were no land owners present at this meeting however there has been one submission received following the meeting, suggesting that Leeson Road would be an appropriate name for the section of road concerned based on the history of the Leeson family in the Hawkesbury.

As reported to Council previously there was one objection received following advertising of the proposed renaming of Blaxlands Ridge Road between Putty Road and West Portland Road as Packer Road, and this objector, who does not reside on the road, suggested that the name of the road should be Lower Portland Road. It was considered that Lower Portland Road could be confused with West Portland Road.

RECOMMENDATION:

That the section of Blaxlands Ridge Road between Putty Road and West Portland Road be named Packer Road in accordance with the provisions of the Roads Act, 1993.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E07

****** END OF ITEM 23 ******

**ITEM 24: B-DOUBLE ROUTES - DRUMMOND STREET, STEWART STREET
AND HAM STREET****FILE NUMBER:** GT230/004 PT03/ENG**REPORT:**

The Roads & Traffic Authority has advised of receipt of applications for 25m B-Double operations to D & R Henderson, Ham Street, Windsor. Access to the site would be from Macquarie Street via Drummond Street, Stewart Street and Ham Street.

Council has previously supported the use of 23m B-Doubles in this area following onsite trials, however, whilst the trials were being undertaken it was noted that there was very little margin for error for 23m B-Doubles negotiating these streets. It is considered that the additional area required for turning the 25m B-Doubles would be such that the vehicle would not be able to traverse the roads whilst remaining within the correct traffic lanes and as such it is felt that the application should not be supported.

RECOMMENDATION:

That the Roads & Traffic Authority be advised that Council does not support the use of 25 (twenty five) metre B-Double operations to D & R Henderson, Ham Street, Windsor, via Drummond Street, Stewart Street and Ham Street.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN830NBX.E08

**** END OF ITEM 24 ****

GENERAL PURPOSE COMMITTEE



SECTION 3 **ORGANISATION & RESOURCES**

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES**Table of Contents**

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ITEM 17: MONTHLY FINANCIAL STATEMENTS**FILE NUMBER:** GF001/004 PT4/FNC**REPORT:****A. CASH EXPENDITURE WARRANT N° 6/1994****SUMMARY - Accounts Paid**

General Fund N° s	28483 -	29004	4,895,616.58
Trust Fund N° s	4200 -	4214	1,165,693.57
			6,061,310.15

CERTIFICATE BY RESPONSIBLE ACCOUNTING OFFICER

This summary Warrant presented above is fully supported by Vouchers and Invoices which have been duly certified as to the receipt of goods and/or rendition of services and as to prices, computations and costings and the amounts shown were due for payment. The detailed Warrant is available upon request.

L M Weatherstone
Divisional Manager of Finance

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 30 August 1994

Item: 17

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE**STATEMENT OF BANK BALANCES AS AT 31 JULY 1994**

GENERAL FUND	53,529.02CR
TRUST FUND	73,863.08CR
	127,392.10CR

FORM 2

GENERAL

Balance - Cash Account as at 1 July 1994	1,045,222.20 CR
Receipts for period ended 31 July 1994	5,631,959.77 DR
	4,586,737.57 DR
Payments for period ended 31 July 1994	5,196,194.56 CR
	609,456.99 CR
Limit of overdraft arranged with bank	\$800,000.00

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Books have been reconciled in all funds as at 31 July 1994.

L M Weatherstone
Divisional Manager of Finance

C. INVESTMENTS

Hereunder is the list of amounts invested.

Bank Bills

<u>Period</u>	<u>Due Date</u>	<u>Rate</u>	<u>Interest Account</u>	<u>Amount</u>
90 Days	20.09.94	5.48%	General Fund	300,933.69

Term Deposits

30 Days	03.08.94	5.31%	Sewerage Fund	900,000.00
365 Days	01.06.94			
119 Days	08.08.94	5.20%	Sewerage Fund	1,966,737.47
119 Days	08.08.94	5.20%	General Fund	33,262.53
188 Days	16.08.94	5.05%	General Fund	600,000.00
52 Days	26.08.94	5.30%	General Fund	300,000.00
52 Days	26.08.94	5.30%	General Fund	300,000.00
812 Days	08.09.94	7.21%	General Fund	460,000.00
812 Days	08.09.94	7.21%	General Fund	2,540,000.00
90 Days	14.09.94	5.16%	General Fund	900,000.00
90 Days	15.09.94	5.17%	General Fund	1,000,000.00
743 Days	15.09.94	7.90%	General Fund	330,000.00
103 Days	10.10.94	5.95%	General Fund	500,000.00
122 Days	14.10.94	5.16%	General Fund	600,000.00
100 Days	21.10.94	5.67%	Sewerage Fund	800,000.00
100 Days	21.10.94	5.67%	General Fund	200,00.00
143 Days	31.10.94	5.14%	Sewerage Fund	1,539,582.37
143 Days	31.10.94	5.14%	General Fund	60,417.63
184 Days	03.11.94	5.30%	General Fund	600,000.00
185 Days	17.11.94	5.25%	General Fund	900,000.00
301 Days	14.12.94	5.00%	General Fund	600,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
730 Days	06.07.94	5.91%	General Fund	2,000,000.00
750 Days	26.07.94	5.86%	General Fund	2,000,000.00
730 Days	28.07.94	5.86%	General Fund	500,000.00

Australian Treasury Corporation

03.08.95	5.31%	Workers' Comp Board	200,000.00
15.09.94	7.90%	Workers' Comp Board	420,000.00

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 30 August 1994

Item: 17

Short Term Investments	General Fund	1,560,000.00
		\$23,110,933.69

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed above are the total of all money that has been invested and that the investments have been made in accordance with the Act, Regulations and Council's investment policies.

L M Weatherstone
Divisional Manager of Finance

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NAX.F03

**** END OF ITEM 17 ****

ITEM 18: REDEVELOPMENT - RICHMOND SWIMMING CENTRE**FILE NUMBER: GP080/001 PT3/GMA****REPORT:**

A preliminary concept plan and estimates have been prepared for redevelopment of the Richmond Swimming Centre. The proposed works include the addition of 45 parking spaces in East Market Street by widening the road and providing right angle parking, provision of disabled facilities and renovation of both amenities buildings, renovation of the entry including extension of the small kiosk to form a "cafe" with undercover seating area, new fencing and landscaping, a number of picnic areas with furniture and shelters, placing of children's play area and enclosing this for a suitable child care area adjacent to the existing clubhouse; alterations to the pools include new and safer profile for the wading pool and retiling, shortening the main pool to 50m, provision of waveless gutters, retiling and new plant; and the possible provision of some additional water facility.

The total cost of the improvements would be between \$750,000 and \$800,000.

To finance the renovations it is proposed to subdivide off and rezone part of the land for medium density residential. With this subdivision a significantly large area is still left with the pool and surrounding facilities. Preliminary assessment is that the medium density development would fund the Centre's redevelopment.

At this stage the details are provided for the Council's information and it is not considered that any further work should be done until the submissions are received for the Windsor Centre. Discussions with some of the Consultants proposing to tender for the Windsor Centre indicate that they may propose altering the plans adopted by the Council such that it may wish to reconsider the Richmond proposal. In any event it is considered that both the Swimming Centre redevelopments should be considered at the same.

RECOMMENDATION:

The information regarding the possible redevelopment of the Richmond Swimming Centre be received.

ATTACHMENTS:

AT-1 Plan will be displayed at meeting.

FN:OG830NAX.G07

****** END OF ITEM 18 ******

ITEM 19: ROAD CLOSURE & PURCHASE PROPOSAL - CNR MANNS & GRONO FARM ROADS, WILBERFORCE**FILE NUMBER:** GR080/045 PT1/CSV**REPORT:**

An application has been received from Mr J Rouba for the closure and purchase of an unnecessary portion of public road adjoining the applicant's property. A plan of the proposal will be displayed at the meeting. The closure, if approved, will regularise the boundaries of the applicant's property.

In accordance with Council Policy and the provisions of the Roads Act 1993, the proposal was publicly advertised and adjoining property holders notified. At the close of the advertising period, one submission was received. Whilst not lodging an objection to the proposal, an adjoining land holder has expressed concern that if the proposed new boundary was fenced, it would be to the detriment of several established trees. That is, the trees would have to be removed. Following discussions with the applicant and his neighbours, minor variations to the proposal have been effected such that no trees will require removal.

The portion of road to be closed drains water from the existing formed road reserve. The applicant has agreed to provide, at no cost, a drainage easement in favour of Council over the land subject of this application.

Having regard to the overall size of the portion of road to be closed (60m²), the applicant's willingness to grant a drainage easement at no cost to Council and the marginal betterment to the applicant should the closure proceed, compensation should be a nominal amount. An amount of \$200 has been assessed as appropriate in this instance, with this amount being agreed to by the applicant.

It is proposed that the applicant enter into a Deed of Agreement with Council to ensure that all further costs be met by the applicant, to ensure that the section of road to be closed is consolidated with the existing lot and to ensure that no trees which would ordinarily be subject to Council's Tree Preservation Order be removed.

Given these terms, the application lodged by Mr Rouba is supported.

RECOMMENDATION:

1. That Council raise no objection to the closure and purchase of a portion of unnecessary road adjacent to Lot 12 DP39350 N^o 2 Manns Road, Wilberforce.
2. That the applicant, Mr J Rouba, enter into a Deed of Agreement to ensure:-
 - a. all further costs are met by the applicant;

- b. the portion of closed road is consolidated with the existing Lot 12 DP39350;
 - c. no trees shall be lopped or removed without prior consent of Council under the provisions of the Tree Preservation Order; and
 - d. compensation of \$200 (two hundred dollars) be paid to Council upon Gazettal of the closure.
3. All necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NBX.C01

****** END OF ITEM 19 ******

ITEM 20: PURCHASE OF UNNECESSARY PUBLIC ROAD -
WEATHERBOARD RIDGE ROAD, EAST KURRAJONG**FILE NUMBER:** GR080/043 PT1/CSV**REPORT:**

An application has been lodged by the owners of 130 Weatherboard Ridge Road, Mr and Mrs Reberger, for the closure and purchase of a portion of unnecessary road adjacent to their property. The area, subject of the application, is approximately 600m² and is indicated on the plan displayed at the meeting.

In accordance with Council Policy and the provisions of the Roads Act 1993, the proposal was publicly advertised and adjoining property holders notified. At the close of the advertising period, no submissions were received.

It is noted that should Council approve of the closure, there will be no effect on the movement of traffic along the currently formed portion of Weatherboard Ridge Road.

The proposed closure will enhance the applicants property by increasing its road frontage. Compensation for the land should reflect this improvement and accordingly an amount of \$2,000 has been assessed in this instance. The applicant has agreed with this assessment.

It is proposed that the applicant enter into a Deed of Agreement with Council to ensure that all further costs are met by the applicant and to ensure that the section of road to be closed is consolidated with the existing lot.

Given these terms, the application lodged by Mr and Mrs Reberger is supported.

RECOMMENDATION:

1. That Council raise no objection to the closure and purchase of a portion of unnecessary road adjacent to Lot 1 DP815499 N^o 130 Weatherboard Ridge Road, East Kurrajong.
2. That the applicants, Mr and Mrs Reberger, enter into a Deed of Agreement to ensure:-
 - a. all further costs are met by the applicants;
 - b. the portion of closed road is consolidated with the existing Lot 1 DP815499; and
 - c. compensation of \$2,000 (two thousand dollars) be paid to Council upon Gazettal of the closure.
3. All necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NBX.C02

****** END OF ITEM 20 ******

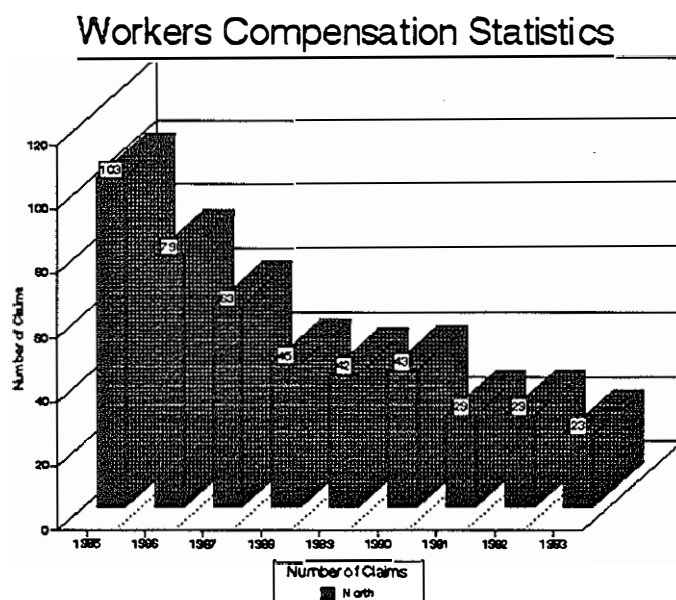
ITEM 21: WORKERS' COMPENSATION SELF-INSURER'S LICENCE - RENEWAL**FILE NUMBER:** G155/007/CSV**REPORT:**

Council's licence to act as a self-insurer for Workers' Compensation expires on 30 November 1994. Council has been a self-insurer for Workers' Compensation since 1983.

Hawkesbury is one of the few local government authorities to hold and retain a Workers' Compensation Self-Insurer's Licence.

Under the terms of the licence, Council is required to set aside an amount equal to what would be paid as a premium if traditional insurance cover was effected. This amount is used to meet any claims liability.

Further, Council's safety procedures and work practices have improved as a result of better safety standards which, in turn, has achieved a reduction in the number and severity of compensatable injuries illustrated hereunder:-



In conjunction with a Self-Insurer's Licence renewal, it will be necessary for Council to continue to hold an Excess of Loss Policy. The Excess of Loss Policy limits Council's liability to a maximum of \$350,000 in respect of any one event.

It is considered appropriate for Council to renew its licence having regard for the financial advantages that have occurred to date as a result of Council's participation in this scheme.

RECOMMENDATION:

1. That an application be made to the WorkCover Authority to renew Council's licence for Workers' Compensation.
2. The Common Seal of Council be affixed to the necessary documentation.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NBX.C04

**** END OF ITEM 21 ****

ITEM 22: LEASE - SHOP 3 HOBARTVILLE SHOPPING CENTRE**FILE NUMBER: GC283/007 PT2/CSV****REPORT:**

The Council is advised that informal negotiations for the lease of shop 3 at Hobartville Shopping Centre for use as a bottle shop, have been proceeding for some time.

The intending lessee, Mr Blagoja Cvetanovski, has lodged a Development Application for the use, with approval now being granted.

Accordingly, it is now appropriate to address the lease of the premises to enable the lessee to commence occupation and to permit a liquor license to be issued.

The lessee has indicated that he is seeking a 3 x 3 year lease, with terms and conditions consistent with other Council shopping centre leases.

The lease of shop 3 Hobartville Shopping Centre to Mr B Cvetanovski for use as a bottle shop is supported.

Rental is assessed on the basis of current rentals applying to other shops within the centre having the same floor area.

RECOMMENDATION:

1. That Council lease shop 3 Hobartville Shopping Centre to Mr Blagoja Cvetanovski on the following terms.

The lease shall be:-

- a. for a period of 3 x 3 years;
- b. commencing annual rental to be \$6,850 with the lessee to pay 8.77% of outgoings costed to the centre. Outgoings include rates, insurances, water and electricity use in common areas, ground maintenance and building maintenance;
- c. rental in the second and third years of the term shall be reviewed in accordance with movements in the Sydney Consumer Price Index; and
- d. should the option be exercised, rental for first year of the new term shall be reviewed to market.

2. The Common Seal be attached to all necessary documents.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NBX.C05

**** END OF ITEM 22 ****

FN:OG830NBX.C05

SECTION B

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ITEM 23: IMPROVEMENTS - WINDSOR FUNCTION CENTRE**FILE NUMBER:** GC283/45 PT8/CSV**REPORT:**

As Councillors will be aware, a report was submitted to the July Ordinary Meeting detailing proposals for the refurbishment of the Windsor Function Centre in view of the age of the premises and the increasing competition in the wedding and function markets in the area. At that time Council agreed to the concept of improvements to the Centre estimated \$300,000.

A concept plan was displayed at the meeting and since that time the plan has been revised in consultation with the caretaker managers of the premises and Council's Consultant Architect. The revised plan will be displayed at the meeting and improvement works proposed include:-

- i) the erection of a sound proof movable divider wall between the Macquarie and Phillip Rooms to increase the functionality and booking potential of the premises;
- ii) enhanced natural light and general lighting throughout the premises to overcome the fairly dark and oppressive feel of the complex;
- iii) upgrading of the entry and foyer, including the replacement of the pebblecrete and installation of tiling in part of the foyer, disabled access, timber restraining and enhanced lighting;
- iv) upgrading of air conditioning and installation of an energy management system;
- v) replacement of vanity bench and basins in the Powder Room and general improvements to amenities facilities;
- vi) construction of chair storage area on the balcony adjoining the Macquarie Room;
- vii) new ceiling in the Macquarie and Phillip Rooms; and
- viii) on the recommendation of the interim managers, improve the layout of the existing kitchen and fit out a new servery in the storeroom area behind the Bar. These proposals will assist in the functioning of the kitchen and overcome problems associated with serving up to 400 diners at once.

Cosmetic improvements proposed include general painting of the premises, new stage curtain, sanding and polishing of the floor in the Macquarie Room and replacement of the furniture located in the foyer area.

Stage I of the project, as detailed above, has a preliminary estimate of \$307,000, which is within the budget of \$330,000 as previously identified. In future years, the Council will need to consider further expenditure on the premises to keep pace with market and consumer demands. Proposals for consideration in Stage II of the project include:-

- installation of Bride's Room and amenities in the existing Ante Room;
- replacement and upgrading of seating;
- improvements to the Bligh Room, including replacement of the ceiling, window and store curtains and new light fittings; and
- installation of highlight windows and louvres in the Macquarie Room.

The Architect has estimated the cost of Stage II to be in the order of \$130,000.

It is considered that the proposed improvements to the Windsor Function Centre, as identified in this report, will enhance the image, marketability and functionality of the Centre and the immediate commencement of Stage I of the Project is recommended. With regard to the works, it will be necessary to close the Centre between Christmas and mid February 1995, it being noted that there are no bookings for this period and the interim arrangement with Ms Karen Johnson and Mr Ben Lebsanft concludes on 12 January 1995. However, it is noted that the Australia Day Dinner is traditionally held in the Centre on 26 January. It may be necessary to consider alternate venues or for the committee to take the opportunity to re examine the day's program.

RECOMMENDATION:

That Stage I of the proposed improvements to the Windsor Function Centre, as detailed in this report, be commenced immediately.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG830NBX.C06

**** END OF ITEM 23 ****

SUPPLEMENTARY.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM 57: TYRE LANDFILL - HENDRENS ROAD - EBENEZER

FILE NUMBER: DA347/92/GMA

REPORT:

Further to Council's consideration of this matter at its Special Meeting on the 23rd August, 1994, the Solicitors acting for the Company, East Coast Tyre Recyclers Pty.Ltd., have advised as follows :

"We refer to your previous correspondence.

Following is a copy of a resolution of your client which we are instructed was made on 23 August.

We are instructed that, with the exception of the time period in paragraph one, the conditions are acceptable to our client.

With regard to the time limit, our instructions are that it will not be possible to fill the area with shredded tyres in the time period specified.

Please obtain your client's instruction on this point."

The Solicitors are requesting that the Council reconsider that part of its resolution that places a time limit on the consent and replace it with the condition that limits the area. In this regard the representations are that the shredding required by the Council would significantly increase the volume that can be placed into the proposed area.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830LCX.G25

**** END OF ITEM 57 ****

ITEM 56: PROPOSED RETAIL DEVELOPMENT**FILE NUMBER: 248/32 PT01/GMA**

REPORT:

The Macquarie Bank has advised it is in negotiations with the University of Western Sydney, Hawkesbury with a view to establishing a major retail shopping centre on land owned by the University. The proposed site is of approximately 15 ha. fronting Londonderry Road directly opposite the Hobartville residential area.

At this stage the University has indicated its consent in principle to allow the planning to be undertaken. The Bank has advised it will keep the Council informed of progress with the proposal.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN830LCX.G23

****** END OF ITEM 56 ******