

**HAWKESBURY CITY COUNCIL
GENERAL PURPOSE COMMITTEE**



Where People Make the Difference!

**BUSINESS PAPER
MINUTES**

DATE OF MEETING: 31 January 1995

LOCATION: Council Chambers

TIME: At the conclusion of the Special Meeting

8.30 FRIDAY PROJECT MEETING

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

BIKE RAN BRIDGE REDBANK CR.

*- 993 BELLS LINE of ROAD
KURROJONG HILLS.*

*- 46 RESERVE ROAD
FREEMANS REACH*

*- 7 BELLS ROAD.
KURROJONG*

- BLEDWORTH CREEK.

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."*

Your Ref:

Our Ref: 25 January 1995

HAWKESBURY CITY COUNCIL



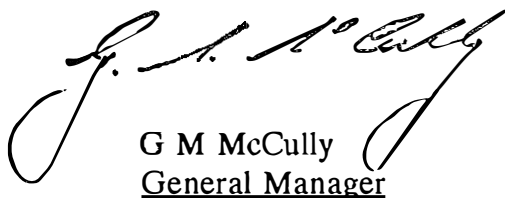
George Street, Windsor NSW 2756
Phone (045) 87 7000
DX 8601 Windsor
Facsimile (045) 77 6512

Mr C Daley
Divisional Manager - Engineering
Hawkesbury City Council
WINDSOR NSW 2756

Dear Mr Daley

A meeting of the GENERAL PURPOSE COMMITTEE will be held in the Council Chambers, Windsor, on TUESDAY, 31 JANUARY, 1995, commencing at 9.30am and your attendance would be appreciated.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G. M. McCully'. The signature is fluid and cursive, with a large initial 'G' and a long, sweeping underline.

G M McCully
General Manager

GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 31 January 1995

AGENDA

- APOLOGIES. *arrived 9.43.
MACKAY, WILLIAMS, ROGERS*
- CONFIRMATION OF MINUTES. *REMOVED 10.13*
- SECTION 1 - ENVIRONMENT.
- SECTION 2 - INFRASTRUCTURE.
- SECTION 3 - ORGANISATION AND RESOURCES.
- NEXT MEETING.

.....

4

5

14

4

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 2

Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 29 November 1994, commencing at 10.00 a.m.

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

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

RESOLVED on the motion of Councillor Calvert and seconded by Councillor Sheather that the apology be accepted.

Councillor Keegan left the meeting at 12.07 p.m. and Councillor Williams at 1.20 p.m.

RESOLVED on the motion of Councillor Sheather and seconded by Councillor Books that the Minutes of the General Purpose Committee Meeting held on the 1 November 1994, be confirmed.

The following recommendations were passed as resolutions of the Committee:

SECTION 1 - ENVIRONMENT

87: PLANNING WORKSHOP - LOCAL ENVIRONMENTAL PLAN - LOT D, DP378361 17 GROVES AVENUE, MULGRAVE (LEP13/94/EVD)

Councillor Sheather declared an interest in this matter.

THAT COUNCIL SUPPORT the preparation of a draft local environmental plan to rezone that part of Lot 3 DP37836 17 Groves Avenue shown as Special Business 3(b) on Hawkesbury LEP 1989 to General Industry 4(a).

88: PROPOSED RETAIL PLANT NURSERY - LOT 161 DP751665 106 COBURG ROAD, WILBERFORCE - APPLICANT: MR T SCOTT (DA287/94 PT01/EVD)

COUNCIL NOT SUPPORT the application.

This is Page 2 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 3

89: PROPOSED CHILD CARE CENTRE, LOT 40 DP250171 NO 1 GLENN PLACE, NORTH RICHMOND. APPLICANT: MR & MRS D TAIT (DA281/94/EVD)

Councillor Minturn declared an interest in this matter.

Mrs D Tait, the applicant addressed the Committee.

Mr B Anderson and Mrs N Ambesi, objectors, addressed the Committee.

A SITE INSPECTION be carried out.

The Committee inspected the site at 2.50 pm. Councillors present at the inspection were Councillors R P Stubbs, H J M Books, R G Calvert, C A Paine, M G Parsons, P E Rogers, L C Sheather and W J Sledge.

THAT THE APPLICATION be refused with reasons for refusal to be reported to the Ordinary Meeting and to include amenity, traffic and parking.

90: SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 3 DP803879 663 GROSE VALE ROAD, GROSE VALE. APPLICANT: MR ALEX O'GRADY (SA108/94/EVD)

Mr A O'Grady, the applicant, addressed the Committee.

THAT COUNCIL NOT support a subdivision of this property.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 4

91: WEATHERBOARD COTTAGE - PROPOSED DEMOLITION - NO 339 WINDSOR STREET, RICHMOND (DA281/93 PT01 & DA6/94 PT01/EVD)

THAT THE INFORMATION be received.

92: OUR CITY OUR FUTURE - RURAL LANDS - DRAFT REPORT (GT225/013/EVD)

Mr B McKinlay and Mr G Falson addressed the Committee.

- A. THAT OUR CITY Our Future Rural Lands draft report be placed on public exhibition for a period of three (3) months and that an executive summary be sent to all correspondents and be made available at the counter free of charge.
- B. That the following recommendations be added to the Environment Section of this report:
 - 4. That the principles of environmentally sustainable development shall apply to all Council policies dealing with land use.
 - 5. That Council identify funding options to undertake a general review of Council policies to enable environmentally sustainable development principles to be incorporated.

93: TYRE LANDFILL - LEVEL CROSSING ROAD/RAILWAY ROAD SOUTH, VINEYARD. APPLICANT: NE PEARE PTY LTD (DA19/92, DA9/94/EVD)

Mr W Peare, the applicant and Mr Pincott addressed the Committee.

THAT COUNCIL AGREE to extend the development consent in accordance with the above and Condition 15 of DA19/92 be amended to read as follows:

"15. The tyre landfill development, including site rehabilitation works shall be completed to the satisfaction of the Divisional Manager of Environment and Development by 20 July, 1995 and that all tyres are shredded prior to burial and the one (1)ha site is pegged out immediately."

This is Page 4 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 5

94: PROPOSED SUBDIVISION - LOT 1 DP557035 LOT 2 DP615915, LOT 171 DP527991 HORANS LANE, GROSE VALE - APPLICANT: G F FALSON & ASSOCIATES (SA072/91PT01/EVD)

Mr G Falson, the applicant, addressed the Committee.

Councillor Books declared an interest in this matter.

THE APPLICANT BE advised that the proposal for subdivision is not supported as it is inconsistent with the principles enunciated in the draft "Our City Our Future" strategy.

95: RETAIL PROPOSALS - SPECIAL MEETING (GM001/019 PT2; GT225/016 PT02/GMA)

THAT THE MEETING be held at 3.00 p.m. on December 14 and a question time be allowed.

This is Page 5 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994.

Page 6

SECTION 2 - INFRASTRUCTURE

34: STREETLIGHTING (GR120/005 PT02/ENG)

THAT THE PROVISION of street lights be generally determined on the basis of traffic/pedestrian safety needs with community, commercial and industrial special needs cases being encouraged to make use of the Prospect Electricity "Night Watch" service.

35: PIPELINES ACROSS PUBLIC RESERVES/ROAD RESERVES (2312/R PT04, P2312/495 PT2/ENG)

THAT THE APPLICATION by Mr S Muscat for a pipeline for irrigation purposes across the public reserve Lot 5 DP245687 be approved with a licence fee of \$250 (two hundred and fifty).

36: DRAINAGE - 599 SLOPES ROAD, NORTH RICHMOND (P1907/309 PT2/ENG)

THAT \$14,000 (FOURTEEN thousand) allocated for the construction of a piped drainage system in N^o 599 Slopes Road, North Richmond be re-allocated towards the cost of upgrading the piped drainage system in N^o 26 Macquarie Road, Wilberforce at an estimated cost of \$11,500 (eleven thousand five hundred) and the remaining \$2,500 (two thousand five hundred) be held in the drainage reserve.

37: RICHMOND PARK, RICHMOND - HAWKESBURY AREA HEALTH SERVICE - INFORMATION STALL (PK/202 PT04/ENG)

1. THAT APPROVAL be granted to the application by Hawkesbury District Health Service for use of Richmond Park during noon - 2.00p.m. December 1, 1994, to conduct a community picnic to celebrate the theme "We Are Family" in relation to World Aids Day subject to compliance with the following standard conditions:-

- (a) the Reserve being left clean and tidy upon completion of that function;

This is Page 6 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 7

- (b) no interference being occasioned to other patrons of the reserve not wishing to attend that function, nor to pedestrian traffic traversing Windsor Street frontage of Reserve;
 - (c) the function being established east of and adjacent to the pedestrian crossing on the Windsor Street frontage.
 - (d) noise being kept to a reasonable level.
2. That approval be granted for establishment of an information stall at that function.
 3. That the application to conduct a play as part of that function be refused.

This is Page 7 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 8

SECTION 3 - ORGANISATION AND RESOURCES

35: MONTHLY FINANCIAL STATEMENTS (GF001/004 PT4/FNC)

THAT THE INFORMATION be received.

36: POLICY REGARDING PAYMENT OF EXPENSES AND PROVISION OF FACILITIES (GR120/012 PT02/GMA)

Councillor Parsons declared an interest in this matter.

THAT COUNCILLOR PARSONS be supported at his Newcastle address for the remainder of the current term in accordance with the policy determined under Section 252 of the Local Government Act 1993.

37: PROPOSED ROAD CLOSURE AND PURCHASE - LANEWAY BETWEEN 574 & 578 GEORGE STREET, SOUTH WINDSOR (GR080/047 PT01/CSV)

1. THAT COUNCIL AS the appropriate roads authority proceed with the closure of the public laneway between 574 and 578 George Street, and the rear of 36 Drummond Street, South Windsor.
2. That on closure, the land contained in the road reserve be classified as "operational" and sold to the adjoining owners in such proportion as indicated on Council Plan M3-47-CT.
3. That the applicants enter into the standard Road Closure Deed of Agreement with Council.
4. That all necessary document be completed under Seal of Council.

This is Page 8 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 9

38: PROPOSED HAWKESBURY HOSPITAL SITE - CLAIM FOR ADVERSE POSSESSION (P1341/1280/CSV)

1. THAT COUNCIL ACCEPT the offer of the Crown Solicitor to purchase land known as Lot 2 DP832585 in the amount of \$400 (four hundred) plus costs in the amount of \$860 (eight hundred and sixty).
2. Funding for the purchase be drawn from the pumping stations allocation from within the Sewer Fund.
3. All necessary documents be completed under Seal of Council.

39: HAWKESBURY CITY LOCAL ECONOMIC DEVELOPMENT BOARD (GM001/021 PT01/CSV)

THAT THE FREE Growers Association be approached with a view to nominating a representative on the Hawkesbury City Local Economic Development Board.

40: PROPOSED REGIONAL ART GALLERY - HAWKESBURY CITY AREA (GR030/002/CSV)

1. THAT THE INFORMATION be received.
2. A working party comprising Councillors, staff and representation from the Friends of the Hawkesbury Art Collection be established to report on preferred options.

41: PROPOSED SALE OF 1A GREENWAY CRESCENT, WINDSOR (P740/0015 PT02/CSV)

The General Manager read a letter from Mr A Hendrikson.

1. THAT COUNCIL ACCEPT the tender lodged by Triston Pty Ltd in the amount of \$250,000 (two hundred and fifty thousand) for the purchase of land known as 1A Greenway Crescent, Windsor (Lot 161 DP716680) subject to the removal by conditions 7, 8 and 9 as specified by the tenderer.

This is Page 9 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 10

2. As previously identified, funding from the sale be put toward extensions of the Windsor Library or a regional art gallery.
3. All documents be completed under Seal of Council.
4. That by the Ordinary Meeting there be further conditions for consideration taking into account the concerns set out by Mr Hendrikson by way of conditions of approval.

42: ALCOHOL FREE ZONES (GP070/001 PT04/CSV)

THAT THE ALCOHOL Free Zones covering the public roads and footpaths of:-

1. The block having as its boundaries Francis Street, West Market Street, Windsor and Bosworth Street, Richmond including the Coles car park.
2. East Market Street, Richmond between Francis Street and Windsor Street.
3. Toxana Street, Richmond between Francis Street and Windsor Street.
4. Windsor Street, Richmond between East Market Street and Paget Street.
5. West Market Street, Richmond between Lennox Street and March Street.
6. The block having as its boundaries East Market Street, Windsor Street, West Market Street and March Street, Richmond.
7. East Market Street, Richmond between March Street and Lennox Street.
8. Woodhills car park, Richmond.
9. Bells Line of Road at North Richmond - the area known as State Bank Plaza car park adjoining Pitt Lane.
10. Windsor Mall, Windsor.
11. Golden Valley Drive, Glossodia in front of Shopping Centre including car park and access road.
12. Eldon Street, Pitt Town between Grenville Street and Chatham Street, be extended for a further twelve month period from January 1, 1995 to December 31, 1995.

This is Page 10 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 11

43: LEASE OF 22 FITZGERALD STREET, WINDSOR. (GC283/042 PT04/CSV)

1. COUNCIL LEASE 22 Fitzgerald Street, Windsor, to Pyolag Pty Ltd on the following terms:-
 - (a) a 3 (three) x 5 (five) x 5 (five) year Lease to commence on January 1, 1995;
 - (b) in recognition of various works to be undertaken to the building, rental for the first year of the term shall be \$12,000 (twelve thousand dollars);
 - (c) rental in the second year shall be set at \$30,000 (thirty thousand dollars) with rental in the third year to be adjusted by the Sydney CPI factor;
 - (d) if the option is exercised, rental for the first year of the new term shall be reviewed to market; thence by CPI for the second and third years, review to market in the fourth year and review by CPI in the fifth year;
 - (e) the Lessee to pay outgoings, including oil; gas; water consumption; garbage and waste removal; electricity; telephone and any other charges separately metered or utilised on the site; grounds maintenance;
 - (f) the Lessor to pay Rates and Taxes; Building Insurances and be responsible for items of structural repair;
 - (g) the Lessee shall liaise closely with Council's staff to ensure all building works are to Council's satisfaction. The Lessee shall lodge a "Works as Executed" plan on completion of works;
2. The Common Seal of Council be affixed to all necessary documents.

44: ARTS AND CULTURAL DEVELOPMENT PLAN (GC030/007 PT04/CSV)

1. THAT COUNCIL CONTINUE to fund Music in the Park alternating the venue between McQuade Park and North Richmond Heritage Park each year.
2. Council fund a workshop for interested members of the community with the aim of developing an Arts and Cultural Plan appropriate for the Hawkesbury.

This is Page 11 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 12

QUESTIONS WITHOUT NOTICE:

1. Councillor Sheather tabled a letter in relation to a road closure on Crown Land at Sackville Reach, together with a petition with some 60 signatures and asked if the staff could deal with the matter appropriately.
2. Councillor Sheather sought advice regarding a drawing or plan of the proposed cycleway bridge at North Richmond and stated that the RTA has a plan. He asked if this could be presented to the Ordinary Meeting.

The Divisional Manager Engineering Operations undertook to follow up this matter.

3. Councillor Sheather sought an update about the Blacktown Road roundabout and the RTAs intentions in this regard.

The Divisional Manager Engineering Operations advised that he had not received a response from the RTA and had followed the matter up again last week.

4. Councillor Sheather asked if a site inspection could be carried out later this afternoon of the cross members of the Windsor Bridge at low tide.
5. Councillor Books referred to a previous request for a street light in Clergy Road, Wilberforce. He stated that there are no lights whatsoever in this section of road.

The Divisional Manager Engineering Operations undertook to follow up this matter.

6. Councillor Books asked if Council could, through the Local Member, seek permission from the National Parks & Wildlife to allow grazing in Pitt Town Lagoon. He asked if some immediate action could be taken.
7. Councillor Calvert asked if the Divisional Manager Corporate Services could advise of the situation with the Australian Pioneer Village and whether the lease has eventuated any further.

The Divisional Manager Corporate Services advised that the situation remains unchanged in that following the receipt of a brief submission on behalf of the applicants a number of their questions had been answered and further questions had been submitted to the applicants which had not been addressed. To date no response had been received. He undertook to follow up the matter.

This is Page 12 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 29 November 1994

Page 13

The meeting then adjourned for an inspection to take place.

The meeting terminated at 3.45 p.m.

Submitted to and confirmed at the meeting of the General Purpose Committee held on January 31, 1995.

.....
Mayor

This is Page 13 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 29 November 1994.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE



SECTION 1 ENVIRONMENT

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

Meeting Date: 31 January 1995

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 1 - ENVIRONMENT.	
96:	HOBARTVILLE - DEFENCE HOUSING AUTHORITY PROPERTIES GT150/003 PT02/GMA	5
97:	MOBILE PLANT MECHANICAL REPAIR BUSINESS AND ON-SITE REPAIR OF PLANT - LOT 101 DP806622 NO 46 RESERVE ROAD, FREEMANS REACH - G CAUCHI DA276/94/EVD	7
98:	TWO LOT SUBDIVISION - LOT 2 DP835694 993 BELLS LINE OF ROAD, KURRAJONG HILLS - APPLICANT: G GRANT & D M M ROGAN SA105/94/EVD	11
99:	PROPOSED USE OF EXISTING DWELLING AS A TOURIST FACILITY - GUEST HOUSE - LOT 10 DP605262 "YARRABEE" 41 WARKS HILL ROAD, KURRAJONG HEIGHTS - APPLICANT: MR P & MRS L NAYLOR DA303/94/EVD	13
100:	CARAVAN PARK AND BANK REGRADING - LOT 1 DP617232 AND LOT 201 DP632354 PITT TOWN BOTTOMS ROAD, PITT TOWN - MR WERNER DA119/93/EVD	17
101:	SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 13 DP25309 NO 7 PECKS ROAD, KURRAJONG HEIGHTS. APPLICANT: JOHN BOWDEN & CO (A CURRALL) SA115/92/EVD	22
102:	SUBDIVISION TO CREATE TWO LOTS - LOT 2181 DP620393 161 STANNIX PARK ROAD, WILBERFORCE - APPLICANT: R K CAMBRIDGE & CO (ROLF CAMBRIDGE) SA135/94/EVD	28
103:	BOUNDARY ADJUSTMENT 24 LOTS - LOTS 4 & 5 DP786671, LOT 1 DP781792, LOT 7 DP738354, LOTS 89 & 90 DP834019 & LOTS 22, 24, 26 - 29, 32 - 41 INCLUSIVE DP17870 GROSE VALE ROAD - APPLICANT: MCKINLAY MORGAN & ASSOCIATES P/L SA142/93/EVD	31
104:	AUSTRALIAN MUSHROOM GROWERS' ASSOCIATION - RESEARCH PROJECT TO UNDERTAKE BASELINE ANALYSIS OF ODOUR EMISSIONS FROM MUSHROOM COMPOSTING YARDS GA025/001 PT04	35

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

Meeting Date: 31 January 1995

Page 3

ITEM	SUBJECT	PAGE
105:	DRAFT DEVELOPMENT CONTROL PLAN - LOT 10 SECTION 7 LOT 1 DP89694 AND PART LOT 5 DP515306 NOS 4-8 WEST MARKET STREET, RICHMOND DCP002/92/EVD	36
106:	ADDITIONS TO SERVICE STATION - LOT 2 DP706131 1255 BELLS LINE OF ROAD, KURRAJONG HEIGHTS - APPLICANT: L & G GRAHAM DA125/94/EVD	39
107:	TREE REMOVAL - AGRICULTURE - LOT 19 DP28331 423 TERRACE ROAD - APPLICANT: MR M VELLA P2003/775/EVD	42
108:	EQUESTRIAN VILLAGE - CLARENDON LEP7/94 PT1/EVD	43
109:	DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 - HAWKESBURY NEPEAN RIVER (AMENDMENT NO 2) AND DRAFT CODES OF PRACTICE FOR DEVELOPMENTS WHICH REQUIRE CONSULTATION WITH AND CONCURRENCE OF THE HAWKESBURY NEPEAN CATCHMENT MANAGEMENT TRUST GT192/001/PT03/EVD	44
110:	DRAFT LOCAL ENVIRONMENTAL PLAN TO PROHIBIT THE BURIAL OF USED MOTOR VEHICLE TYRES LEP6/94/EVD	47
111:	DRAFT LOCAL ENVIRONMENTAL PLANS FOR MCGRATH ROAD/WINDSOR ROAD, MCGRATHS HILL AND 130 WINDSOR ROAD, MCGRATHS HILL LEP022/93 AND LEP004/94/EVD	48
112:	STUDY OF RIVERSTONE/VINEYARD SCHEDULE LANDS LEP17/90 PT2/EVD	50
113:	WILBERFORCE ABATTOIR - COMPLAINTS FROM NEARBY RESIDENTS - COMPLIANCE WITH CONDITIONS OF DEVELOPMENT CONSENT DA0052/94, P1102/560/EVD	52
114:	REDEVELOPMENT OF THE LAND SURROUNDING CLAREMONT COTTAGE AS A MEANS OF FUNDING ITS RESTORATION FOLLOWING FIRE DAMAGE GH020/033/EVD	56

GENERAL PURPOSE COMMITTEE - ENVIRONMENT**Table of Contents****Meeting Date:** 31 January 1995**Page** 4

ITEM	SUBJECT	PAGE
115:	POULTRY FARM EXTENSIONS - LOT 6 DP215575 53 WALLACE ROAD, VINEYARD - J XUEREB DA117/94/EVD	59
116:	TYRE LANDFILLS DA19/92/EVD	61
117:	STUDY OF RIVERSTONE SCHEDULED LANDS LEP17/90 PT2/EVD	62
118:	STATE ENVIRONMENTAL PLANNING POLICY NO. 44 - KOALA HABITAT PROTECTION GT070/006/EVD	64

******* END OF TABLE OF CONTENTS *******

ITEM: 96 HOBARTVILLE - DEFENCE HOUSING AUTHORITY
PROPERTIES**FILE NUMBER:** GT150/003 PT02/GMA**REPORT:**

There was a report to the November Meeting of the Council recommending that the Defence Housing Authority be given approval to their proposed traffic amenities, landscaping and other improvements to their properties and their public areas in Hobartville.

On the afternoon of the meeting correspondence was received from Ms Maggie Deahm MP, Federal Member for Macquarie indicating that there had been a meeting that afternoon with the Minister for Defence, Science and Personnel and a number of other people. As a result, the Minister had agreed that there should be further discussions between the respective parties and that he intended to personally take the issue up with the Deputy Prime Minister and would the Council defer its consideration of the matter. Accordingly, the matter was deferred.

Since there have been further discussions and the authority has now written, indicating that there is no viable solution to the precinct's redevelopment and accordingly the Council's approval is sought to enable the enhancement project to proceed. The Authority has been advised that no objection is raised to their undertaking improvement works in the open space areas of Hobartville as these in no way would hinder any option for action available to the Council, but only see improvement to public lands.

It appears that every avenue has been used to have the area redeveloped and there is little, if any, chance of this occurring in the short to medium term.

The Authority's proposals are to:

1. improve the road system to provide safer streets and a better road pattern for residents.
2. Improve parks and open spaces.
3. Improve streetscapes to provide more pleasant environs for residents and
4. refurbish existing housing facades to the street front and increase landscaping to front yards, including fencing to further improve the streetscape.

A recent letter has been received from the Authority and in part is as follows:

"In conjunction with the upgrade and sales programs, the Authority proposed to carry out a neighbourhood enhancement program to include supplementary street tree planting, parks and recreation area upgrades and traffic calming measures to enhance the amenity of the area. This program has been "on hold" whilst various redevelopment proposals for the Luttrell Street precinct were being considered.

As there appears to be no viable solution for the precinct's redevelopment, the Authority now seeks Council approval for the enhancement program to proceed. To facilitate this we would be pleased to meet with Council at the earliest opportunity, to present the proposal in detail with the view to obtaining concurrence for the works to proceed as soon as possible in the new year.

We trust that Council will give favourable consideration to this request and look forward to an early meeting to resolve the matter".

RECOMMENDATION:

That approval in principle be given to the Defence Housing Authority for their proposed landscaping and traffic improvements in the Hobartville area and these works be undertaken to the requirements and satisfaction of the Divisional Manager Engineering.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NAX.G01

**** END OF ITEM 96 ****

ITEM: 97

MOBILE PLANT MECHANICAL REPAIR BUSINESS AND ON-SITE REPAIR OF PLANT - LOT 101 DP806622 NO 46 RESERVE ROAD, FREEMANS REACH - G CAUCHI

FILE NUMBER: DA276/94/EVD

Owner: G & S Cauchi
Stat. Provisions: Hawkesbury LEP, 1989
Area: 6070m²
Zone: Rural 1(b)
Advertising: Fourteen days to adjoining owners on two occasions
Date Received: 10 October, 1994, further information submitted 5 December, 1994

Key Issues:

- ♦ Industrial use in a rural area
- ♦ Noise
- ♦ Size of proposed shed
- ♦ Visual

Action:

Refusal

Approval *Swansea*
Porsant

REPORT:

Proposal

To construct a 24.38m long x 12.19m wide x 3.65m high steel framed shed for a mobile plant mechanical repair business and to be used for mechanical repairs and servicing of plant that cannot be repaired in the field.

The shed is proposed to be clad in colourbond sheeting to the sides and zincalume roof cladding. There will be two doors in the front facing Reserve Road and the building is to be located in the northern corner of the site.

The applicant states most of the work is undertaken in the field however:

"on some occasions work will have to be carried out on the workshop premises eg engine, transmissions etc which will be transported on and off the premises by the service vehicle. If the complete plant item needs to be repaired it will be transported by either its own power or by truck and placed in workshop for repairs. This however, will not be on a day to day basis and noise and dust will be kept to a minimum.

It must also be stated that the majority of repairs carried out on the premises will be to small plant items with the majority being farm related diesel/petrol powered equipment."

The hours of operation are proposed Monday to Friday 7.30am to 5.00pm and Saturday 7.30am to 12 noon and no employees are proposed. It is proposed the planting will be undertaken in front of the building to screen this building from Reserve Road.

A crushed roof tile driveway is proposed from Reserve Road to the proposed shed. A site plan is attached at the rear of this report.

Site Characteristics & Environs

The subject land is irregular in shape, has an area of 6070m², and contains an existing timber framed dwelling on the southern side of the land.

The site is located in a rural area surrounded by a mixture of lot sizes with large lots to the north and rear and small lots between the site and Kurmond Road, along Reserve Road. The small lots generally only contain dwellings while the larger lots have a mixture of rural pursuits the majority being grazing.

Statutory Situation

The site is zoned as Rural 1(b) under Hawkesbury LEP, 1989 and a car repair station and a truck depot are permitted uses with Council's consent. These uses are defined as follows:

"car repair station" means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being -

- a. body building;
- b. panel beating which involves dismantling; or
- c. spray painting other than of a touching-up character;

"truck depot" means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

The objectives of the Rural 1(b) zone are as follows:

- a. to primarily provide for agricultural uses and animal establishments;
- b. to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;
- c. to prevent the establishment of traffic generating development along main and arterial roads; and
- d. to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earth works and access roads.

Community Response

The application was advised to adjoining owners on two occasions, firstly with the initial application and secondly when additional information was submitted. On both occasions two objections were received from adjoining owners as indicated on the plan of the area. A summary of the objections follows:

- carrying out of a business in a residential area will disturb the tranquillity of the street and may adversely affect property values;
- the size of the shed supports that large equipment will be conveyed to the premises on more than an occasional basis;
- shed will be obtrusive and dominant structure in an otherwise residential and rural area;
- proposal more suited to a designated industrial area;
- out of keeping with rural nature and zoning of the area;
- rain water run off will pollute property and dams with hydraulic and sump oils, degreases etc.
- concern over noise levels generated by type of work particularly the test running of overhauled engines and equipment.

Planning Assessment

The shed proposed is consistent with the type of buildings found in rural areas, however, is larger than could be expected on the land size of the site without any rural activity. The building has been sited as far away from the small lots along Reserve Road as possible.

Visual

The proposed shed and on site activities will be visible from Reserve Road and from adjoining sites and residences.

Noise

The repair activities and the coming and going of vehicles could be heard by adjoining residents and residents along Reserve Road, between the site and Kurmond Road. The construction materials of the shed and screen planting will do little to control any noise emitted from activities on the site.

Shed Size

The size of the shed proposed does seem excessive for "occasional use" as detailed in the application, however, the application also stated that there are one utility and three sedan cars housed on the site.

Conclusion

There is concern that on site repairs of plant and equipment could adversely affect the amenity of the area and the building size proposed could support an industrial type activity that would be out of character with the area.

RECOMMENDATION:

The application be refused for the following reasons:

1. the development proposed including the on site repair of plant and equipment is out of character with development on adjoining lands;
2. noise generated by on site repair of plant and equipment and traffic to and from the site could adversely affect the amenity of the area;
3. the proposal conflicts with the objectives of the Rural 1(b) zoning of the land under Hawkesbury LEP 1989; and
4. Due to the out of character nature and likely adverse impacts on the area, approval of the development would not be in the public's interest.

ATTACHMENTS:

AT-1 Site plan

AT-2 Plan of area

FN:EN131NAX.V04

**** END OF ITEM 97 ****

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 98

ITEM: 98

TWO LOT SUBDIVISION - LOT 2 DP835694 993 BELLS LINE OF ROAD, KURRAJONG HILLS - APPLICANT: G GRANT & D M M ROGAN

FILE NUMBER: SA105/94/EVD

Owner: G Grant and MM Rogan
Stat. Provisions: Hawkesbury LEP 1989
Area: 9.087ha
Zone: Environment Protection 7(d) Scenic
Advertising: Not required
Date Received: 15 September, 1994, additional information 24 October, 1994

Key Issues:

- ◆ Lot areas
- ◆ Access
- ◆ Environmental impact

Action:

Refusal

REPORT:

Proposal

The application is to undertake a two lot subdivision creating one lot of 6.7ha, containing the existing dwelling, with access off Bells Line of Road and the other lot of 2.4ha, with access off Stone Terrace, via an access handle.

The applicant advises the site is no longer viable for fruit trees and includes an Agricultural Consultant's Report supporting this argument. The applicant also submits many reasons why the subdivision should proceed as well as a detailed SEPP 1 objection.

Site Characteristics

The subject land contains 9.087ha and has a frontage to Bells Line of Road at the commencement of the steep climb to Kurrajong Heights and access to Stone Terrace via an access handle.

There is an existing dwelling "Loxley" on the proposed Lot 22 and Lot 21 is vacant. The vacant Lot 21 is steep (about 1 in 4 average) and the proposed access even steeper. Access to the subdivision is considered unsatisfactory.

Statutory Situation

The 7(d) zoning of the land allows subdivision into 40ha lots under Clause 11(2)(a). The SEPP 1 submission largely states better land management to justify the approval of a 2.4ha lot. A subdivision, however, would not guarantee this in the future as land management depends on current and future owners.

Planning Assessment

The proposal is not supported in this 40ha and would be a precedent for other landowners in the area with lots under 80ha. The 40ha requirement was to preserve existing lots and reduce the number of buildings on the escarpment.

Access to the new lot would need the removal of some trees and vegetation as well the construction of a dwelling and associated buildings.

The subdivision is contrary to the objectives of the 7(d) zoning in HLEP, 1989.

RECOMMENDATION:

The application be refused for the following reasons:

1. The proposed subdivision does not conform to the subdivision requirements for the Environmental Protection 7(d) Scenic Zoning of the land under Hawkesbury Local Environmental Plan, 1989, (Clause 11(2)(a)).
2. The proposed subdivision conflicts with the general objectives of the Environmental Protection 7(d) Scenic Zoning of the land.
3. Approval of the subdivision could be used as a precedent to have other subdivisions with non complying areas approved by Council.
4. Approval of the subdivision could adversely affect the environment, the amenity of the area and the scenic and landscaped quality of the area.
5. Access to the proposed Lot 21 is not satisfactory.
6. Because of non compliance with Hawkesbury Local Environmental Plan, 1989, likely adverse affect on amenity, environment, scenic and landscape quality and steep topography, approval would not be in the public's interest.

ATTACHMENTS:

AT-1 Site Map

FN:EN131NAX.V11

**** END OF ITEM 98 ****

Statutory Situation

The 7(d) zoning of the land allows subdivision into 40ha lots under Clause 11(2)(a). The SEPP 1 submission largely states better land management to justify the approval of a 2.4ha lot. A subdivision, however, would not guarantee this in the future as land management depends on current and future owners.

Planning Assessment

The proposal is not supported in this 40ha and would be a precedent for other landowners in the area with lots under 80ha. The 40ha requirement was to preserve existing lots and reduce the number of buildings on the escarpment.

Access to the new lot would need the removal of some trees and vegetation as well the construction of a dwelling and associated buildings.

The subdivision is contrary to the objectives of the 7(d) zoning in HLEP, 1989.

RECOMMENDATION:

The application be refused for the following reasons:

1. The proposed subdivision does not conform to the subdivision requirements for the Environmental Protection 7(d) Scenic Zoning of the land under Hawkesbury Local Environmental Plan, 1989, (Clause 11(2)(a)).
2. The proposed subdivision conflicts with the general objectives of the Environmental Protection 7(d) Scenic Zoning of the land.
3. Approval of the subdivision could be used as a precedent to have other subdivisions with non complying areas approved by Council.
4. Approval of the subdivision could adversely affect the environment, the amenity of the area and the scenic and landscaped quality of the area.
5. Access to the proposed Lot 21 is not satisfactory.
6. Because of non compliance with Hawkesbury Local Environmental Plan, 1989, likely adverse affect on amenity, environment, scenic and landscape quality and steep topography, approval would not be in the public's interest.

ATTACHMENTS:

AT-1 Site Map

FN:EN131NAX.V11

**** END OF ITEM 98 ****

FN:EN131NAX.V11

SECTION A

Page 12

Advertising

As a result of advertising, two objections were received from the owners of 37 and 39 Warks Hill Road (to the east and downhill from the site). The points of objection are as follows:-

- . loss of privacy
- . increased traffic on Warks Hill Road
- . parking area is too close to objector's property (especially living areas) with associated noise and fumes)
- . parking area is unsafe due to slope
- . adequacy of septic tank if approved
- . development is prohibited within zoning
- . property devaluation
- . tree clearing
- . will encourage parking on Warks Hill Road which would be unsafe

Planning Assessment

Relationship to adjoining land

It is possible to view other properties from the site, however because of the topography of Kurrajong Heights this is the case with virtually all properties. An important consideration is that there are no external changes to the existing dwelling (except for the addition of two small ensuites) which would alter the extent to which adjoining properties are overlooked.

Parking area/access

The plans indicate a parking area for four (4) vehicles along the eastern boundary. To utilise this area would result in the removal of shrubs which presently screen the adjoining residence, no. 39 Warks Hill Road.

The matter has been discussed on-site with the applicant and it has been agreed that the shrubs can be retained and still provide for on site parking for three (3) vehicles utilising an existing car space and a garden bed which does not contain any significant shrubs. This parking provision is more than adequate given that it is already possible to park two cars in the driveway at the front of the dwelling (without blocking access) with a third parking place being available in a carport towards the rear of the dwelling.

This redesign of the car park should alleviate the concerns of the adjoining residence.

Effluent Disposal

The site has an area of 4,131 square metres (approximately 1 acre) and there is an existing absorption trench at the rear of the dwelling. With the site area available for disposal, there should be no requirement for a pump out disposal system. Accordingly, this matter can be satisfactorily addressed at the building application stage.

Amenity/Devaluation

A reasonably small scale "home stay" type guesthouse of the type proposed should not have any adverse affect on the amenity of the area and accordingly should not result in any devaluation of adjoining properties. As acknowledged by one objector, Kurrajong Heights has several guest houses operating in positions that don't appear to offend any neighbouring owners. This includes the "Trellises" guest house just down Warks Hill Road which is larger and similarly located within a Residential 2(a) zone.

There are no external changes to the existing dwelling with the exception of a small addition for 2 bathroom ensuites. The existing car park and access is already substantially in place, with a small additional area required. The car park can be constructed so as to retain existing shrubs.

RECOMMENDATION:

A. The application be approved subject to the following conditions:-

1. The development is to be generally undertaken in accordance with the plans and description provided to Council with the development application except where specifically varied by these conditions.
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 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. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
5. 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.
6. Parking shall be provided for an additional three (3) vehicles utilising the existing parking space on the eastern boundary and the existing garden bed generally along that section of the boundary which is fenced. All of the screen shrubs between the two houses are to be retained. Drainage is not to be concentrated onto adjoining property. Full details are to be submitted for approval with the building application.
7. Cars are to park nose to the fence so as to direct exhaust fumes away from the adjoining property.

8. The driveway and parking area shall be constructed of pavers or earth toned concrete or the like.
9. Construction of Council's standard heavy duty footway vehicular crossing to suit access to the site.
10. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
11. 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.

B. The objectors be advised of this resolution.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NAX.V19

****** END OF ITEM 99 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 100

ITEM: 100

CARAVAN PARK AND BANK REGRADING - LOT 1 DP617232
AND LOT 201 DP632354 PITT TOWN BOTTOMS ROAD - PITT
TOWN - MR WERNER

FILE NUMBER: DA119/93/EVD

Owner: Mr & Mrs Werner
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Area: 10.8ha
Zone: Environmental Protection (Scenic) 7(d1)
Advertising: Advertised with eight previous submissions objecting
Date Received: 19 May 1993; additional information 20 October 1994

Key Issues:

- ◆ Flooding
- ◆ Amenity
- ◆ Evacuation
- ◆ Extraction

Action:

Refusal

REPORT:

This matter was reported to, and considered by, Council at its General Purpose Committee Meeting on 26 April 1994 and again at the Ordinary Meeting on 10 May 1994 where it was resolved that the application be withdrawn. This withdrawal was on the basis that the applicant sought to make some further investigation as to the legalities of the matter.

The proposal is made to provide a 50 site caravan park with amenity buildings, riverbank regrading and car parking. The proposal also provides for the removal of sand/soil from the riverbank.

As mentioned, the matter was reported to Council's General Purpose Committee Meeting on 26 April 1994, concluding that the application for the caravan park was deficient in many matters and recommended refusal for the following reasons:

1. An extractive industry from the property is prohibited.

The subject property is significantly flood affected and the proposal does not provide adequate evacuation procedures in times of flood.

The amenity building is prohibited being below the 1:10 year flood frequency.

4. The adverse impact of caravan parks within floodways.
5. Not in the public interest.

With respect to the applicant's further investigations, correspondence has been received providing comments in response to the recommended refusal reasons, which reads in part:

- "1. *It is conceded that extractive industries from the property are prohibited in terms of the requirements of Hawkesbury Local Environmental Plan, 1989. However, it is too simplistic to just make reference to the bank restoration as an extractive industry. True it could be classified as such should that be the prime or only purpose of development on the property. However, it must be looked at in conjunction with the prime purpose of the development proposal, ie the caravan park. If it is conceded that a caravan park in this locality is a reasonable land use and that inhabitants of the park are attracted to the river and its environs, then it is reasonable to expect the provision and maintenance of safe and useable river access.*

It is reiterated that the proposal is for a caravan park and there is no intention to undertake the bank restoration and removal of any material from the site without the establishment of the caravan park.

As there is to be considerable filling of the land upon which the caravan park will be located, it is essential that bank regrading commence prior to construction of the park ...

2. *It is conceded that the properties are affected by flooding ... the applicant proposes to have in place a Flood Evacuation Management Plan and such a plan would be in place and could be conditioned to Council's and possibly the State Emergency Service's satisfaction prior to issue of final development consent.*

Other caravan parks in the locality, to our knowledge, do not have such plans and nor do they have available sites in the locality of a flood free nature upon which to place vans in times of flood. All of this is available to the applicant of the subject proposal.

3. *The reference to buildings being prohibited below the 1:10 year flood frequency level is no longer applicable in Hawkesbury LEP, 1989. The replacement clause, however, is probably more onerous and it is conceded that the amenity building does not meet the required provisions of Clause 25(2) of the LEP. That is, the proposed building is lower than 3m below the "floor height standard" now indicated in the LEP.*

There are two methods by which this could be overcome. The first is for Council to support an objection under State Environmental Planning Policy No. 1 to the "floor height standard" minus 3m requirement. In this respect, it is believed that the standard is unreasonable and unnecessary in the circumstances of this case, as clearly there is a conflict where caravan parks on the one hand are allowable on flood land, whereas on the other hand amenities buildings that are inevitably associated with caravan parks are prohibited. Clearly, a building can be designed and constructed to withstand immersion and debris loading and therefore the objective of the clause is believed to be unwarranted. Alternatively, amenities could be provided of a transportable nature.

However, this is not the preferred option and obviously would not be as appropriate to caravan park inhabitants as would more permanent and structured facilities.

The other way of overcoming this, of course, is by an amendment to the Local Environmental Plan either in respect of the specific property to allow amenities buildings in association with the caravan park, or as a more all embracing amendment to the Local Environmental Plan to allow amenities buildings, farm buildings, etc on flood liable land which clearly are required for a number of flood prone land uses. It is the preferred and most expeditious option to deal with this particular application under the provisions of SEPP1.

4. *No information is given to the reason for this suggested refusal, except within the officer's report where the following is indicated:*

"Notwithstanding that existing caravan parks are operating along the river, it is considered that the cumulative impact of additional caravan parks will exacerbate evacuation and flood debris in times of flood."

Obviously, all additional development will have some impact. The aim, however, is to minimise this impact which the proposal, because of its Flood Evacuation Plan etc, does attempt to do. With the site properly evacuated, then the only buildings that would be left on the floodplain would be those permanent structures which, no doubt, because of conditions of Council's consent, would be designed to withstand inundation. However, there are no guarantees that the proposal will not cause some adverse impact in this respect. However, it is not believed to be significant and such as should suggest warranting refusal of the application. Additionally, if it was of real concern to Council, then its Local Environmental Plan should be altered so that caravan parks are no longer permissible. This course would cause other adverse affects, particularly in terms of accommodation and local economy and would probably be politically unacceptable.

5. *We assume that the public interest questions are from the points raised by objectors to the proposal when it was advertised by Council. Suffice to say that the objections indicated within Council's Business Paper are either matters that can be ameliorated with conditions of consent and subsequent performance criteria of the applicant, or are matters which are not based on any objective premise ...*

Conclusion

The applicants realise that there are a number of matters which require further fine tuning. In this respect, Council's consent is sought to an "in principle" approval pursuant to the provisions of Section 91 AA of the Environmental Planning and Assessment Act 1979. The mechanism of this section allows Council to grant consent to the principle of a proposal with detailed matters to be the subject of further submissions and approval. In this way, Council maintains control of the application. If, subsequently, it is seen that the more detailed matters cannot be adequately addressed, then the formal final development consent is not issued.

It is believed that Council should issue this "in principle" consent and request the details of matters such as water supply, effluent treatment, design of buildings within the floodplain etc to be matters which require further assessment and approval ...

Matters such as these require expenditure of significant moneys on expert consultants etc. In the past, it was the unfortunate position that applicants were required to prove their case from the outset, often to no avail. Section 91 AA now allows an applicant to indicate, prima facie, that an application is appropriate. We believe that this is the case and request Council support with the knowledge that further detailed investigations are required."

Planning Assessment

Riverbank Regrading

With respect to riverbank regrading, information supplied indicates that the volume of material to be cut exceeds the volume to be used on-site. Removal of material from the site is prohibited under Council's planning scheme. The Public Works Department had been notified of the proposal and have stated that, "The development application by the proponent is a different proposal to that discussed on-site".

Whilst providing a safe and useable river access, it is considered that due to its location the works carried out are not integral to the park. Caravan parks can be established without the need for riverbank regrading. In 1986 and 1989, proposals involving riverbank regrading and sand extraction respectively were made. However, these were rejected on the basis that river disturbance may have a long term impact on the stability of downstream riverbanks and may change the hydraulic flow of the river. Although an individual proposal may have a low impact, the cumulative impact of a number of similar proposals along the river may have adverse consequences.

Evacuation

Notwithstanding that caravan parks are permissible within flood liable land, it is considered that they should not be encouraged in severe flood affected areas. The highest point on the subject land is 10.2m (AHD). In this respect, the land is affected by the 1 in 5 year flood frequency level being 10.9m (AHD).

With respect to the removal of caravans in times of flood, the applicant has not indicated where the caravans will be stored. Further, it is considered that additional traffic during evacuation times will impede rescue attempts for other residents in the area.

Flooding Legislation

As previously mentioned, the property is flood liable and is subject to Clause 25 of Council's LEP. The LEP states that 'a building shall not be erected on any land lying ... at a level lower than 3m below the floor height standard for the area in which the building is to be located'. In this instance, the floor height standard measures 15.9m (AHD) and as the highest point is 10.2m, clearly the amenities building does not comply. To overcome this, an objection under SEPP1 is to be considered. This is not supported due to reasons mentioned within this report.

By amending the LEP, this would establish a cumulative effect for similar amendments, thereby exacerbating damage and flood debris in times of flood. As mentioned within the applicant's supporting submission, "Obviously, all development will have some impact." At this stage, it is considered too simplistic to say that the Flood Evaluation Plan will overcome this. Because of the uncertainty of flood waters and the proximity to the river, caravan parks, per se, should be considered on their merits. In this particular instance "there are no guarantees that the proposal will not cause some adverse impact".

Public Interest

The objectors' concerns were raised within the GPC report dated 26 April 1994. These are matters which when considered may affect the amenity of the area. A 50 site caravan park as proposed is within the public's interest and in this respect, it is considered that not all conditions would overcome issues previously mentioned.

Conclusion

It is considered that the current proposal is deficient in a number of matters including those mentioned above. An "in principle" approval is sought under planning legislation, however for reasons stated above, by virtue of its location, the application is not supported.

RECOMMENDATION:

The application be refused for the following reasons:-

1. The applicant's SEPP1 objection is not supported.
2. An extractive industry from the property is prohibited.
3. The subject property is significantly flood affected and the proposal does not provide adequate evacuation procedures in times of flood.
4. The amenity building is prohibited, being more than 3 metres below the floor height standard under Hawkesbury Local Environmental Plan, 1989.
5. The adverse impact of caravan parks within floodways.
6. Not in the public interest.
7. Not consistent with the objectives of the 7(d1) Environment Protection (Scenic) Zone.
8. Not consistent with the aims and objectives of Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.

ATTACHMENTS:

AT-1 Site map

FN:EN131NAX.V21

**** END OF ITEM 100 ****

ITEM: 101

SITE INSPECTION

SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 13
DP25309 NO 7 PECKS ROAD, KURRAJONG HEIGHTS.
APPLICANT: JOHN BOWDEN & CO (A CURRALL)

FILE NUMBER: SA115/92/EVD

Owner: Kemeta Pty Ltd
Stat. Provisions: Hawkesbury LEP, 1989
Deferred commencement approval
SEPP 1 - Development standards
Area: 1992m²
Zone: Residential 2(a)
Advertising: Adjoining owners notified with three (3) submissions received
Date Received: 23 July, 1992

Key Issues:

- ◆ Non-compliance with HLEP, 1989
- ◆ Disposal of effluent
- ◆ Amenity
- ◆ Deferred Commencement

Action:

Deferred Commencement Approval with conditions.

REPORT:Proposal

Council is in receipt of an application proposing to subdivide the property into two regular shaped allotments with areas of 1000m² and 992m². Both of the lots will be vacant and cleared of any significant vegetation.

Council has previously considered a battle-axe type subdivision of the property. This was, however, unsatisfactory due to erosion and slip constraints along with effluent disposal. The applicant had the matter deferred to enable a revision of the proposal.

The deferred commencement approval is recommended to allow the applicant to provide additional information with certainty of the subdivision proceeding.

Statutory Situation

The property is zoned Residential 2(a) under the provisions contained in Hawkesbury LEP, 1989, Clause 12(1)(b) of HLEP applies in this instance as the site is not serviced by reticulated sewerage and requires that allotments have a minimum area of at least 1000m².

Proposed Lot 100 has an area of 992m². This is 8m² or 0.8% below the requirement. Consequently, the applicant has submitted an objection pursuant to SEPP 1, claiming that compliance with the standard is unreasonable and unnecessary for the following reasons:

- the departure required is very minor
- hydrological and geotechnical studies indicate that the site can accommodate the on-site disposal of effluent
- staggered building envelopes are provided

Submissions

Three submissions were received objecting to the subdivision on the following grounds:

- the street will be altered creating a 'city style' development,
- allotments are too small,
- Pecks Road is too narrow,
- the proposal is not sympathetic to the aesthetics of the locality,
- disposal of effluent,
- lack of parking, and
- a natural water course traverses the property.

Planning Assessment

The subject property is an irregular shaped allotment with an area of 1992m² having frontage to Pecks Road at Kurrajong Heights. The property is presently vacant, and slopes relatively steeply down from Pecks Road to a natural drainage depression with traverses the property from north to south. The site is predominantly cleared of significant vegetation, however, is grassed. Properties in the vicinity of the subject site are zoned Residential 2(a) and are either vacant or developed with single residences or are vacant. Further, a public reserve adjoins the southern property boundary.

Disposal of Effluent

The applicant proposes to dispose of effluent by way of an Ecomax System. This system is relatively new in NSW and treats effluent to a standard suitable for discharge into the stormwater system by passing the sewage wastewater through a filter. Supporting documentation has been submitted which indicates that the removal of phosphorous, nitrogen, ammonia, BOD, suspended solids and odour are above acceptable levels. This system has undergone extensive trials in Western Australia whilst the Water Board has undertaken an evaluation at Valley Heights in the Blue Mountains.

The disposal system will need to be licenced by the Environmental Protection Authority. The applicant has not indicated the path of the treated wastewater. These issues need to be addressed prior to approval finally issuing and form part of the deferred commencement conditions.

Urban Capability

The property is subject to the report prepared by the Department of Conservation and Land Management into the Urban Capability of Kurrajong Heights. This survey places the site into two categories, both of which have severe physical limitations. This proposal outlines building envelopes which are located on land which demonstrates high to extreme soil erodibility and very high erosion hazards. Building is possible however, provided geotechnical surveys and strict engineering controls are implemented.

The application was accompanied by a geotechnical report which concluded that provided suitable measures are implemented, the lots can be developed. The report did not however, examine the impact of wastewater generated from the Ecomax System. This can be addressed as part of the deferred commencement conditions.

Amenity

The proposed allotments will be of sufficient size to allow future residents adequate amenity. Although narrow lots will occur, suitable design of future dwellings will ensure an adequate appearance. Although the building envelope on the northern most allotment is setback only 3.0m, the nature of the area, with the property setback well from the road pavement, is such that this will be adequate.

It is not considered that adjoining properties will be significantly affected by this subdivision.

Objectives of the zone

The site is zoned Residential 2(a) which has the following objectives:

- "a. to provide for housing and associated facilities in locations of high amenity and accessibility;
- b. to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and
- c. to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services."

This proposal is not contrary to any objective of the zone.

Traffic

The subdivision will not generate traffic beyond the capacity of the local road network. Although Pecks Road has a sealed pavement of only 5m, this is adequate for the traffic generated in the area. Information contained within the RTA guidelines suggests that additional traffic will be limited to 6.7 vehicles per day.

Because of the limited setback, care will need to be taken with the design of the dwelling on the northern most lot to ensure that vehicles can enter and leave the site in a forward direction. This can be conditioned.

Conclusion

The subdivision is considered reasonable and should be supported as a deferred commencement approval.

RECOMMENDATION:

- A. That the SEPP 1 objection be supported.
- B. That the deferred commencement approval be granted subject to the applicant satisfying the Divisional Manager of Environment and Development in relation to:
 - the urban capability of the site is not adversely affected by the disposal of effluent on site by way of an Ecomax System
 - the path of water from the Ecomax System will not adversely affect adjoining or downstream properties by way of excess treated water
 - the Ecomax System is licenced by the Environment Protection Authority.
- C. Upon satisfying the requirements outlined above, consent be granted subject to the following:
 - 1. The subdivision shall be in general accordance with the submitted plan number 21547/02 dated 25 May, 1994.
 - 2. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
 - 3. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
 - 4. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.

5. Payment of a linen release fee of \$180.00. This amount is valid until 30 June, 1995.
6. (a) The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder over the frontage of proposed Lots 100 and 101 extended as necessary to include the existing vehicular access together with any such works as are necessary to make this construction effective.
7. Construction of the 'existing vehicular access' to the north western boundary of the land with a concrete driveway a minimum of 2.5m wide, 150mm thick, reinforced with F82 mesh together with the construction of Council's standard residential layback crossing and adjoining sealed should. Such works to retain the existing access to Lot 12 DP25309.
8. Piping of existing watercourses within the property extended to the existing drainage outlet within Lot 18, DP248636 and the creation of necessary easements free of cost to Council.
9. Construction of works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
10. A design checking and inspection fee of \$250.00, must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June, 1995.
11. The creation of a restriction as to user pursuant to Section 88B of the Conveyancing Act requiring the following:
 - an Ecomax Septic System shall be installed on each allotment in accordance with the report and plan by Ecomax dated 13 September, 1994, together with any amendments required as a consequence of further studies.
 - the leach drains associated with the septic system shall be located above the 1 in 100 year storm path.
 - samples of the leached water being taken annually and analysed by a NATA registered laboratory for total phosphorous, total nitrogen, ammonia, nitrogen, BOD, pH, faecal coliforms and suspended solids. The results of analysis shall be forwarded to Council within thirty (30) days of the sample being taken.
 - leach drains being altered or replaced when required by Council.
 - building envelopes being provided in accordance with Plan No 21547/02 dated 25 May, 1994.

- vehicles using proposed Lot 100 must be able to enter and exist the accessway in a forward direction.

13. A contribution of \$3275.00 being the contribution for recreational buildings, park improvements and community facilities as a consequence of the subdivision of land. This amount is valid to 30 June 1995.

ATTACHMENTS:

AT-1 Site map

FN:EN131NAX.V23

****** END OF ITEM 101 ******

ITEM: 102

SUBDIVISION TO CREATE TWO LOTS - LOT 2181 DP620393 161
STANNIX PARK ROAD, WILBERFORCE - APPLICANT: R K
CAMBRIDGE & CO (ROLF CAMBRIDGE)

FILE NUMBER: SA135/94/EVD

Owner: C C Borrett
Stat. Provisions: Hawkesbury LEP 1989
State Environmental Planning Policy No. 1 - Development Standards
Area: 18.87ha
Zone: Rural 1(b)
Advertising: Not required under Council policy
Date Received: 2 November 1994

Key Issues:

- ◆ Non compliance with Hawkesbury LEP

Action:

Refusal

REPORT:**Proposal**

Council is in receipt of an application which proposes to subdivide the subject property into two lots with areas of 10ha and 8.87ha. The smaller lot will contain a dwelling house, an outbuilding and two dams. The larger lot will be vacant.

Council considered SA268/90 at its Ordinary Meeting held on 12 February 1991. That proposal was almost identical to that presently before Council and was refused on the following ground.

- "1. The subdivision is not in compliance with the 10 (ten) hectare minimum lot subdivision size requirement for land zoned Rural 1(b), in accordance with the provisions of Hawkesbury Local Environmental Plan, 1989."

Statutory Situation

Hawkesbury Local Environmental Plan, 1989 requires that allotments within the Rural 1(b) zone have a minimum area of 10ha. The smaller lot at 8.87ha is 1.13ha or 11.3% below the requirement. The applicant has submitted an objection pursuant to SEPP1 claiming that compliance with the standard is unreasonable for the following reasons:-

- the subdivision will result in development that complies with the objections of the zone.

Should Council decide to support the proposal, the concurrence of the Director of the Department of Planning is required to approve the application.

Planning Comment

The proposed smaller lot is well below the minimum requirement and certainly outside the variation Council is empowered to approve.

The land is currently characterised by a varied surrounding lot pattern with parcels ranging in size from 8ha to 62ha. Only 2 adjacent lots fall below the 10ha minimum requirement.

With respect to the SEPP1 objection, the applicant relies on compliance with the objectives of the zone which read as follows:-

- (a) to primarily provide for agricultural uses and animal establishments;
- (b) to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;
- (c) to prevent the establishment of traffic generating development along main and arterial roads; and
- (d) to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads.

Council must consider the wider ramifications of its decisions. Should support for this proposal be provided, other similar applications will surely follow. The cumulative effect of these decisions would be such that significant impact and burden on facilities would eventuate. For this reason, the application should not be supported.

RECOMMENDATION:

- A. The SEPP1 objection not be supported.
- B. The application be refused for the following reasons.
 - 1. The proposal is below the minimum allotment size outlined in Hawkesbury LEP 1989.
 - 2. Support would create an undesirable precedent.
 - 3. The application is contrary to the objectives of the zone.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: **102**

ATTACHMENTS:

AT-1 Site map

FN:EN131NAX.V24

****** END OF ITEM 102 ******

ITEM: 103

BOUNDARY ADJUSTMENT 24 LOTS - LOTS 4 & 5 DP786671,
LOT 1 DP781792, LOT 7 DP738354, LOTS 89 & 90 DP834019 &
LOTS 22, 24, 26 - 29, 32 - 41 INCLUSIVE DP17870 GROSE VALE
ROAD - APPLICANT: MCKINLAY MORGAN & ASSOCIATES P/L

FILE NUMBER: SA142/93/EVD

Owner: Kemsley Pastoral Company
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
SEPP 1
Community Titles Legislation
Area: 266.8ha
Zone: Rural 1(b)
Advertising: Forty eight adjoining owners notified with one submission received
Date Received: 6 October 1993

Key Issues:

- ♦ Fragmentation of rural land
- ♦ Provision of rural residential lots

Action:

Approval

REPORT:

Council, at its Ordinary Meeting of 10 July 1990, resolved to support in principle a similar proposal for a boundary adjustment in relation to Kemsley Down and that the matter be further reported with appropriate recommendations aimed at preserving an adequate unfragmented area for future urban expansion.

Proposal

Application is made to carry out a boundary adjustment/relocation involving 24 existing allotments.

The applicant has submitted supporting documentation with the application and reads in part:-

The proposal is to relocate 20 of these allotments to compliment the existing 1ha development adjacent to Bells Road, with 2 large residue lots in the remainder of the property.

In our submission of 15 June 1990 argument was made as to the area of the property being less suitable for residential development in comparison to the eastern section, and in this regard a council resolution supported this at the meeting of 10 July 1990 a copy

of which is enclosed. Since that time application has been made to rezone further lands adjoining the existing residential area, such as to allow residential development, as before, the availability of services is the factor which prohibits this form of development at this time and on recent advice to at least the year 2002.

A further application to relocate some of the existing allotments being SA142/93 was deferred due to inconsistencies in the interpretation of the LEP clause to allow such relocation.

Application is made to amend SA142/93 in accordance with the accompanying plans such as to create a community title subdivision of 20 Rural Residential allotments with an approximate size of 1ha together with a neighbourhood lot of 13ha, and in addition two residue lots of 89ha and 123ha respectively, it is further proposed to adjust the eastern boundary of lot 90 DP834019 being a minor adjustment.

It is proposed, as discussed to seek an amendment to LEP 1989 to rezone lots 23 and 24 to an appropriate minimum subdivision standard to prohibit further subdivision until such time that services would allow the previous proposal, and support expansion of the North Richmond Village into these areas.

This application is supported by an objection under SEPP No.1 in regard to the existing standard for allotment size being 10ha within this zone.

In support of this objection the following comments are made:-

- 1. The intent of the existing 10ha zone is to allow for future expansion of the adjoining village area. The existing subdivision pattern which was established in 1914 did not have regard to surface detail or topographic and environmental consultants. The existing allotments vary in size from 1.3ha to 19.8ha, and should these allotments be sold in their existing form, the land would be fragmented for future development, and may not achieve this objective.*
- 2. The creation of the two large residue lots would provide for*
 - a) The future residential expansion for North Richmond in one parcel.*
 - b) The preservation of these lands for large scale agricultural use for some time.*
- 3. The intent of the community title development is to preserve as private open space the existing dams and water courses which form a significant part of the keyline system and which in years to come may well be lost. It is proposed to make use of their water storage systems and to provide for a reticulated supply of non potable water to the lots within this scheme. The plan as proposed allows for the integrity of the creek and the associated vegetation to be unaltered.*
- 4. The proposal compliments the neighbourhood lots created in SA25/94 providing in total some 18ha of private open space.*

5. *The average allotment size of 1.7ha is not substantially different from development in adjoining lands.*

Statutory Situation

The application can be approved under Council's planning scheme and the Community Titles legislation. The applicant's SEPP No.1 objection is supported.

The proposal conforms with draft provisions in "Our City Our Future" that the Council consider average lot sizes rather than minimum lot sizes.

It is considered that a Draft Local Environmental Plan be prepared over the two large residue lots (proposed Lot 23 & 24) which would prohibit further subdivision. This proposal has merit in eliminating fragmentation from the existing and viable dairy farm.

Public Submissions

Forty-eight adjoining owners were notified of the proposal with one submission being received from Mr R Coulton of Redbank Road. Upgrading of Redbank Road and the quality of water for irrigation were expressed as concerns should the proposal be approved.

Planning Assessment

The subject land is benefited by the existing entitlement to subdivision by boundary adjustment. The proposal has merit as the existing allotment layout is capable of further development such as dual occupancy thereby creating unfavourable potential for agricultural uses.

Within the applicants submission reference was made to retain the large residue lots (proposed lots 23 & 24) for future residential development until such time that services could support an expansion of the North Richmond Village. There is no certainty that this will occur in the near future.

RECOMMENDATION:

That approval be granted subject to:-

- A. The applicant's SEPP No. 1 objection be supported.
- B. Council support the preparation of a Draft Amendment to the LEP restricting further subdivision for proposed Lots 23 & 24.
- C. Upon receipt of the concurrence of the Department of Planning, the 24 lot boundary adjustment be approved subject to:
 - a. The 24 Lot Community Title subdivision shall be carried out generally in accordance with plans referenced Plan No. 2 & 3 referenced 87883 dated 14 September 1994.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 103

- b. The submission of a Subdivider/Developer Certificate (a Certificate under Part 3, Division 2, Section 27 of the Water Board Act, 1987).
- c. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
- d. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
- e. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
- f. Payment of a linen release fee of \$1,060 (one thousand and sixty). This amount is valid until 31 December 1995.
- g. Construction of a 3.5m wide compacted crushed rock pavement and any necessary drainage along the access strip and across the footway to lots together with any necessary drainage. The maximum grade is to be 1 in 6.

ATTACHMENTS:

AT-1 Site map

FN:EN131NAX.V29

**** END OF ITEM 103 ****

ITEM: 104**AUSTRALIAN MUSHROOM GROWERS' ASSOCIATION -
RESEARCH PROJECT TO UNDERTAKE BASELINE ANALYSIS
OF ODOUR EMISSIONS FROM MUSHROOM COMPOSTING
YARDS****FILE NUMBER:** GA025/001 PT04**REPORT:**

The Australian Mushroom Growers' Association have advised that they are undertaking a \$90,000 study to assess odour emissions at various stages of mushroom composting, and using different techniques of compost production.

The study proposes to use the three mushroom composting operations in the Hawkesbury area to:

1. Determine baseline emissions from existing compost yards to enable demonstration of future changes and improvements;
2. Measure emissions from three compost yards and a range of production methods and stages to compare results;
3. Determine ambient odour levels around the three compost yards to establish whether there are other sources contributing to local odour loads.

The report is to be completed by February 1995 and is to be undertaken by the Centre for Waste Water Management, University of New South Wales.

The project should establish important baseline information on odour emissions and the Australian Mushroom Growers' Association are to be congratulated for their initiative in commissioning the work.

RECOMMENDATION:

The information concerning the research project to assess baseline odour emissions at Mushroom Composting operations in the Hawkesbury area be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V01

**** END OF ITEM 104 ****

 **ITEM: 105**

DRAFT DEVELOPMENT CONTROL PLAN - LOT 10 SECTION 7
LOT 1 DP89694 AND PART LOT 5 DP515306 NOS 4-8 WEST
MARKET STREET, RICHMOND

FILE NUMBER: DCP002/92/EVD

REPORT:

At its meeting of 13 October, 1992, Council approved an application to erect a building on Lot 1 DP89694 No 6 West Market Street, for the retail sale of toys. Also at this meeting, Council resolved to prepare and exhibit a development control plan (DCP) for No.s 4, 6 and 8 West Market Street, the objectives of the plan being:-

- a. to maximise the provision of car parking on the land;
- b. to provide a more efficient flow of traffic through the proposed car park; and
- c. to ensure a better streetscape in West Market Street.

The draft plan was exhibited in accordance with Clause 72(2) of the Environmental Planning and Assessment Act, 1979 and Clause 17 of the Regulations, 1980.

An objection was lodged on behalf of the owners of No 8 West Market Street and Council, at its Meeting of 8 December, 1992 resolved that the Draft Development Control Plan for West Market Street, Richmond be deferred pending further discussions with Mr C Durrington, the owner of No 4 West Market Street.

Mr Durrington was interviewed again and has no objections to the DCP over his land provided it did not affect him continuing to live in his home. It was explained that the principles of the DCP would not be implemented until such time as he or some future land owner decided to develop the property.

In view of the objections from No 8 West Market Street, it is recommended this property be excluded from the DCP and future development of that site will be assessed on its merits in regard to off street parking and access to the property. Access, in the future, to the rear yard for parking and unloading facilities could be achieved in one of the following ways:

1. access from West Market Street;
2. access from No 4-6 West Market Street by arrangement with those owners; or
3. access from Council's rear parking area with payment of suitable contributions for loss of parking spaces.

Under Clause 20(1) of Regulations, the Council:

- a. may approve the plan in the form in which it was publicly exhibited;

- b. may approve the plan with such alterations as the Council thinks fit; or
- c. may decide not to proceed with the plan.

It is therefore recommended that Council approve the plan with alterations, being the deletion of No 8 West Market Street from the DCP.

RECOMMENDATION:

- 1. Council approve the Development Control Plan 2/92 as set out in the following document and accompanying plan:

**DEVELOPMENT CONTROL PLAN
NO'S 4 AND 6 WEST MARKET STREET, RICHMOND**

DCP 2/92

Land Description

This Development Control Plan applies to the following Land:

Lot 10 Section 7 (No 4)
Lot 1 DP89694 (No 6)

Local Environmental Plan

Hawkesbury Local Environmental, 1989, applies to the subject land.

Objectives of the Development Control Plan

The objectives of the Plan are:

- a. to maximise the provision of car parking on the land;
- b. to provide a 6 metre wide two way access to the rear parking areas; and
- c. to ensure a better streetscape in West Market Street.

Implementation

To achieve the objects of the Plan, it will be necessary to limit the floor space of future commercial development on the land to ensure the provision of a 6 metre wide driveway from West Market Street and to provide adequate parking for the development.

The land owners of 4-8 West Market Street be advised of Council's decision.

ATTACHMENTS:

AT-1 Development Control Plan

FN:EN131NBX.V02

****** END OF ITEM 105 ******

ITEM: 106

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

FILE NUMBER: DA125/94/EVD

REPORT:

Council at its Ordinary Meeting held on 8 November 1994 considered a development application for additions to a service station on the above property. The application was refused and the following was resolved:-

"1. *The application be refused 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.*
1. *The proposal is an over development of the site.*
2. *The attraction of vehicular traffic to Douglas Street will adversely affect the character of Douglas Street.*
3. *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.*
4. *The development requires the removal of all significant vegetation on the site.*
5. *The development is incompatible with the grouping of heritage buildings in close proximity to the site.*

2. *A Development Control Plan for Kurrajong Heights be put in place.*

3. *The applicant be invited to come back with a modified application so that it does not interfere with the heritage, traffic and over development of the site."*

Correspondence has been received from Mr G Falson of Falson & Associates, consultants acting on behalf of the applicant, requesting that the matter be reconsidered.

The letter outlines a brief history of the application, proposed amendments to the development and then goes on to address each of the reasons for refusal. The proposed amendments are as follows:-

- "a. Rotate and alter the design shape of the awning over the petrol bowzers by 90° so that it has less visual impact from Bells Line of Road.*
- b. The provision of cobblestone paving to Douglas Road to the entrance to the car repair station component of the development which will assist in maintaining the uniqueness of the development and its locality.*
- c. Provision of a rebate on the retaining wall around trees and the entry to the workshop area. This will provide some relief in the retaining wall and make an interesting on-site feature.*
- d. Turn the cobblestone area between the church and the retaining wall into the courtyard.*
- e. Construction of the retaining wall in sandstone to create a compatible design element with the Church opposite.*
- f. Provision of a picket fence immediately adjacent to the armco railing at the front of the premises which would coordinate with that provided at Lochiel House next door.*
- g. Provision of a cobblestone path to Lochiel House."*

The request concludes as follows:

"We are of the opinion that the development that is proposed is, in all the circumstances, a reasonable extension of development of the site. We are particularly mindful of the attempt that has been made to have a satisfactory design of buildings; the improvement to existing traffic management of the site; the community benefit by the additional use of car repair station and extra shopping facility; and in particular the commercial zoning of the site which is a very strong indicator in Council's planning scheme of the desired development that should take place. This commercial zone has existed for many years and as evidenced by the recent decision involving Hawkesbury Council in the Land and Environment Court, concerning the service station at North Richmond, the commercial zoning applicable to that site, to a large extent, negated other objections to development in the Court's eyes.

Accordingly, we hereby request Council's re-consideration of the application."

It is considered that apart from the rotation of the canopy, all amendments are relatively minor and will not significantly improve the application to warrant Council varying its original decision. The amendments certainly do not address all of the modifications requested in Council's third resolution. In any case, full consideration would need to be made by way of an amended development application with fully detailed plans.

RECOMMENDATION:

The amended details not be supported.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V03

****** END OF ITEM 106 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 107

✓ **ITEM: 107****TREE REMOVAL - AGRICULTURE - LOT 19 DP28331 423**
TERRACE ROAD - APPLICANT: MR M VELLA**FILE NUMBER:** P2003/775/EVD**REPORT:**

The applicant has applied for the removal of all trees from the subject property to allow the undertaking of agriculture. The trees on the property are semi to mature and are of the eucalyptus species. They are sparsely spread over the whole of the property to the north, south and east boundaries the western boundary is tree less with the exception of the south-west corner.

The property is zoned Rural 1(b) and consists of 4.656ha, town water is available. The applicant has been spoken to on site and been advised that all trees within 5m of property boundaries would need to be retained, this to provide a vegetative screen to adjoining properties which are predominantly rural.

The applicant has been further advised that with the exception of three trees in close proximity to the existing dwelling and two trees adjacent to vehicle access, all trees in the dwelling area be retained at this time, including a eucalyptus tree of significant amenity value to the site some 12m in from the northern boundary, this tree an iron bark of some 17m x 6m. The applicant has expressed concern over the retention of this tree which may cause a loss of a substantial cultivation area and there by loss of income.

The applicant has agreed to undertake restoration plantings along the northern boundary at the front to compensate for the loss of trees adjacent to this area and inclusive of the significant tree located in close proximity to the boundary.

RECOMMENDATION:

The application be granted subject to the retention of all trees within 5 (five) metres of property boundaries to the north, south east and south west, with the exception of three trees in close proximity to existing dwelling and two trees adjacent to access way at front of dwelling. All other trees to be retained in the dwelling area at this time, retained trees to be marked for identification prior to any removal work being undertaken.

The iron bark tree adjacent to the northern boundary also be retained due to its significant size and amenity value to the local area. Restoration tree planting to be undertaken from the northern boundary on completion of tree removal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V06

**** END OF ITEM 107 ****

FN:EN131NBX.V06

SECTION B

Page 42

ITEM: 108

EQUESTRIAN VILLAGE - CLARENDON

FILE NUMBER:

LEP7/94 PTI/EVD

REPORT:

Council, at its meetings 12 July 1994 and 11 October 1994, considered reports on the preparation of a draft local environmental plan over land generally adjacent to the Hawkesbury race course for an equestrian village and that a minimum allotment size of 5000m² be included in the draft plan.

Letters, as required under the Act, have been sent to the Department of Planning and other government authorities with the following reply received from the Water Board:-

"The Richmond-Windsor Bulk water supply is currently at capacity and only has capacity to serve existing zonings up until the year 2000.

A proposed rezoning of rural land for industrial purposes would unfortunately impose additional demands to the existing system and as the system is currently operating at capacity, the Board regrets that it cannot support the proposed rezoning."

Notwithstanding the Board's reply, the Department of Planning has been requested to issue a Section 65 Certificate to allow the village to proceed.

RECOMMENDATION:

The information concerning the status of the Equestrian Village at Clarendon be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V08

**** END OF ITEM 108 ****

ITEM: 109**DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 -
HAWKESBURY NEPEAN RIVER (AMENDMENT NO 2) AND
DRAFT CODES OF PRACTICE FOR DEVELOPMENTS WHICH
REQUIRE CONSULTATION WITH AND CONCURRENCE OF THE
HAWKESBURY NEPEAN CATCHMENT MANAGEMENT TRUST****FILE NUMBER:** GT192/001/PT03/EVD**REPORT:**

Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (REP 20) was gazetted in 1989, providing a framework for planning for a large part of the river catchment below Sydney's main water supply dam. The Department of Planning has recently undertaken a comprehensive review of REP 20 to:

- improve implementation of the plan;
- help improve water quality in the rivers and tributaries; and
- improve the protection of the natural environment.

As part of the review, the Department has prepared a draft plan (Amendment No 2) and placed it on public exhibition until late February 1995. Exhibition material has been placed in the main foyer of the Council offices for public comment.

The draft plan proposes the following changes:

- an extension of the land area previously encompassed by REP 20;
- measures to improve the identification and protection of wetlands; and
- provision of a role for the Hawkesbury Nepean Catchment Trust in the approval process where development has the potential to impact on water quality.

Extension to Boundary of REP 20

The draft plan proposes to extend the boundary of REP 20 to include most of the catchment of the Hawkesbury Nepean River. Land is proposed to be added to the draft plan in the Penrith, Fairfield, Ku-ring-gai, Warringah, Pittwater, Gosford and Blue Mountains local government areas to assist the implementation of REP 20's total catchment management principles.

Identification & Protection of Wetlands

The draft plan identifies wetlands which are of significance to the Sydney Region in a series of maps. The draft plan retains the requirement of REP 20 that Council's consent is required for development in a wetland involving the clearing, draining, filling or the construction of a levee.

The draft plan further requires that where development is proposed in a wetland permanently filled with water, an environmental impact statement must be submitted with the application. The draft plan removes the requirement for an environmental impact statement for restoration and rehabilitation works in wetlands because the cost of the study acts as a disincentive for this work. Under the draft plan, Council will however, still be able to request the preparation of plans of management for any development in wetlands including restoration work.

The draft plan incorporates additional matters to be considered by Council when development applications are assessed or planning instruments prepared involving wetlands. These are that Council must not grant consent to development in a mapped wetlands unless:

- Council is of the opinion that the development is consistent with the objectives of the draft plan; or
- Council has considered whether the development is likely to contaminate the soil resulting in a likely adverse impact on water quality when the wetland floods.

Role of the Hawkesbury-Nepean Catchment Management Trust

Since REP 20 was gazetted in 1989, the Hawkesbury-Nepean Catchment Management Trust has been established. The draft plan formalises the role of the Trust in the planning process by providing a concurrence and consultation role.

The draft plan identifies five types of development which cannot be approved by Council without the concurrence of the Trust. These are:

- sewerage treatment systems or works
- waste management facilities or works
- large marinas
- maintenance dredging operations
- development in wetlands

The draft plan provides a consultation role by requiring Council to refer the proposal to the Trust for comment before granting consent to types of development which may impact on the river. These are:

- intensive livestock keeping;
- intensive horticulture establishments;
- caravan parks or camping grounds;
- manufactured home estates;
- small marinas, recreation facilities;
- water recreation facilities such as piers and wharves; and
- all other development requiring an environmental impact statement in Schedule 3 of the Environmental Planning and Assessment Regulation.

Under the provisions of the draft plan, the Trust must provide comment to Council within twenty eight (28) days of receipt of the proposal. If no comments are received within twenty eight (28) days, Council may assume that the Trust has no objections.

The Draft Codes of Practice

In order to assist councils, developers and the community to understand and satisfy the concurrence and consultation requirements of the draft plan, the Trust has prepared a number of draft codes of practice. The codes contain the definitions of each development type requiring the Trust's concurrence or consultation, explain the process and identify the "heads of consideration" the Trust must take into account in detailing whether to grant concurrence. The draft codes have been placed on exhibition simultaneously with the draft plan.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V10

**** END OF ITEM 109 ****



ITEM: 110**DRAFT LOCAL ENVIRONMENTAL PLAN TO PROHIBIT THE
BURIAL OF USED MOTOR VEHICLE TYRES****FILE NUMBER:** LEP6/94/EVD**REPORT:**

Council at its Ordinary Meeting on 1 November 1994, received advice from the Department of Planning that a Section 65 Certificate had been issued for the draft local environmental plan enabling exhibition. The draft local environmental plan was exhibited for twenty eight days in accordance with the requirements of the Environmental Planning and Assessment Act, 1979. No public submissions were received as a consequence of exhibition. The comments of a number of government authorities were also sought as part of the draft plan consultation process. The government authorities consulted had no objection to the draft plan.

Given the above, a submission pursuant to Section 68 of the Environmental Planning and Assessment Act, 1979, should be prepared and referred to the Department of Planning for gazettal.

The draft plan, as amended by Parliamentary Counsel provides as follows:-

Use of tyres for landfill prohibited

- 40B (1) *A person must not use land to which this plan applies for burying used motor vehicle tyres.*
- (2) *This clause does not prohibit a person from burying the remains of a motor vehicle tyre which has been shredded or otherwise treated in a manner satisfactory to the Council.*

RECOMMENDATION:

A Section 68 submission be prepared for the draft plan prohibiting the burial of used motor vehicle tyres and forwarded to the Department of Planning for gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V12

****** END OF ITEM 110 ******

ITEM: 111

DRAFT LOCAL ENVIRONMENTAL PLANS FOR MCGRATH ROAD/WINDSOR ROAD, MCGRATHS HILL AND 130 WINDSOR ROAD, MCGRATHS HILL

FILE NUMBER: LEP022/93 AND LEP004/94/EVD

REPORT:

Council has supported the preparation of draft local environmental plans as follows:-

- a) Lot 4 DP959819 McGrath Road and Part Lot 6 DP959819 Windsor Road, McGraths Hill - service station/convenience store (J F & J L Gollan).
- b) Lot B DP411701 No. 130 Windsor Road, McGraths Hill - motor showroom (Bastian Sales Pty Ltd).

The necessary letters required under the Act have been sent to the Department of Planning and government authorities.

In respect of (a) above, the Water Board requires a condition in the LEP requiring satisfactory arrangements to be made with the Board prior to consent being issued. The RTA has replied as follows:-

"The RTA raises no objection to the rezoning proposal, subject to concerns for provision of safe access being provided. The Authority is also concerned with the potential of ribbon development occurring along this section of Windsor Road and requests that Council identify the likely boundary limits for commercial uses in McGraths Hill. Council should investigate the provision of a service road in this location to prevent direct access to Windsor Road as right turning movements to proposed developments would greatly affect traffic flow and safety.

Should the development proceed, Council should require the dedication of the strip of land fronting Windsor Road for widening purposes at no cost to the RTA. "

In respect of (b) above, the Water Board has replied as follows:-

"The Richmond-Windsor bulk water supply is currently at capacity and only has capacity to serve existing zonings up until the year 2000.

The proposed change to enable land to be used for the purposes of a motor showroom would unfortunately impose additional demands to the existing system, and as the system is currently operating at capacity, the Board regrets that it cannot support the proposed rezoning. "

No reply has been received to date from the RTA.

A reply in respect of both applications has been received from the Department of Planning which states as follows:-

"Council has previously decided through its LEP that service stations and motor showrooms should be prohibited in Rural 1(c) zoned land. To allow these uses on these sites would be inconsistent with the aims of the plan which are to prevent traffic generating development along main roads, and to provide for a rural residential living style within this zone.

The proposals could set a precedent for ribbon commercial development in rural zoned land along the eastern side of Windsor Road. I note that the RTA has raised concerns about this issue and the related issue of access provision.

If Council considers this side of Windsor Road to be appropriate for such development, it would be preferable to identify the desired boundary limits for commercial development in McGraths Hill and prepare a draft LEP to rezone that area to an appropriate commercial zone.

In this way, a realistic plan for the development of the area will be in place, clarifying its potential and allowing greater certainty about the future for landowners, potential developers and council alike.

Thus it would be preferable to numerous amendments to the LEP, and trickle development in conflict with the existing LEP's vision for the future of the area."

The proposals are currently being advertised, Section 65 certificates having been issued by the Council, as delegate of the Director of Planning.

Following advertising, Council will need to consider the above together with any submissions received.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V14

**** END OF ITEM 111 ****

✓ ITEM: 112

STUDY OF RIVERSTONE/VINEYARD SCHEDULE LANDS

FILE NUMBER: LEP17/90 PT2/EVD

REPORT:

On 28 October 1994 a consultant firm ERM Mitchell McCotter advised that they had been appointed to undertake a study of the Riverstone/Vineyard schedule lands. They are situated in the Blacktown local government area at Vineyard and also in Riverstone adjacent to Eastern Creek and comprise approximately 8,000 terrace size allotments created in the 1880's. There has been considerable lobbying from the owners of the land to allow their development.

The consultants advised that the brief for the schedule lands study did not include rural land to the east of Bandon Road within the City of Hawkesbury. Concern was expressed to the consultants and the Department of Planning that this seemed to be a very limited perspective given that Council has communicated to the Department its support for urban development in Vineyard on a number of occasions.

The Department was requested to allow a representative of Hawkesbury City Council to participate on the Technical Working Party overseeing the work of ERM Mitchell McCotter. The Department has agreed to this request. It was also requested that they schedule a meeting with Council, Hawkesbury landowners and the Water Board to discuss issues relating to the study of the schedule lands and the development of the Vineyard area generally. The Department has not as yet responded to this request.

Both the consultants and the Department have been advised that Council would be concerned about any preferential allocation of reticulated water to the schedule lands. The consultants have suggested that there is a possibility that the development of the schedule lands might proceed as a rural/residential subdivision without reticulated sewerage. If this option is considered, the area and capacity of the land should be carefully assessed as it drains through the City of Hawkesbury to the Hawkesbury River.

Other general issues discussed with the consultants included the capacity of the Windsor Road.

At the meeting of the Working Party on 13 January 1995 there was general discussion about criteria to assess the development options and general development options. At the next meeting of the Working Party to be held on 20 February 1995 there will be discussion about a limited number of options for development of the schedule lands.

Following the meeting on 20 February 1995 it is proposed to issue a circular to all Vineyard residents advising of the status of the schedule land investigations.

RECOMMENDATION:

The information concerning the study of the Riverstone/Vineyard schedule lands be received.

Errors be briefed etc.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 112

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V15

**** END OF ITEM 112 ****

ITEM: 113**WILBERFORCE ABATTOIR - COMPLAINTS FROM NEARBY RESIDENTS - COMPLIANCE WITH CONDITIONS OF DEVELOPMENT CONSENT****FILE NUMBER:** DA0052/94, P1102/560/EVD**REPORT:**

Council at its meeting of 14 June 1994 approved minor alterations to the abattoir subject to a number of conditions. It was also resolved that a community committee be established with representatives of both the industry, residents, a Councillor and appropriate Council staff with the purpose of monitoring the operations of the development. Councillor L C Sheather was appointed as Council's representative on the Community Committee.

Since that resolution the Community Committee has met on five (5) occasions including a site inspection on 26 September 1994. The two resident committee members are Mrs Jo Moore and Mr Ron Fairclough.

To date the Committee has not resolved a number of matters of contention and from discussion at the meetings it would be optimistic to suggest that all conflict can be satisfactorily reconciled. The Committee has been successful as a forum for identifying resident problems (mainly noise from a variety of sources) and exchanging ideas about how such problems can be overcome.

The operations of the abattoir are subject to regulation from numerous authorities including the Meat Industry Authority, the Environment Protection Authority and Council. Council has issued a number of consents over a 10 year period for alterations and additions.

As indicated the major issue is noise. The consents issued by Council over the years contain numerous conditions directed towards mitigating noise. For example:-

DA 52/94 for minor alterations issued on 17 June 1994

Conditions include:-

4. The development shall be carried out in such a manner so as not to interfere with the amenity of the neighbourhood, in respect of noise, smell, waste products or otherwise.
6. The hours of operation shall be limited to 7.00am to 4.00pm, Monday to Friday. The abattoir shall not operate on Saturdays, Sundays or Public Holidays. Any alterations to these hours shall require the approval of the Divisional Manager Environment and Development.
8. The proposed wall (for sound attenuation) is to comprise 3 sides, one along the boundary and two end walls returning to the main building. Full details of these works shall be submitted for approval with the building application.

DA 191/91 for alterations and extensions (amenities buildings) issued on 19 March 1992

Conditions include:-

8. Trucks whilst on site shall not be permitted to operate their refrigeration compressors between the hours of 8.00pm and 7.00am except for Saturdays and Sundays where deliveries shall not occur after 6.00pm.
9. The deliveries of stock to the site shall not occur between the hours of 10.00pm and 7.00am, except for Saturdays and Sundays where deliveries shall not occur after 6.00pm.
10. The compressor on the western side of the existing cool room building shall not be operated between the hours of 8.00pm and 7.00am.
22. The operations of the abattoir shall comply with any direction from Council or its officers to abate or prevent any nuisance.
25. Hours of operation of the abattoir shall be 6.00am to 3.45pm, Monday to Friday.

Consent Orders from the Land and Environment Court pursuant to an agreement between the abattoir operators and Council in 1990

- 4.1 The respondents shall submit a Management Control Plan for approval by the applicant for the diminution or abatement of noise created by and arising as a consequence of the early morning out loading of carcasses by July 31, 1991.
- 4.2 As part of the preparation and submission of that plan a suitably and properly qualified noise consultant shall be engaged for the purpose of -
 - a) measuring and considering the noise presently generated by these activities;
 - b) the identification of noises generated by separate aspects of these activities;
 - c) making of recommendations designed to cause the diminution and/or abatement of noise generation to an extent that would satisfy the requirements of the applicant (Council).

Upon the applicant (Council) approving the management plan, any works and or practices to be carried out or implemented in accordance with the noise consultant recommendations, shall be completed and/or implemented with all due responsibility, diligence and speed as would be reasonable in all the circumstances, but in any event no later than two (2) months from the date of approval or within such longer period as the applicant (Council) may in writing allow.

- 4.3 In the event that the applicant (Council) is not satisfied that all due and proper consideration has been given to all matters relevant to the diminution and abatement of noise emanating from the premises, the Council will, should it so think fit, engage a noise consultant for the purpose of considering any recommendation made and himself/herself modifying any works or practices to be carried out.

The cost of the engagement of the Council's consultant shall be borne by the respondents.

The consent orders which relate only to the early morning load out of carcasses have been complied with.

There have been continuing instances of non-compliance with conditions of development consents reported by residents, including the delivery of stock outside the designated hours.

In particular there has been numerous reports of boning and the loading of meat and offal onto trucks occurring after 4pm and well into the evening. This is acknowledged by the abattoir operators who contend that the boning activity and meat loading is innocuous and not part of the hours of operation set down in the conditions. However as a matter of law any butchering is integral to the abattoir's operation and would seem to be included within the hours of operation. If it was not intended to cover boning activities the condition would have referred to "hours of slaughtering".

There are also a number of outstanding conditions from previous development consents such as the construction of kerb and gutter and road shoulder seal along King Road and the erection of the masonry wall sound barrier beside the slaughter floor.

The construction of kerb and gutter and road shoulder seal is costly and will not contribute at all to alleviating resident concerns. Given the outstanding conditions and the restrictive nature of other conditions there would seem scope to achieve a trade off in conditions to the mutual advantage of all parties. This could be achieved by the abattoir operators surrendering all previous consents in exchange for a new consent which better addressed the concerns of residents and provided more flexibility to the operators to undertake boning outside of the current restricted hours.

A quote has been obtained from a noise consultant, Richard Heggie and Associates to undertake liaison with two of the complainants to identify the sources of complaint, undertake noise monitoring and provide advice on noise reduction. Following the provision of this advice it is proposed to report back to Council on recommended works and given the proximity of some houses, the extent of noise attenuation which could be expected.

It is then proposed to draft a new consolidated consent for consideration by the Community Committee. If the consolidated consent is not accepted by the abattoir operators Council has the option of enforcing conditions of consent which would be both expensive and severely restrict their normal operations.

RECOMMENDATION:

The information concerning the Wilberforce abattoir, the appointment of a noise consultant to undertake an assessment of noise attenuation, and the drafting of a new consolidated consent for consideration by the Community Committee be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V22

****** END OF ITEM 113 ******

ITEM: 114

REDEVELOPMENT OF THE LAND SURROUNDING
CLAREMONT COTTAGE AS A MEANS OF FUNDING ITS
RESTORATION FOLLOWING FIRE DAMAGE

FILE NUMBER: GH020/033/EVD

REPORT:

Council at its Ordinary Meeting on 13 September 1994 resolved to defer the matter of the redevelopment of land surrounding Claremont Cottage as a means of funding its restoration following fire damage.

A chronology of action taken by the Heritage Council, the Heritage Branch of the Department of Planning and Council since the fire occurred appears below:-

- 13 June 1992 Fire severely damages major part of Claremont Cottage
- 2 July 1993 Heritage Council advises the Heritage Branch:-
 - (i) the Permanent Conservation Order should remain in place;
 - (ii) the sale of the property may be an appropriate course of action if that will lead to the conservation of Claremont Cottage;
 - (iii) it agreed to the provision of financial assistance to:
 - (a) commission a consultant to investigate development options for the remainder of the site for the consideration of the Heritage Council;
 - (b) prepare conservation documentation as outlined in the Conservation Policy and Plan of Action dated 17 December 1992.
- 20 July 1993 Meeting between owners, Heritage Branch and Council to discuss structural advice and implications of cost of restoration.
- March 1994 McDonald McPhee Architects commissioned by Heritage Branch to investigate redevelopment options and prepare specifications for conservation of cottage.

- June 1994 McDonald McPhee Architects complete specification for conservation of Cottage and redevelopment options report. Four options identified in report to fund conservation work:-
 1. Four new dwellings
 2. Five new dwellings
 3. Seven new dwellings
 4. Eight new dwellings
- August 1994 Council resolves to advise owners that proposed development options contrary to curtilage requirements for Claremont and that any dwelling on Lot 12 must be located and designed so as not to obscure views.
- September 1994 Meeting between owners, Heritage Branch, Heritage Council and Council to discuss redevelopment options.
- October 1994 Heritage Adviser Robert Staas formulates Site Development Options Plan on basis of previous meeting discussion. Plan proposes seven dwellings additional to Cottage.
- November 1994 Heritage Branch commissions Terry Kass to prepare Historical Analysis Report.
- December 1994 Historical Analysis Report indicates that part of cottage not damaged in fire is small house constructed by J Pugh in 1796 following land grant.

Meeting between owners, Heritage Branch, Heritage Council and Council to discuss site development options Plan and Historical Analysis Report. Owners advise Site Options Plan unacceptable.

Despite the above action, fire damaged building fabric at Claremont remains open to the weather and as a consequence continues to deteriorate. On 7 November 1994 the Heritage Council was advised of Council's Heritage Advisory Committee's resolution that the Heritage Council take action to prevent further deterioration of the building. To date no response has been received in relation to the Committee's letter.

It is understood that the owners do not accept the Site Development Options Plan, formulated by Council's Heritage Adviser and supported in principle by the Heritage Branch and Heritage Council. This places the future of Claremont Cottage in jeopardy. Remaining walls and chimneys of the cottage require immediate stabilisation to be made safe and the fire damaged building fabric requires protection from the weather. Given the owner's unwillingness to accept the Site Development Options Plan, the owners should be advised that if the fire damaged section of Claremont Cottage continues to deteriorate to a condition where conservation is no longer possible Council will not support rezoning of the site to allow development.

RECOMMENDATION:

1. The information be received.
2. The owners of Claremont Cottage be advised that if the fire damaged section of the building continues to deteriorate to a condition where conservation is no longer possible Council will not support rezoning of the site to allow redevelopment.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V25

****** END OF ITEM 114 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 115

ITEM: 115

POULTRY FARM EXTENSIONS - LOT 6 DP215575 53 WALLACE ROAD, VINEYARD - J XUEREB

FILE NUMBER: DA117/94/EVD

REPORT:

Council at its Ordinary Meeting held 9 August 1994 considered an application to extend a poultry farm on the above property, subject to a number of conditions, three of which read as follows:-

- "7. The chickens shall not be collected after 9.00pm or 10.00pm during daylight saving periods.
8. Fowl waste collected from the sheds shall be immediately removed from the property.
9. The carcass storage area shall be adequately secured to prevent access by scavenging birds and other animals details to be submitted with the Building Application. Dead fowls are to be removed from the property on a daily basis."

The applicant has submitted a letter requesting that Council reconsider the conditions. This is reproduced in part below:-

"I wish to advise Council that the processing company with whom I have a Contract uses the same methods for the removal of live birds as any other meat processing company in New South Wales. The hour of collection of the birds is dependent on temperature, darkness, humidity and last, but not least, the stress factor on the birds between collection and slaughter.

The fowl waste collected from the sheds can only be removed prior to the sale of the fertiliser by the contractor. There is also a limited number of contractors who remove the waste and they will only collect it when they have a sale and a destination for it. The stockpile that I use is on the far side of my farm and it is at least 300m from the closest neighbouring house and accordingly is too far for any valid complaint. I also wish to point out that I have moved the stockpile and carcass area to its present location especially with a view to avoiding any adverse affect on neighbours. I propose to continue burying the dead birds in the stockpile."

Four of the original objectors who were concerned about odour and noise, were advised of the applicant's request and three submissions were received. In general, the submissions object to the deletion of the conditions. One submission however raised no objection to the relaxation of hours provided the "pick up" teams are controlled.

With respect to Condition 7, it is considered reasonable to relax the requirement, given that collection hours are determined by meteorological conditions and the stress factor of the birds. Noise can be kept to a minimum provided the pick up teams are responsible when collecting the

chickens. Should the noise which emanates from the site be a nuisance, sufficient area is available around the poultry sheds to provide noise attenuation measures such as earth mounds. It should be remembered that this application extended an existing poultry farm which would have incurred some impact on the locality prior to this application being approved.

With respect to Condition 8 and 9, it appears as though the problem arises purely due to an unco-operative contractor. The applicant can make alternative arrangements so that the conditions are complied with, for example, removing the dead birds from the site himself. Both of these conditions are considered reasonable under the circumstances and should be retained.

RECOMMENDATION:

1. Conditions 8 and 9 remain.
2. Condition 7 be replaced with the following:-

"The collection of chickens shall be conducted in such a manner so as not to interfere with the amenity of the area by way of noise. Should the noise which emanates from the site interfere with the amenity, measures to attenuate noise, such as earth mounds, shall be implemented immediately."

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NBX.V27

**** END OF ITEM 115 ****

ITEM: 116 ✓**TYRE LANDFILLS****FILE NUMBER:** DA19/92/EVD**REPORT:**

The filling of land with tyres is development under the provisions of the Environmental Planning and Assessment Act, 1979. In addition, these forms of development require approval as a landfill depot under the Waste Disposal Act administered by the Environment Protection Authority (EPA). The EPA licence the landfill sites, usually for a twelve month period. Under the licence, the EPA can impose conditions which the operator of the site must comply with.

Discussions have been held with EPA staff who advised that they are not obliged to sight a Development Consent issued by Council, nor require that Council consent is obtained. Furthermore, the EPA does not require that licensees comply with any Council condition.

It is clear that this is unsatisfactory as the situation can arise where the EPA grants a licence to an operation which does not have Council Consent. Indeed a situation similar to this has arisen whereby Council has approved a tyre landfill operation for a limited period however the EPA continues to licence the operation even though the Council approval has lapsed.

Clearly greater co ordination and co operation is required between Council and the EPA. The EPA should be advised of this concern and be requested to liaise closer with Council staff to ensure compliance with Council requirements.

Level Crossing Road, Vineyard

Council will recall that the applicant was to submit a survey plan which outlines the area under fill or alternatively, cease the activity. Mr John Pincott, the operator has since advised that the operation has ceased. The property will be inspected prior to the General Purpose Committee meeting to ensure this advice is correct, otherwise legal action will be instigated.

RECOMMENDATION:

1. The information be received.
2. The Environment Protection Authority be advised of Council's concern regarding the licensing of development that may not have Council approval.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM: 117**STUDY OF RIVERSTONE SCHEDULED LANDS****FILE NUMBER:** LEP17/90 PT2/EVD**REPORT:**

Council is advised that in December 1994 correspondence was received from the Department of Planning advising that planning consultants have been engaged to undertake the Riverstone Scheduled Lands Study. The Riverstone Scheduled Lands are situated in the Blacktown Local Government area south east of Vineyard. The Scheduled Lands have existed in subdivision form since the 1880's. The Scheduled Lands have been subdivided into 8000 terraced size allotments irrespective of appropriate zoning, planning controls and an absence of infrastructure provision.

Despite the absence of provision of infrastructure Regional Environmental Plan No. 19 identified the Scheduled Lands as forming part of the Rouse Hill Development area and capable of being developed for urban purposes over the next 30 year period. Given the current development rates it is unlikely that urban release areas identified in REP 19 will be developed for twelve to fifteen years.

Consequently infrastructure to support additional populations in the Riverstone area has not been a priority and existing provision is insufficient to support further urban development.

The intent of the Department's Study is to investigate the feasibility of full or partial development of the Scheduled Lands based on a review of "best practice" in urban development, available technologies and the opportunities to adopt innovative lands management approaches. Although limited in scope to an assessment of the development potential of the Scheduled Lands, the Department's Study will also address possible impacts on development feasibility such as Vineyard.

The Department's correspondence advises that Council's concerns in relation to public health and environmental issues are integral to the Study assessment of development potential of the Scheduled Lands. The correspondence further advises that a Technical Working Party has been formed to oversee the Study and invites a Council representative to attend future the meetings of the Working Party. Since receipt of the Department's correspondence a Council representative has attended two meetings of the Technical Working Party. At the December meeting the consultants formally reported the Study's progress to the Working Party. Progress Report No.1 prepared by the consultants identifies the key issues of concern to Council in relation to the Scheduled Lands as being:-

- The support of development in the Vineyard area north of Bandon Road.
- That infrastructure is the key to development
- That there are environmental consequences associated with development-density, water quality, traffic

- The conflict of interest in regard to the owners of the Scheduled Lands
- The representation and scope of the study
- That the Scheduled Lands should not be viewed in isolation

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN131NCX.V05

****** END OF ITEM 117 ******

ITEM: 118

STATE ENVIRONMENTAL PLANNING POLICY NO. 44 - KOALA
HABITAT PROTECTION

FILE NUMBER: GT070/006/EVD

REPORT:

State Environmental Planning Policy No. 44 - Koala Habitat Protection was gazetted in January 1995 and will commence operation on 13 February 1995. The policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. This will ensure a permanent free living population over their present range and reverse the current trend of koala population decline.

The policy provides a framework for a state wide approach to the issue of declining koala populations. The known present geographic distribution of the koala in New South Wales is fragmented with most populations small and isolated. Many populations also occur where they are increasingly susceptible to habitat loss or modification, predation and exposure to drought, disease and bushfire.

The policy also provides guidance and focuses the efforts of local government in its responsibilities under the Environmental Planning and Assessment Act 1979, including the proper management of natural resources and the protection of the environment.

Application

The policy applies to 105 Local Government Areas in New South Wales and includes the City of Hawkesbury. These are within known geographic distribution of koalas, as found in the National Parks and Wildlife Atlas. However, it does not apply to the land dedicated or reserved under the National Parks and Wildlife Act 1979 or to land dedicated under the Forestry Act 1916 as a State forest or flora reserve. The policy only applies to landholdings in excess of 1 hectare.

Implications

The Policy will:

- Require the identification of "potential koala habitats" in lands subject to development applications. " Potential koala habitats" means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Schedule 2 of the policy lists ten eucalyptus species that are the primary koala food trees.

In relation to this requirement it would seem preferable for Council to undertake a single overall study rather than undertake assessments, application by application with applicants having no certainty as to the outcome.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 31 January 1995

Item: 118

- Require the identification of "core koala habitats" in the lands subject to development applications. "Core koala habitat" means an area of land with a resident population of koalas, evidenced by attributes such as breeding females and recent sightings of and historical records of a population.
- Require the preparation of plans of management for areas of identified core koala habitat subject to development applications.
- Encourage the survey of lands by Council to identify potential and core koala habitats.
- Encourage the identification of core koala habitats in local planning instruments.

Under the Policy land that involves a potential or core koala habitat may require a local environmental study before rezoning, unless being rezoned to an Environmental Protection zoning.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

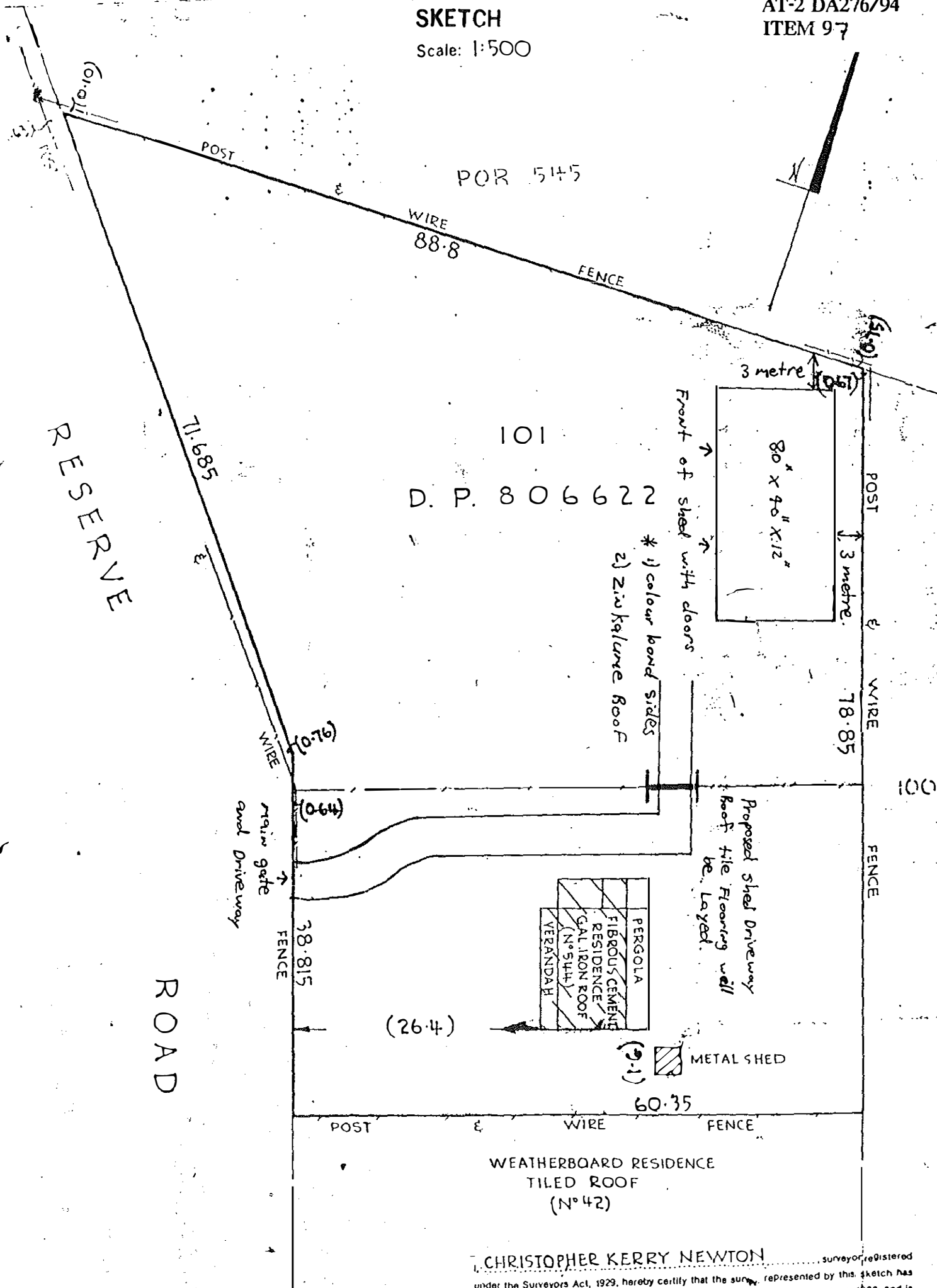
There are no supporting documents for this report.

FN:EN131NCX.V28

**** END OF ITEM 118 ****

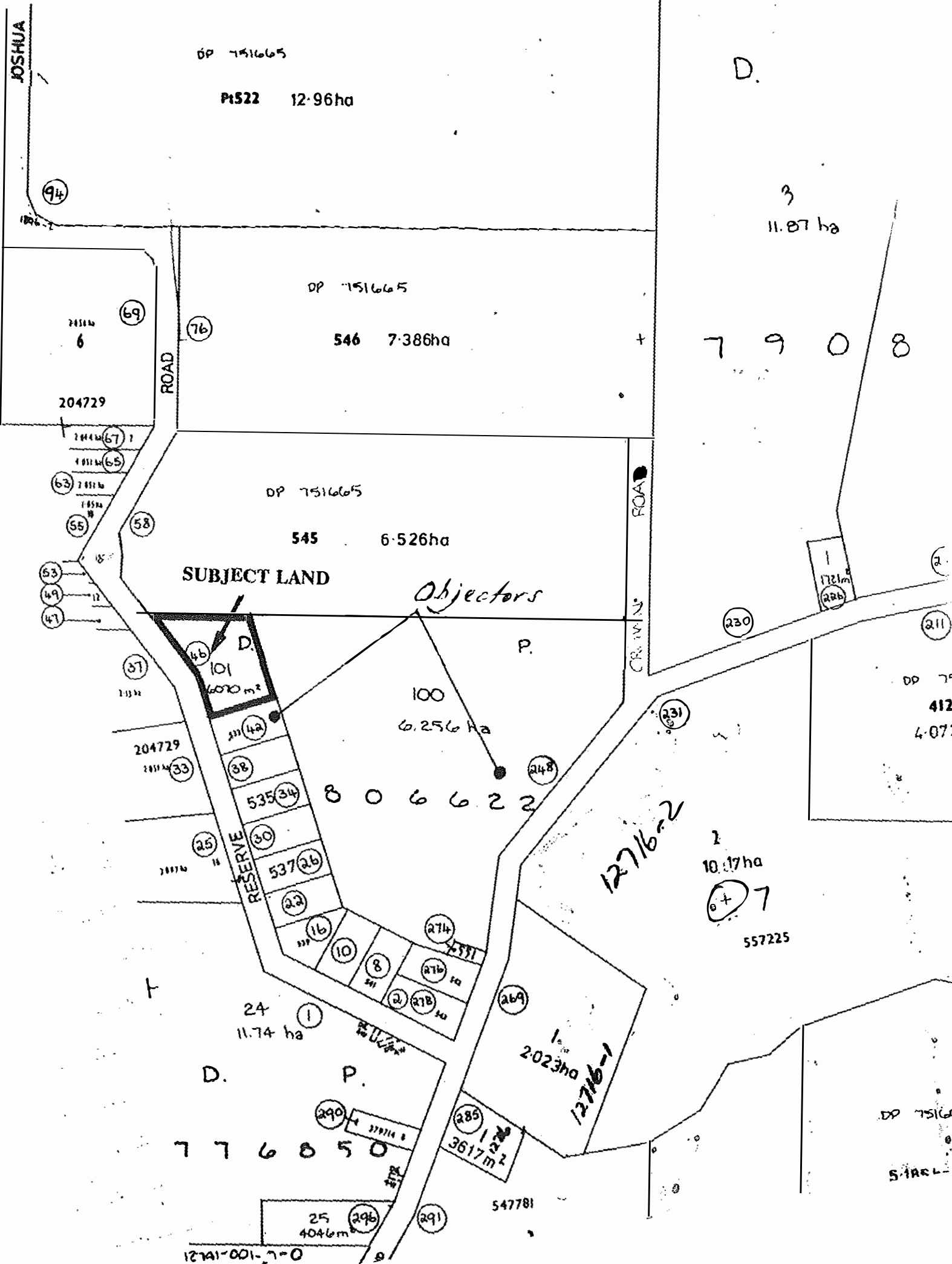
SKETCH

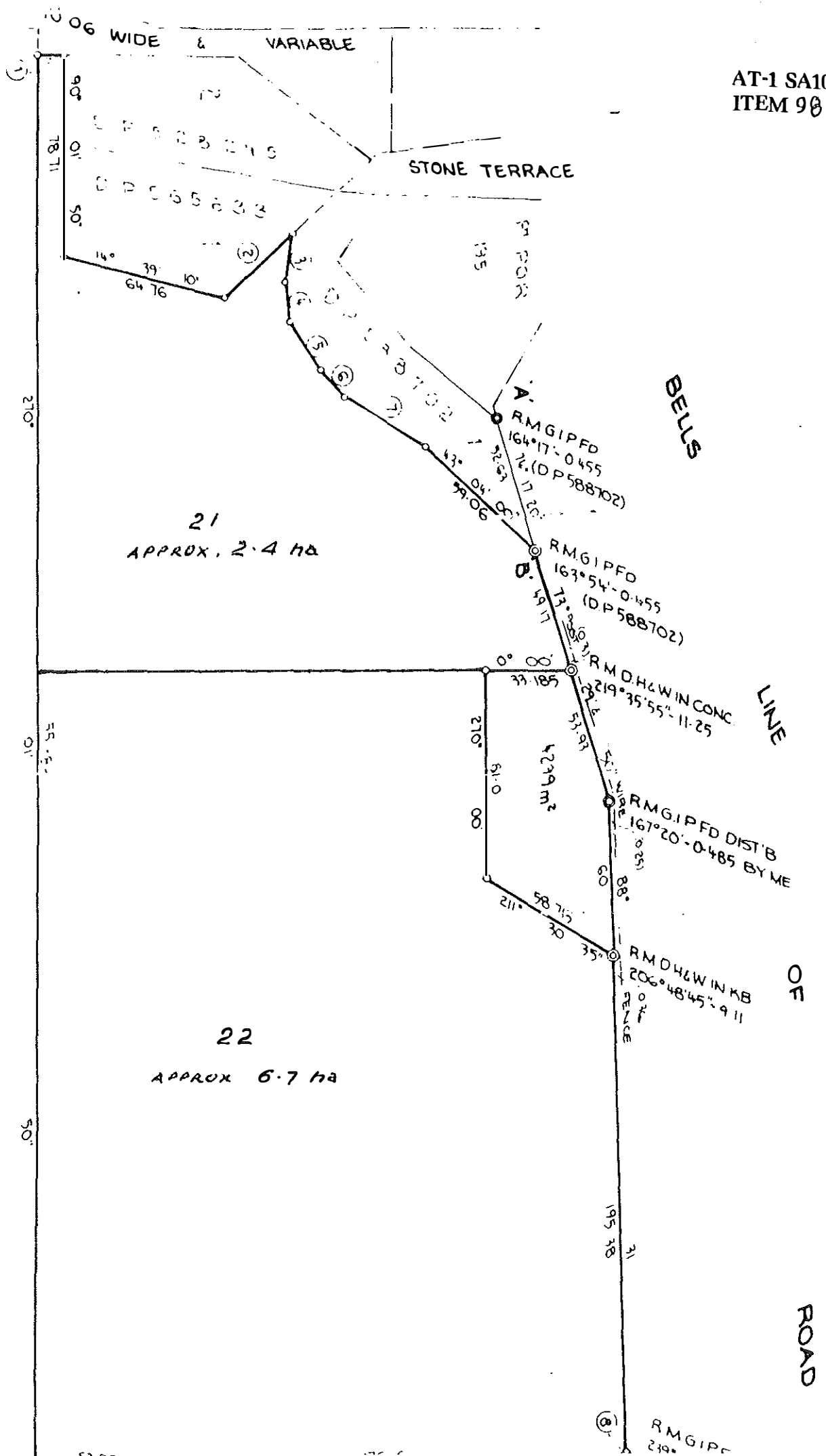
Scale: 1:500



CHRISTOPHER KERRY NEWTON, surveyor registered under the Surveyors Act, 1929, hereby certify that the survey represented by this sketch has been made in accordance with Regulation 45 of the Survey Practice Regulations, 1933, and is correct.

Surveyor registered under





CONNELLY
14913-0

Lot 1
155537

652737
CLOSED ROAD

211502

15.69 ha.

△ SCOTT

Subject
Property

1
1.82 ha

2
3.871 ha

7 7 4 9

RAZZA & EASTRESS
3
3.045 ha

6 3

10187-02
AVAT

33680

CRA
1018

5577m²
5248m²
06395

329222

506067

551411

14-196

EDWARD

10-1

10-2

10-3

10-4

10-5

10-6

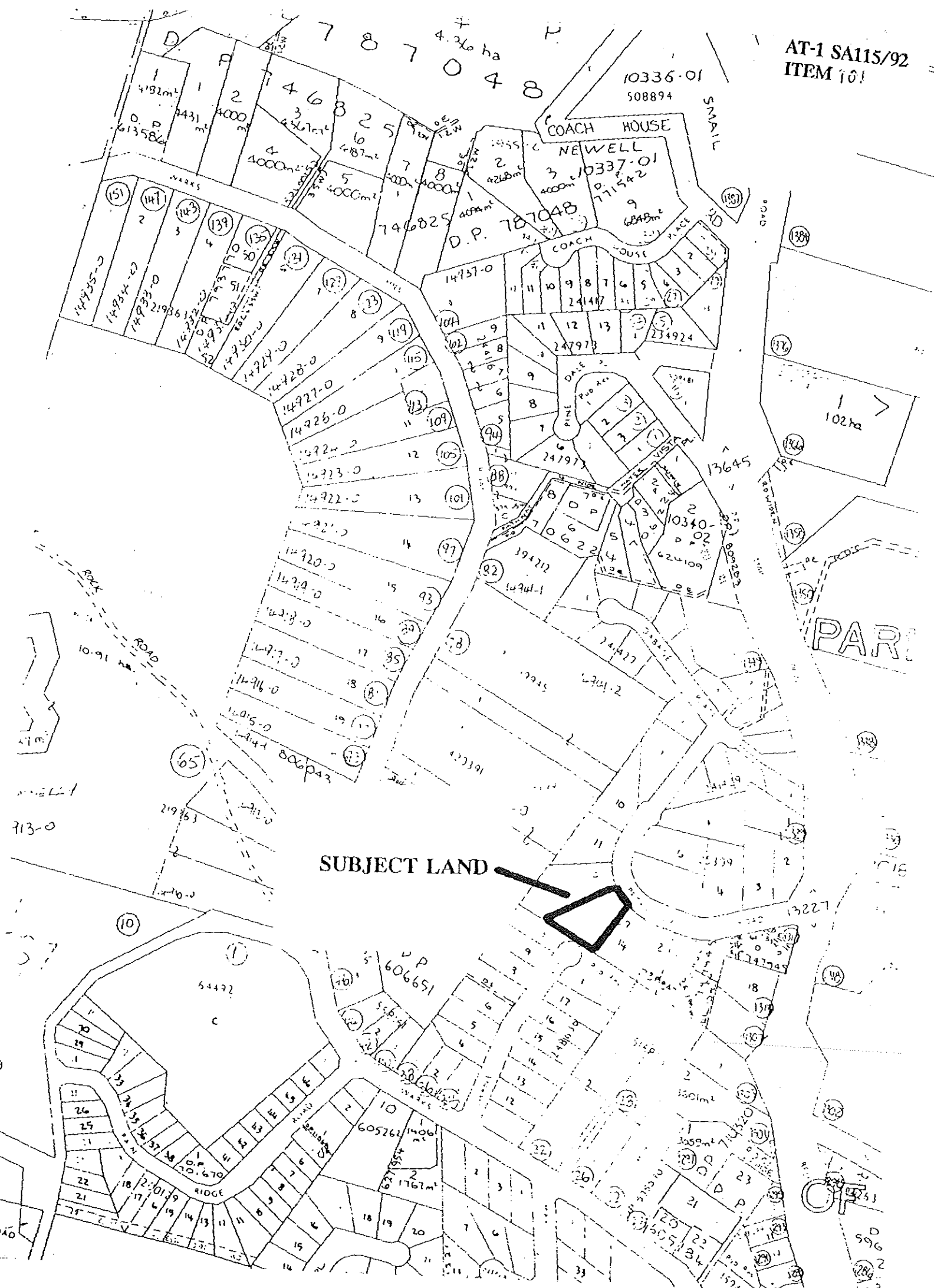
10-7

10-8

10-9

AT-1 DA303/94
ITEM 99

AT-1 SA115/92
ITEM 101



AT-1 DA119/93
ITEM 100

WILBERFORCE
SHEET 7

7(d1)

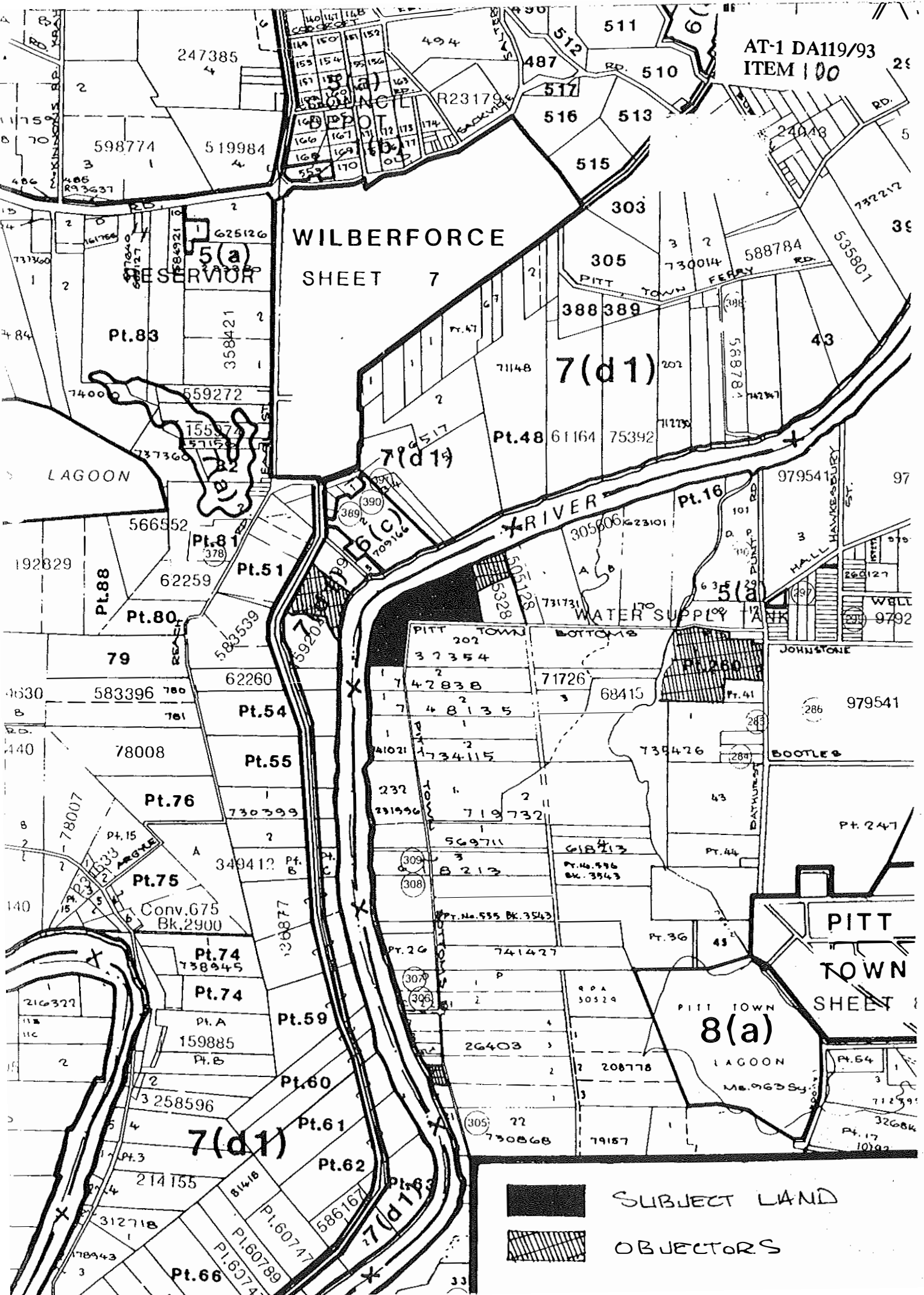
8(a)

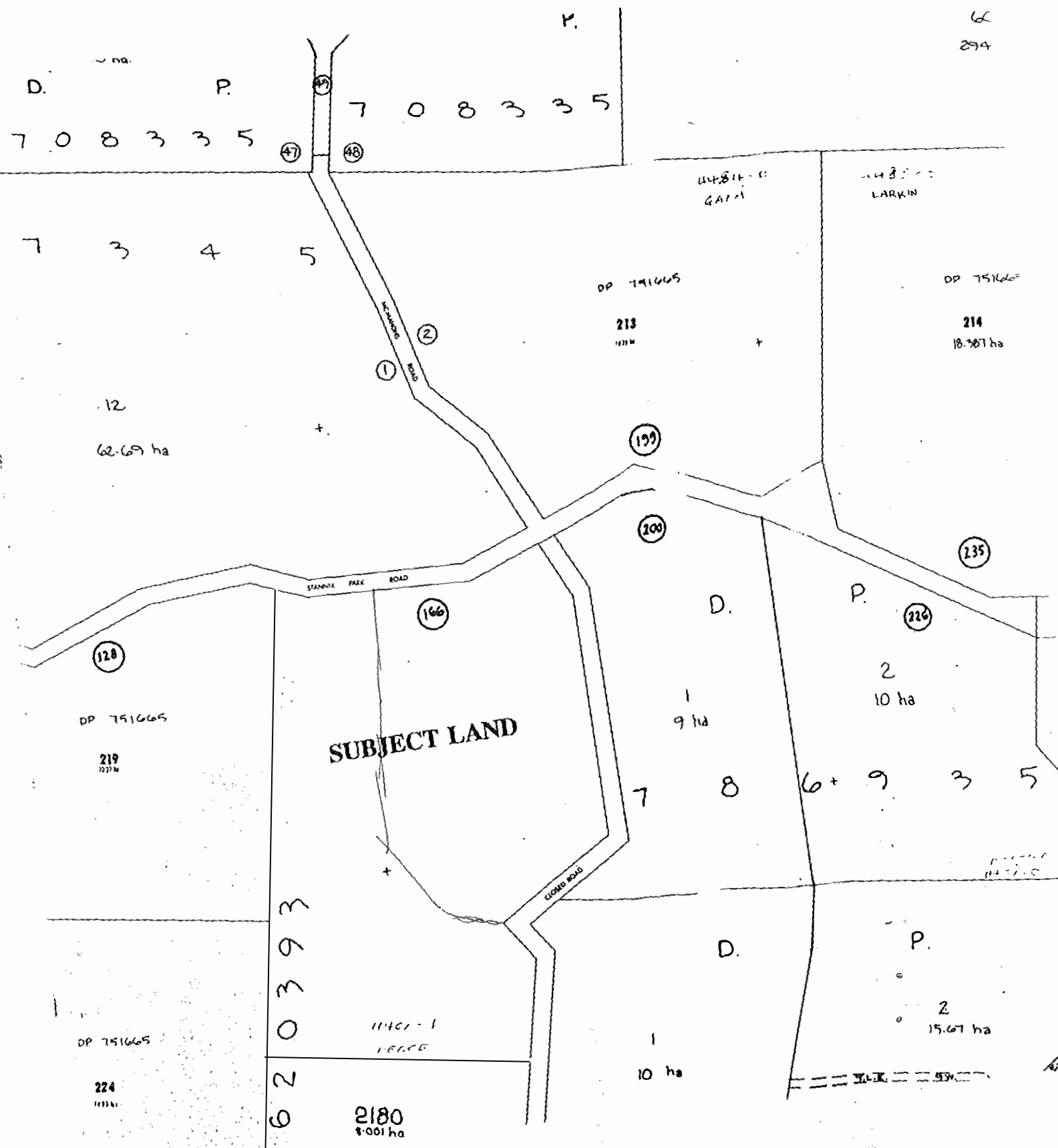


SUBJECT LAND



OBJECTORS





113

NORTH

136

20

19

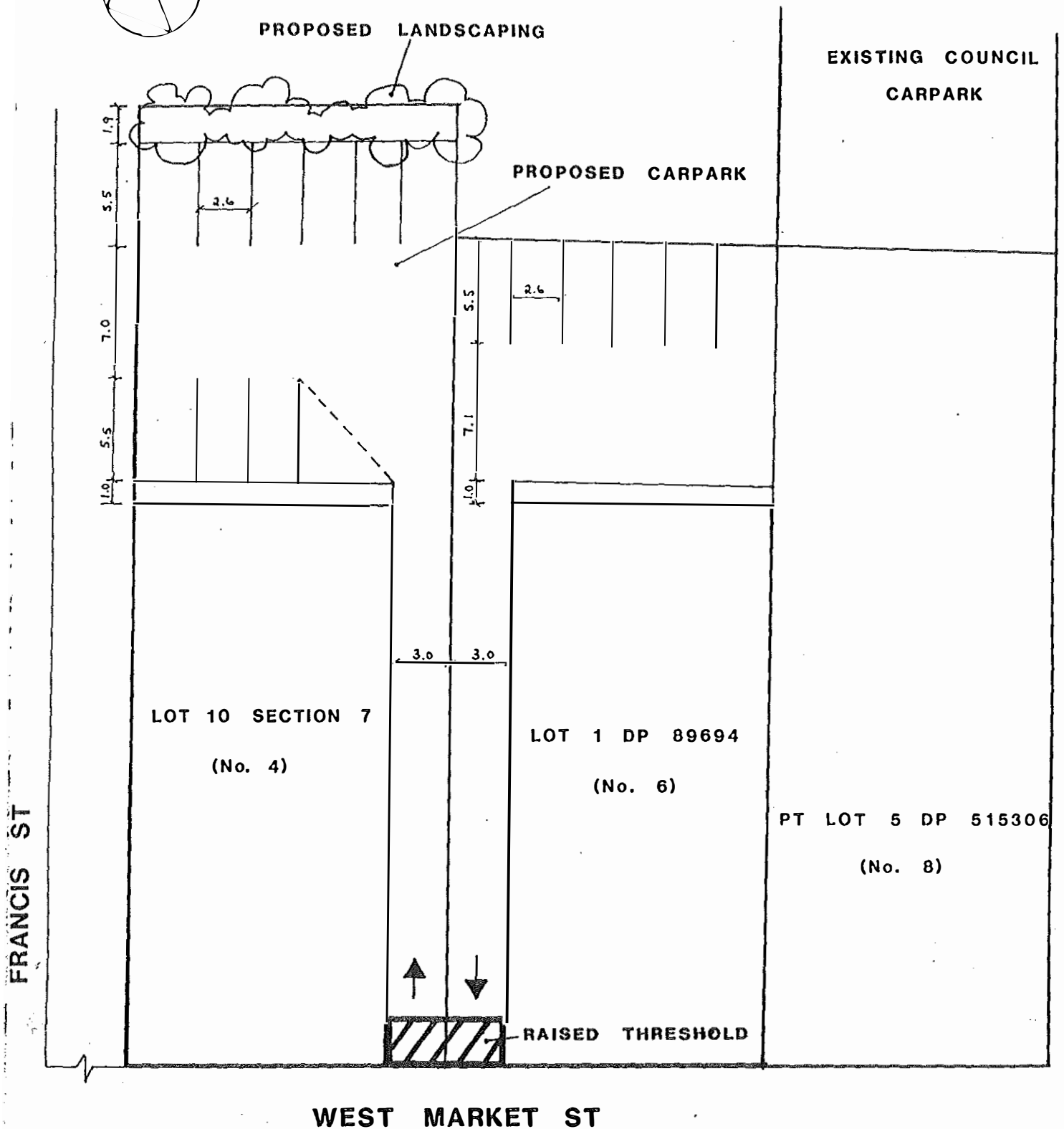
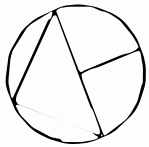
RICHMOND

Beimont

GROSE¹² 6 3405 WOLD

SUBJECT
LAND

OBJECTION



PROPOSED DEVELOPMENT CONTROL PLAN FOR WEST MARKET STREET

GENERAL PURPOSE COMMITTEE



SECTION 2 INFRASTRUCTURE

1

2

3

4

5

6

7

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

Meeting Date: 31 January 1995

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 2 - INFRASTRUCTURE.	
38:	ROAD CLOSURE APPLICATION OFF TIZZANA ROAD P2006/250 PT02/ENG	3
39:	PROPOSED CLOSURE - BEDDEK STREET, MCGRATHS HILL 240/R PT02/ENG	4
40:	GRANTS "OPERATION HEALING" - HNCMT AND "GREENSPACE" - DEPARTMENT OF PLANNING GG021/127 PT04/ENG	6
41:	HAWKESBURY SWIMMING CENTRE GT020/228 PT08/ENG	9

******* END OF TABLE OF CONTENTS *******

ITEM: 38

ROAD CLOSURE APPLICATION OFF TIZZANA ROAD

FILE NUMBER: P2006/250 PT02/ENG

REPORT:

Notice has been received from Department Conservation and Land Management of a road closure application on a Crown Reserve off Tizzana Road, Ebenezer, running through Lot 9 DP227211.

Several property owners have sought Council support in objecting to the road closure. Reasons given to support objections include:

- a. ready access to river for bush fire brigade units; and
- b. used by locals for access to the river and a small beach at the end of the road.

RECOMMENDATION:

That objection be lodged to the closure of the Crown Reserved Road through Lot 9 DP227211 off Tizzana Road, Ebenezer on the basis of need for use by bush fire brigade units and local residents. *and fishermen*

ATTACHMENTS:

AT-1 Site map

FN:IN131NBX.E02

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

ITEM: 39**PROPOSED CLOSURE - BEDDEK STREET, MCGRATHS HILL****FILE NUMBER: 240/R PT02/ENG****REPORT:**

Council has resolved that investigation be undertaken regarding closure of Beddek Street, McGraths Hill, at its intersection with Windsor Road.

Public comment was sought by way of:

1. advertisements in Government Gazette and Hawkesbury Gazette;
2. correspondence to adjoining/affected property owners; and
3. correspondence to relevant service/industry organisations.

Upon expiration of the comment period, two (2) submissions had been received, as follows:

1. Roads and Traffic Authority - no objection
2. NSW Police Service - recommending closure on the following grounds:
 - a. the proximity of this intersection with the major intersection of Windsor Road/Pitt Town Road;
 - b. that access to this street is gained equally from Pitt Town Road;
 - c. that motor vehicles accessing Beddek Street cause undue interruption to the traffic flow in Windsor Road, in particular west bound traffic;
 - d. that the potential for a serious motor vehicle accident due to restricted sight distance is high.
 - e. that the accident history does not reflect the true potential danger that exists; and
 - f. that many of the motor vehicles accessing Beddek Street are entering the adjoining licensed premises car park which has its own authorised access fronting Pitt Town Road.

RECOMMENDATION:

Pursuant to Section 116 of the Roads Act, 1993, and in accordance with delegated authority given it by the Roads and Traffic Authority, Council approve closure of Beddek Street, McGraths Hill at its intersection with Windsor Road, with a physical barrier to be placed to effect that closure, and closure be advertised.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN131NBX.E03

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

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Meeting Date: 31 January 1995

Item: 40

ITEM: 40**GRANTS "OPERATION HEALING" - HNCMT AND
"GREENSPACE" - DEPARTMENT OF PLANNING****FILE NUMBER:** GG021/127 PT04/ENG**REPORT:**

Advice has been received of the successful applications for funding under the Hawkesbury Nepean Catchment Management Trust's "Operation Healing" and the Department of Planning's Metropolitan "Greenspace" program.

The following grants have been offered to Council on a dollar for dollar basis.

Project Title	Grant Offered	Funding Required
1. Macquarie Park restoration/enhancement	\$25,000 Operation Healing \$50,000 Greenspace	) \$50,000)
2. People for Parks Bush Care Program	\$14,000	\$14,665 (\$ in kind)
3. Bligh Park Urban Runoff Retention	\$40,000	\$40,000
4. Educational Trail and Regeneration Site, Redbank Creek, North Richmond	\$7,000	\$7,000

Background to Projects**1. Macquarie Park Restoration -**

At its meeting on 13th September, 1994, Council resolved to establish a committee to re-develop Macquarie Park. The Committee prepared concept plans for Stage 1 of Macquarie Park, on display at this meeting. Subsequently, applications were lodged for funding under both Greenspace and Operation Healing for various components of works shown on the concept plan.

It is proposed that \$50,000 to meet Council's contribution come from funds previously allocated to Macquarie Park Development (\$36,273), cable fencing (\$4,818) and Macquarie Park House (\$8,909).

It is also proposed to seek additional funding from the Department of Public Works.

2. "People for Park" Bushcare Program -

At its Ordinary meeting of 14th June, 1994, Council adopted a recommendation to extend its "People for Parks" program to include a Bushcare Program. To date, the "People for Parks" Program has been very successful in both increasing community involvement in parks and reducing maintenance costs incurred by day labour.

More than sixteen parks or areas of bushland have been involved in the program with groups carrying out landscaping, park design, bush regeneration/revegetation, controlling park gates and Parkwatch service.

It is proposed to conduct the Bushcare component of People for Parks utilising the \$14,000 grant offered to contribute to salaries for a Technical Assistant for the initial six month period. Council's contribution for this initial period is, in kind, by provision of existing services. That is Community Nursery running costs and materials and support to community groups.

It is further proposed to carry out an appraisal of the program after twelve months, with its future funding coming from savings in maintenance generated by groups.

3. Bligh Park Urban Runoff Retention -

Funding has previously been allocated from Bligh Park contributions, to landscape the Bligh Park Recreational Lake.

The grant of \$40,000 has been offered to further the proposed landscaping to include establishing native habitats, aquatic macrophyte beds and improve the quality of Bligh Park's urban runoff.

In addition, Greening Australia has been successful in securing two LEAP Schemes for Bligh Park Lake, providing all labour and some plant material over a nine month period.

4. Educational Trail/Regeneration Site, North Richmond -

Funding has previously been allocated within the Park Improvement Program, to carry out bush regeneration works. To date, a large area of remnant bushland along Redbank Creek has been weeded and paths constructed with assistance of TAFE, LEAP and volunteers.

It is proposed to utilise the remaining \$7,000 in this program as Council's contribution to match the grant offered, for construction of an Educational Trail and further regeneration of bushland along Redbank Creek.

RECOMMENDATION:

1. The five grants be accepted from the Department of Planning 'Greenspace' program and HNCMT "Operation Healing" as follows:-
 - a) Macquarie Park, \$25,000 "Operation Healing", \$50,000 "Greenspace" with Council contribution being \$50,000 from Macquarie Park Development (\$36,273), cable fencing (\$4,818) and Macquarie Park House (\$8,909).

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Meeting Date: 31 January 1995

Item: 40

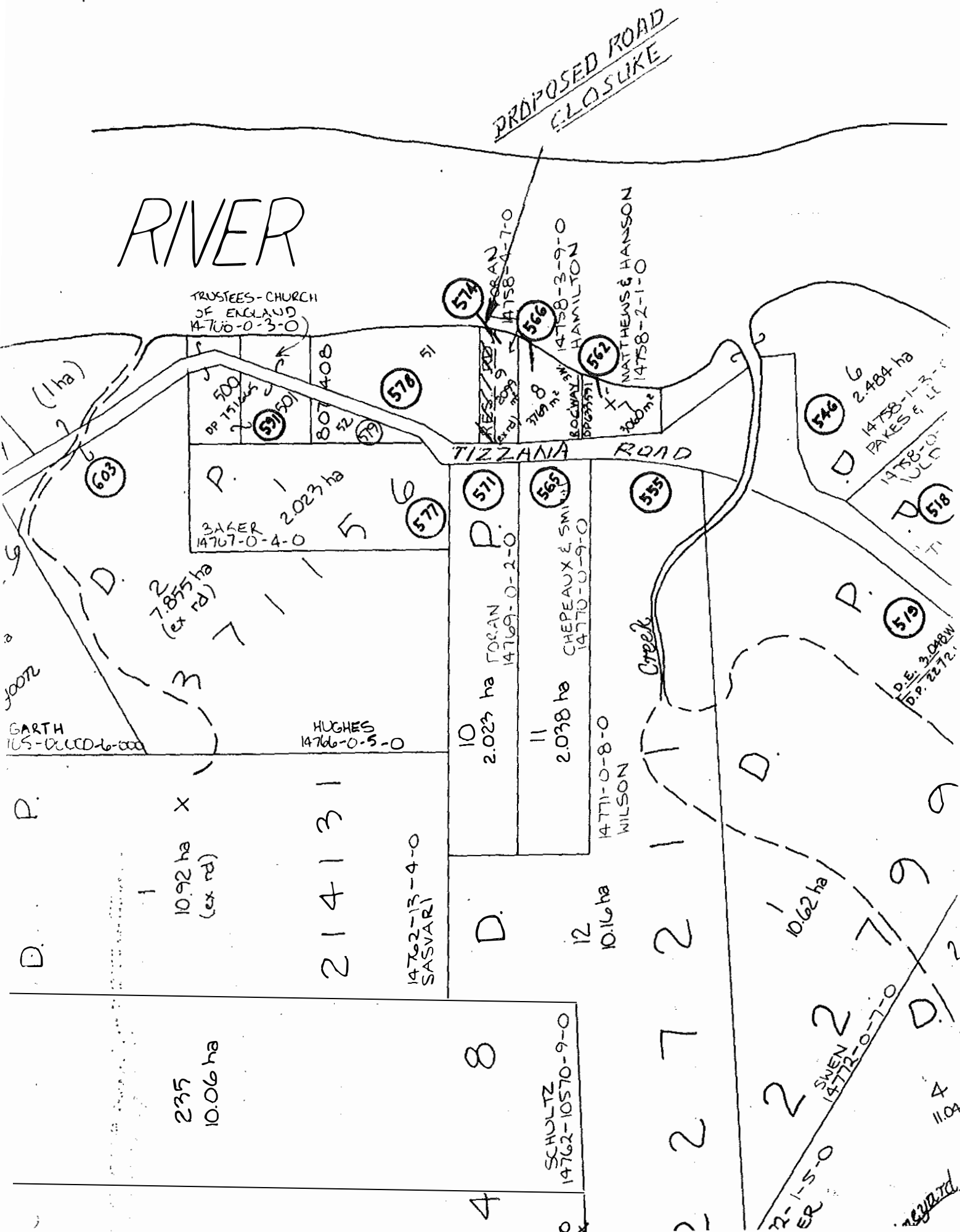
- b) "People for Parks" Bushcare \$14,000, "Operation Healing" with Council contribution being in kind from existing budgets.
- c) Bligh Park Urban Runoff Retention \$40,000 "Operation Healing" with Council contribution being \$40,000 from existing S94 program.
- d) Educational Nature Trail, Redbank Creek, \$7,000 "Operation Healing" with Council contribution being \$7,000 from existing Parks Improvement budgets.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN131NBX.E05

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



GENERAL PURPOSE COMMITTEE



SECTION 3 ORGANISATION & RESOURCES

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

Meeting Date: 31 January 1995

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 3 - ORGANISATION & RESOURCES.	
45:	MONTHLY FINANCIAL STATEMENTS - NOVEMBER GF001/004 PT4/FNC	3
46:	MONTHLY FINANCIAL STATEMENTS - DECEMBER GF001/004 PT4/FNC	7
47:	LEGAL SERVICES - EXPRESSIONS OF INTEREST GT020/247 PT01/GMA	11
48:	SALE TO FITZGERALD MEMORIAL HOSTEL INCORPORATED GR050/001/PT03, GC285/025/PT01/CSV	12
49:	LEASE OF VACANT LAND - PITT STREET, WINDSOR GC283/135 PT01/CSV	13
50:	REQUESTED AMENDMENT TO S88B INSTRUMENT - LOTS 1 AND 2 DP772156, BELLS LINE OF ROAD, BILPIN P243/2705/PT02/CSV	14
51:	ALFRESCO DINING - THOMPSON SQUARE AND GEORGE STREET, WINDSOR GC283/134/CSV	15
52:	PROPERTY DEVELOPMENT STRATEGIES - UPDATE GC285/002 PT02/CSV	18
53:	LOCAL GOVERNMENT ASSOCIATIONS - THREE-YEAR MANAGEMENT PLAN GM001/024 PT01/CSV	20
54:	EXEMPTION FROM RATING - THE ASSOCIATION OF FRANCISCAN ORDER AT FRIARS MINOR - LOT 108 WOLLOMBI ROAD, ST ALBANS P2359/880/FNC	21
55:	PROPOSED SALE OF 1A GREENWAY CRESCENT, WINDSOR P740/0015/PT02/CSV	22

******* END OF TABLE OF CONTENTS *******

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 31 January 1995

Item: 45

✓ ITEM: 45

MONTHLY FINANCIAL STATEMENTS - NOVEMBER

FILE NUMBER: GF001/004 PT4/FNC

REPORT:A. CASH EXPENDITURE WARRANT N° 11/1994**SUMMARY - Accounts Paid**

General Fund No. s	31104 -	31867	6,355,874.15
Trust Fund No. s	4269 -	4297	588,523.30
			6,944,397.45

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: 31 January 1995

Item: 45

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE

STATEMENT OF BANK BALANCES AS AT 30 NOVEMBER 1994

GENERAL FUND	241,689.89CR
TRUST FUND	14,456.48CR

256,146.37CR

FORM 2

GENERAL

Balance - Cash Account as at 31 October 1994	2,174,037.24CR
--	----------------

Receipts for period ended 30 November 1994	8,084,469.22DR
--	----------------

5,910,431.98DR

Payments for period ended 30 November 1994	6,370,240.29CR
--	----------------

459,808.31CR

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.

Term Deposits

120 Days	01.12.94	5.75%	Sewerage Fund	900,000.00
301 Days	14.12.94	5.00%	General Fund	600,000.00
128 Days	22.12.94	6.10%	General Fund	600,000.00
128 Days	22.12.94	6.10%	General Fund	50,000.00
120 Days	22.12.94	5.96%	Sewerage Fund	440,000.00
120 Days	22.12.94	5.96%	General Fund	80,000.00
127 Days	03.01.95	6.05%	Sewerage Fund	500,000.00
91 Days	09.01.95	6.32%	Sewerage Fund	500,000.00
120 Days	13.01.95	6.58%	General Fund	400,000.00
147 Days	24.01.95	6.07%	Sewerage Fund	370,000.00
147 Days	24.01.95	6.07%	General Fund	190,000.00
64 Days	25.01.95	7.40%	General Fund	500,000.00
88 Days	27.01.95	6.91%	Sewerage Fund	500,000.00
182 Days	06.02.95	6.27%	General Fund	653,262.53
182 Days	06.02.95	6.27%	General Fund	1,346,737.47
85 Days	09.02.95	7.46%	General Fund	650,000.00
90 Days	15.02.95	7.54%	Sewerage Fund	500,000.00
185 Days	27.02.95	6.27%	General Fund	300,000.00
185 Days	27.02.95	6.27%	General Fund	700,000.00
183 Days	03.03.95	6.36%	General Fund	839,582.37
183 Days	03.03.95	6.36%	Sewerage Fund	260,417.63
184 Days	08.03.95	6.33%	General Fund	380,000.00
180 Days	13.03.95	6.57%	General Fund	900,000.00
185 Days	20.03.95	6.58%	Sewerage Fund	700,000.00
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
365 Days	15.09.95	7.80%	General Fund	1,000,000.00
396 Days	09.10.95	7.35%	General Fund	3,500,000.00

Australian Treasury Corporation

03.08.95	5.31%	Workers' Comp Board	200,000.00
03.08.95	7.26%	Workers' Comp Board	750,000.00

Short Term Investments	General Fund	2,255,000.00
------------------------	--------------	--------------

\$26,065,000.00

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:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NAX.F02

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

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 31 January 1995

Item: 46

✓ **ITEM: 46****MONTHLY FINANCIAL STATEMENTS - DECEMBER****FILE NUMBER:** GF001/004 PT4/FNC**REPORT:****A. CASH EXPENDITURE WARRANT Nº 12/1994****SUMMARY** - Accounts Paid

General Fund Nos.	31868 -	32474	5,666,578.21
Trust Fund Nos.	4298 -	4307	362,799.60

6,029,377.81

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

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE

STATEMENT OF BANK BALANCES AS AT 31 DECEMBER 1994

GENERAL FUND	108,898.48 CR
TRUST FUND	124,577.56 CR

233,476.04 CR

FORM 2

GENERAL

Balance - Cash Account as at 30 November 1994	459,808.31 CR
Receipts for period ended 31 December 1994	5,549,722.30 DR

5,089,913.99 DR

Payments for period ended 31 December 1994	5,667,455.12 CR
--	-----------------

577,541.13 CR

Limit of overdraft arranged with bank	\$800,000.00
---------------------------------------	--------------

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Statements have been reconciled in all funds as at 31 December 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>Account</u>	<u>Amount</u>
---------------	-----------------	-------------	----------------	---------------

Term Deposits

127 Days	03.01.95	6.05%	Sewerage Fund	500,000.00
91 Days	09.01.95	6.32%	Sewerage Fund	500,000.00
120 Days	13.01.95	6.58%	General Fund	400,000.00
30 Days	13.01.95	7.80%	General Fund	260,000.00
30 Days	13.01.95	7.80%	Sewerage Fund	1,340,000.00
147 Days	24.01.95	6.07%	Sewerage Fund	326,737.47
147 Days	24.01.95	6.07%	General Fund	43,262.53
64 Days	25.01.95	7.40%	General Fund	500,000.00
88 Days	27.01.95	6.91%	Sewerage Fund	500,000.00
182 Days	06.02.95	6.27%	General Fund	653,262.53
182 Days	06.02.95	6.27%	General Fund	1,346,737.47
85 Days	09.02.95	7.46%	General Fund	650,000.00
90 Days	15.02.95	7.54%	Sewerage Fund	500,000.00
185 Days	27.02.95	6.27%	General Fund	300,000.00
185 Days	27.02.95	6.27%	General Fund	700,000.00
183 Days	03.03.95	6.36%	Sewerage Fund	839,582.37
183 Days	03.03.95	6.36%	General Fund	260,417.63
184 Days	08.03.95	6.33%	General Fund	380,000.00
180 Days	13.03.95	6.57%	General Fund	900,000.00
185 Days	20.03.95	6.58%	Sewerage Fund	700,000.00
90 Days	22.03.95	8.31%	General Fund	490,000.00
90 Days	22.03.95	8.31%	General Fund	680,000.00
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
365 Days	15.09.95	7.80%	General Fund	1,000,000.00
396 Days	09.10.95	7.35%	General Fund	3,500,000.00

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 31 January 1995

Item: 46

Australian Treasury Corporation

03.08.95	5.31%	Workers' Comp Board	200,000.00
03.08.95	7.26%	Workers' Comp Board	750,000.00
Short Term Investments		General Fund	1,260,000.00
			\$25,170,000.00

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed above are the total of all money that have 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:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NAX.F09

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

ITEM: 47**LEGAL SERVICES - EXPRESSIONS OF INTEREST****FILE NUMBER:** GT020/247 PT01/GMA**REPORT:**

Expressions of interest for provision of legal services to the Council were called late last year. There were 30 expressions lodged and these have now been evaluated in accordance with the criteria established by the Legal Consultative Committee. As a result they have been placed into three categories:

- Large organisations with specialist services capable of providing all services required by the Council.
- Suburban/local organisations capable of providing most of the Council's required legal services and
- Debt recovery specialists.

Based on the valuations a short list has been prepared of three organisations in the first category, three in the second and two in the third.

A copy of the valuations and scores has been provided separately for the information of Members.

If a presentation and interview is to be utilised to finalise the selection then this could be expected to take approximately eight hours. To ensure continuity this should be done over one full or two half days.

If the selection panel is determined at the Committee Meeting then the interviews could be held and a recommendation then made to the February Ordinary Meeting.

RECOMMENDATION:

A panel of Members be chosen to undertake interviews of short listed organisations for provision of legal services to the Council.

ATTACHMENTS:

AT-1 Evaluation of tenders.

FN:OG131NAX.G17

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

ITEM: 99

PROPOSED USE OF EXISTING DWELLING AS A TOURIST FACILITY - GUEST HOUSE - LOT 10 DP605262 "YARRABEE" 41. WARKS HILL ROAD, KURRAJONG HEIGHTS - APPLICANT: MR P & MRS L NAYLOR

FILE NUMBER: DA303/94/EVD

Owner: Mr P & Mrs L Naylor
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 4,131 square metres
Zone: Residential 2(a)
Advertising: Adjoining owners notified with 2 objections being received
Date Received: 10 November 1994

Key Issues:

- ◆ Loss of privacy
- ◆ Effluent disposal

Action:

Conditional approval

REPORT:

Proposal

To develop an existing dwelling as a guest house comprising three guest bedrooms and a fourth bedroom to be used by the proprietor. New work involves the additional of two small ensuites to two of the bedrooms and the construction of a carpark for the guest's vehicles.

Site Characteristics

The existing weatherboard and brick house was constructed in 1938 and is a residence of substantial scale with some charm set within an outstanding garden. The land falls both to the rear and towards the adjoining downhill residence on Warks Hill Road.

Statutory Situation

The proposed development is defined as a "tourist facility" which is permissible within land zoned Residential 2(a) under the provisions of the Hawkesbury Local Environmental Plan 1989.

ADDITIONAL NOTES TO BE READ IN CONJUNCTION WITH THE
OBJECTIONS TO APPLICATION FOR SUBDIVISION TO CREATE TWO
ALLOTMENTS - LOT 13 DP25309 NO. 7 PECKS ROAD, KURRAJONG
HEIGHTS.

ITEM 101 TO BE CONSIDERED BY GENERAL PURPOSE COMMITTEE
ENVIRONMENT ON 31 JANUARY, 1995.

It is submitted that the Application for Subdivision cannot be approved
by the council for the following reasons:-

- (1) The Planning Report does not provide adequate assessment of subjects
for consideration under S.333 of Part 12 of the Local Government
Act 1919.
- (2) The objection under SEPP 1 is not well founded and its support would
be contrary to the aims of SEPP 1 and to the objects of the
Environmental Planning and Assessment Act 1979 which are to
encourage:-
 - (i) "the proper management, development and conservation of
natural and man-made resources.....for the purpose of
promoting the social and economic welfare of the community
and a better environment".
 - (ii) "the promotion and co-ordination of the orderly and economic
use and development of land".
- (3) The use of the deferred commencement consent provisions under
Section 91AA of the EPA Act is inappropriate in this instance.
The council should be fully satisfied that the conditions in Part B
of the recommendation can be met prior to granting any form of
consent. These conditions should be in fact subjects for consideration
under S 333 of the LGA Act 1919 and under S 90 of the EPA Act.

The above grounds for refusal are elaborated below, with reference to
the Planning Report.

1. INADEQUATE ASSESSMENT OF SUBJECTS FOR CONSIDERATION
UNDER S 333 OF THE LGA 1919.

(a) "the size and shape of each separate parcel"

The subdivision, while numerically departs very little from the
development standard of 1000 sq.m. would result in two extremely
narrow blocks, which due to the topography imposes severe
limitations on location of future dwellings to the obvious detriment
of the amenity of the adjacent properties and would impact on
the present low density character of the surrounding area.

The narrowness of the resulting allotments and the steep slope of
the land dictate that future building on the second allotment will be
located less than 3 metres from the front boundary contrary to
Council's policy which nominates a minimum 7 metre setback from
the front boundary.

Page 2.

(b) "the length of the road frontage of each separate parcel

(and)

"the existing and proposed means to access each separate parcel"

The resulting narrow road frontages, 11.5 metres, the configuration of the road and the topography prevent adequate vehicular access to the proposed allotments. Subsequently Condition 11, requiring vehicles using proposed Lot 100 to enter and exit the accessway in a forward direction, cannot be complied with. We further note with concern that similar condition was not imposed on the northern most lot, contrary to discussion under the Traffic Section of the report.

(i) "whether the land is or probably will be subject to subsidence or slip"

In accordance with the report prepared by the Department of Conservation and Land Management the subject site has severe physical limitations. The Planning Report itself states that the proposed building envelopes are located on "land which demonstrates high to extreme soil erodibility and very high erosion hazards".

It is relevant to note that Council has previously considered a battle-axe type subdivision of the property which was found to be unsatisfactory due to erosion and slip constraints and effluent disposal problems.

We consider that the same constraints are applicable to the proposed subdivision in spite of the geotechnical report which accompanied the application. We note that we have not been able to peruse this report.

The Planning Report does not provide evidence of proper consideration of the impact of the subdivision and subsequent development on drainage and stability of the subdivided allotment.

We claim that due to the soil erosion and slip constraints the existing allotment has limited development potential and could only sustain a single dwelling development.

Disposal of effluent.

The report does not provide satisfactory assessment of the adequacy and potential environmental impact of the Ecomax System which is untried in New South Wales. The path of the treated wastewater has not been indicated by the applicant.

It is considered unsatisfactory to grant a deferred commencement approval in circumstances where significant doubt exists as to the adequacy of the proposed sewage treatment system.

Page 3.

2. THE OBJECTION UNDER SEE NO. 1 IS NOT WELL FOUNDED.

It is suggested that in spite of minor numerical departure from the allotment size standard of 1000 sq.m., the objection is not well founded and should not be supported by the Council. Support for the objection would offend the underlying purpose of the standard which is to maintain the prevailing conditions of environmental amenity and the character of the area.

The resulting subdivision and the future development, made possible by such subdivision, does not satisfy the subjects for consideration under S 333 of the LGA Act as outlined in Part 1 of this submission.

It is maintained that compliance with those subjects for consideration constitute the relevant circumstances of the case. Therefore strict compliance with the standards of allotment sizes is both reasonable and necessary under those circumstances.

3. THE GRANTING OF A DEFERRED COMMENCEMENT CONSENT UNDER SECTION 91AA OF THE EPA ACT IS INAPPROPRIATE IN THIS INSTANCE.

It is considered that, having regard to the concerns raised above and the potential environmental impact of development which may be possible following the subdivision/approval under Section 91AA is inappropriate. In this context it is relevant to note the decision of Stein J. in *Gee v Stapleton* (Land and Environment Court No. 40261 of 1989) which stated, amongst other things, that development consent to subdivision should address the relevant issues to provide certainty and finality to a residential subdivision.

We reiterate that having regard to the concerns raised in this subdivision the subsequent development which would be made possible by the proposed subdivision would have major environmental and aesthetic impact on the amenity and character of the surrounding area and therefore the proposed subdivision should be refused by the Council.

ITEM: 41**HAWKESBURY SWIMMING CENTRE****FILE NUMBER:** GT020/228 PT08/ENG

REPORT:

It was reported to Council when tenders for the Design and Construction of the Hawkesbury Swimming Centre were being considered, that further negotiations would be undertaken with Prospect Electricity with a view to determining the most economical energy source to be used for heating the facility. It appears that the cost involved in the supply of heat pumps and the ongoing energy cost comparison will be available just prior to the General Purpose Committee meeting and this will be reported in a supplementary report to that meeting.

At a recent meeting with the Architect who carried out the design of the Centre, Peter Hunt, he advised that during the final design stage of the project, it became apparent that a re-arrangement of the "dry" areas and amenities without altering the shape of the building architecturally to any great extent, would provide for a more functional facility. There would be no alteration to the areas of any of the facilities originally provided, including the water areas and there would be no additional cost to the facility. This proposal will also be outlined more fully in the supplementary report dealing with the Swimming Centre.

The anticipated commencement date for work on the site is 13th March, 1995.

RECOMMENDATION:

THE information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN131NBX.E06

****** END OF ITEM 41 ******

ITEM: 48 ✓**SALE TO FITZGERALD MEMORIAL HOSTEL INCORPORATED****FILE NUMBER:** GR050/001/PT03, GC285/025/PT01/CSV

REPORT:

INTEREST *RELEVANT*

Council resolved at its meeting of 13 July, 1993, to sell land and partially completed buildings on Lot 211 DP806061 at Windsor to the Fitzgerald Memorial Nursing Hostel Incorporated with the sale to include a delayed settlement period during which period, interest at the rate of 5%, would be paid to Council.

Settlement was set down for 31 December, 1994. The Fitzgerald Memorial Hostel has advised that construction works are behind schedule and have requested an extension of 6 months on the settlement period. The Hostel has indicated that its cash flow, at the requested time for settlement, will enable settlement to proceed. In the interim period, the interest rate of 5% shall continue to apply.

The extended period is supported on the above terms.

RECOMMENDATION:

1. That settlement on the sale of Lot 211 DP806061 be extended to 30 June, 1995 with interest at 5% (five) applying until settlement completed.
2. That the Fitzgerald Memorial Hostel Incorporated be advised of the recommendation.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C04

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

ITEM: 49**LEASE OF VACANT LAND - PITT STREET, WINDSOR****FILE NUMBER:** GC283/135 PT01/CSV**REPORT:**

Council owns and leases several properties for turf farms on the Windsor Peninsula (Pitt Street). There is currently one vacant lot (Lot K DP38709) which is presently not leased and is in poor condition.

It is considered that the lot could best be utilised for the keeping of stock. Mr Chris Wells has offered to lease the property to enable the keeping of two Clydesdale horses on the site. Mr Wells intends to commence operating a tourist venture in Windsor utilising the horses and a wagon and this location would be geographically ideal.

The lot is currently unfenced and if the lease is approved by Council, the lessee would suitably fence the lot at his expense, plough and re-seed the land. Reseeding will not only provide fodder for the animals but beautify the lot by removing the existing infestation of weeds and long grass.

Having regard to the capital expenditure to be incurred by the lessee it is considered reasonable that a fee of \$10 per week per animal apply and that the lease rest on correspondence with two months notice to be given by either party to terminate the agreement.

RECOMMENDATION:

1. Lot K DP38709 (40 Pitt Street, Windsor) be leased to Mr Chris Wells for the purposes of keeping Clydesdale horses at the rate of \$10 per week per horse.
2. The lease rest on correspondence with two months notice to be given by either party to terminate the agreement.
3. The lot be kept in a clean and tidy condition by the lessee at all times.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C06

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

ITEM: 50**REQUESTED AMENDMENT TO S88B INSTRUMENT - LOTS 1
AND 2 DP772156, BELLS LINE OF ROAD, BILPIN****FILE NUMBER:** P243/2705/PT02/CSV**REPORT:**

A request has been lodged by solicitors acting for the owner of Lot 1 DP772156 for the release of a restriction imposed by a S88B Instrument on the subject lot. Council is the party nominated in the instrument as having the power to vary or amend the instrument.

In 1973, the then Colo Shire Council consented to the subdivision of lands on Bells Line of Road at Bilpin. Pursuant to that consent, a Section 88B instrument was created which "tied" lots 2 and 7 of the then DP245217. In essence lots 2 and 7 were to be considered as one. The actual reason for the restriction is not known.

Subsequently, in 1986, Hawkesbury City Council approved a further subdivision of the land, notwithstanding the restriction in DP245217 and lots 1 and 2 DP772156 were created. However, the restriction remains on the title of lots 1 and 2 DP772156 but is now redundant in view of the 1986 approval.

The owner of the lots is now selling Lot 1 and it is a condition of sale that the restriction be removed.

As the restriction no longer has any relevance, its removal from the S88B instrument is supported. Costs in this matter will be borne by the land owner.

RECOMMENDATION:

1. Council consent to the removal of the restriction imposed by the S88B Instrument in DP245217 which tied lots 2 and 7 to each other.
2. All necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C08

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

ITEM: 51**ALFRESCO DINING - THOMPSON SQUARE AND GEORGE STREET, WINDSOR****FILE NUMBER:**

GC283/134/CSV

REPORT:

Submissions have been received from five operators of businesses within Thompson Square, Windsor to formalise their use of either part of the footway or roadway or both adjoining their shop premises, for alfresco dining purposes.

Some retailers within this precinct have been placing tables and chairs on the footway and roadway and it is understood that they have traded successfully with patrons enjoying the atmosphere created. As a measure to support the retailers and encourage further activity within this historic and tourist orientated precinct of Windsor, it is suggested that more formal arrangements be entered into with the respective operators. Such agreements would also protect the interests of both the Council and the retailers in terms of public risk insurance. Discussions have subsequently taken place with the retailers in regard to proposed terms and conditions and following advice from Consultant Valuers, appropriate rentals have also been discussed. Proposed conditions include the matters adopted by Council in July 1993 as policy in respect of alfresco type dining on Council owned/controlled areas ie.

- (i) pedestrians must be able to easily pass by without being forced onto the roadway;
- (ii) no exposed hot food counters, boilers or urns to be placed on public areas;
- (iii) the proprietor must satisfy Council that there is in place a public liability cover by way of a Certificate of Currency indemnifying the proprietor and Council in respect of occupancy of Council's land to the value of \$5m; and
- (iv) that regular inspections be undertaken to effectively control the area set aside for alfresco dining.

Other general proposed terms and conditions include:-

1. Area to be leased.
2. Times the arrangement is effective.
3. Term of the arrangement and commencement date.
4. Licence fees and any other charges which may apply including fee review provisions.
5. Barriers used to restrict access to the area.
6. Responsibilities in regard to the cleaning and upkeep of the subject area.

7. Other insurances required including worker's compensation and contents insurance.

In regard to the retailers, those businesses which have requested formal agreements include the following and details of their proposals and rental are as follows:-

Business	Proposal	Rental
The Macquarie Arms Hotel 99 George Street	Operate alfresco dining daily from 10.00am - 12.00am using 6 (six) tables providing seating for 24 persons. The tables are located on the footway in Thompson Square.	\$25 per week
Windsor Seafoods 74 George Street	Locate on the roadway and footway in front of their premises approx 10 tables, 40 chairs, 5 or 6 bins and a N ^o of plants in an area of 60m ² . Hours proposed are 11.30am to 9.30pm Saturdays, Sundays, Public Holidays and some Friday nights.	\$25 per week
Trentinos on George 95 George Street	Locate on the footway in front of their premises approx 5 (five) tables providing seating for 20 people. Hours proposed are 10am to 3pm and 6pm to 10pm on trading days.	\$20 per week
Great Australian Ice Creamery 66 George Street	Propose to pave and landscape the grassed area in front of their shop premises ie. adjacent to the Bridge Street round-a-bout. At least 6 (six) tables providing seating for approx 24 persons, will be located on the area during normal trading hours ie 10am to 10pm daily.	\$20 per week
Kate's Place 89 George Street	Proposes to place max two tables providing seating for 4 (four) people during normal trading hours ie 10am - 5pm daily.	\$10 per week

It should be noted that in terms of the proposals to permit 'outdoor' casual eating there is an element of liability exposure, particularly in relation to the ice creamery and seafood premises. It is felt that in these two situations the proprietors should provide suitable patrons' protection barriers with design and appearance to be approved by the Divisional Manager of Engineering Operations. As a further safeguard, suitable traffic calming options should be investigated having regard to the proximity of persons dining on the footpath/road area and passing traffic.

A plan of the precinct will be displayed at the meeting, highlighting the respective proposals. With regard to the proposal submitted by the Great Australian Ice Creamery, the proprietor proposes to pave, landscape and maintain the area to the Councils satisfaction, on the basis that the Council supplies the pavers and bins.

Despite the potential improvements to the amenity of the area resulting from the proposal, the proprietor is securing additional floor space and exclusive use of a public area and subsequently, it is considered that he should meet the full cost of the improvements. However, in view of the extent of the proposed works and ongoing maintenance responsibilities to be undertaken by the proprietor of the Great Australian Ice Creamery, a lesser rental of \$20 per week is recommended in this instance.

It is noted that the Roads Act provides for the leasing of public roads (including footways) for periods up to a maximum of five years. However, a Lease cannot be granted until public notice of the proposal is given and the public has twenty eight days to lodge submissions in respect of same. All affected lands owners and tenants would be advised of the proposals in writing and the matter could also be referred to the Traffic Committee. The Windsor Chamber of Commerce will also be advised of the proposal. It is suggested that the Leases be for a period of five years and the rentals be reviewed annually to the Consumer Price Index.

RECOMMENDATION:

Public notice be given in accordance with the Roads Act 1993, in respect of the proposals to lease part of the public road within George Street and Thompson Square, Windsor for a period of 5 (five) years and to the proprietors as noted in this report and in accordance with the general terms and conditions also outlined in the Report.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C13

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

ITEM: 52**PROPERTY DEVELOPMENT STRATEGIES - UPDATE****FILE NUMBER:**

GC285/002 PT02/CSV

REPORT:

Council will recall that it has previously considered reports in regard to the development/disposal of various properties within the entrepreneurial property portfolio. The purpose of this report is to provide Council with a update on the strategies it has previously adopted.

● **Wilberforce Shopping Centre**

A concept plan for the extensions was supported by the Council at the December Meetings and at this stage, almost all of the additional floor space available has been allocated between existing tenants who have indicated their desire for increased floor space and new tenants. It is noted that 130m² of floor space is still available, however negotiations have commenced with a veterinary/pet food supplies company and it is likely they will take up the available floor space.

The Development Application has been lodged and the matter is currently before the Local Traffic Committee for assessment.

Redevelopment of 141 - 145 March Street, Richmond

Rezoning of the subject land is proceeding with the plan of the proposed rezoning due to be placed on public exhibition shortly. A specification for the development of this land has been prepared and expressions of interest will be invited following confirmation of the of the rezoning application.

4 Macquarie Road, Wilberforce

There has been little enquiry on this property which remains on the market for sale. It is hoped that the market will improve after the traditionally slow Christmas period.

978 Bells Line of Road, Kurrajong Hills

This lot at the corner of Bells Line of Road and Hermitage Road remains for sale. As Council will recall, the lot was previously offered for sale by tender with no satisfactory tenders being received. Subsequently there have been a number of enquiries and inspections conducted however a satisfactory purchase price has not been negotiated. The sale of the lot has been passed to a local agent who it is considered is in a better position to more aggressively market the property.

Land Adjoining McMahons Park, Kurrajong

Contracts for the sale of the residential land have been prepared with a survey currently being conducted to accurately define the property and its accessway before marketing of the property commences.

42 Panorama Crescent, Freemans Reach

The portion of unformed public roadway adjoining the subject land is in the process of being closed. During the advertising period a number of submissions were received from residents in the area, requesting that consideration be given to developing the site as a playground. An investigation of open space/recreation lands in the Freemans Reach area has indicated that there is a shortage of this type of recreation facility. Funding is currently available for the installation of playground equipment.

It is therefore considered that the community would be better served by utilising the lot as a playground as opposed to its development as a residential lot, as was originally reported to Council.

Industrial Land - Groves Avenue, McGraths Hill

A specification for the development of the land covering options such as sale/lease/joint development has been prepared. It is proposed to formally invite expressions of interest in February 1995 when it is considered that maximum exposure to the market place will be achieved.

RECOMMENDATION:

1. The information be received.
2. 42 Panorama Crescent, Freemans Reach and the adjoining closed road reserve be developed as a playground with suitable playground equipment to be installed.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C14

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

ITEM: 53**LOCAL GOVERNMENT ASSOCIATIONS - THREE-YEAR
MANAGEMENT PLAN****FILE NUMBER:** GM001/024 PT01/CSV**REPORT:**

Councillors will be aware that the Associations previously forwarded their current Management Plan for the years 1994/1997 and have invited input from Council's as to the content of the document. Copies of the Plan have been previously circulated to all Councillors. Comments are requested no later than February 3, 1995.

The document is broad in its categories and it is considered that the targets and performance indicators are commensurate with achieving a solid working relationship between the Associations and the industry.

Accordingly, it is proposed to advise the Associations of this Council's endorsement. Any comments by members will be included in the response.

RECOMMENDATION:

That the Local Government Associations be advised of Council's endorsement of their Three-Year Management Plan for the period 1994/1997.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C16

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

ITEM: 54**EXEMPTION FROM RATING - THE ASSOCIATION OF
FRANCISCAN ORDER AT FRIARS MINOR - LOT 108
WOLLOMBI ROAD, ST ALBANS****FILE NUMBER:** P2359/880/FNC**REPORT:**

The Franciscan Order own a 300 hectare property which was subdivided into 4 lots for rating purposes in 1992. Lot 25 in DP755265 was granted exemption from rating in 1992. A church has been constructed on Lot 108 DP755258. An exemption for this property has now been requested. The other two lots do not qualify for exemption under the Act. Application has been made on the basis that the property belongs to a religious body and is occupied and used as a church for public worship.

An inspection confirmed that the construction of the church commenced in August 1993, is now complete and open to the public. Final inspection was effected on 20 July 1994.

Rating details are:-

Assessment No.	4.15554.2000
Property	Lot 108 DP755258, Wollombi Road
Rates 1994/95	\$474.75

RECOMMENDATION:

Exemption from rating under Section 555 (e)(i) of the Local Government Act 1993 be granted to the Association of Franciscan Order for Lot 108 Wollombi Road from 20 July 1994 and that rates of \$448.74 (four hundred and forty eight dollars and seventy four cents) be written off for rates issued.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.F07

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

ITEM: 56 <#>**1A GREENWAY CRESCENT, WINDSOR - PROPOSED SALE****FILE NUMBER:****P740/15 PT02/CSV****REPORT:**

Subsequent to the reports Council has considered in respect of this matter, advice has been received indicating that Lot 161 is subject to a Permanent Conservation Order (PCO) imposed in 1979 by the Department of Planning. The PCO does not appear on title documents to Lot 161 and its effect covers Lot 161 and the adjoining Lot 162 owned by Mr A Hendrikson.

Whilst the PCO does not prohibit development of the lot or the right of Council to sell the lot, any activity on the lot besides receiving the consent of Council must also receive the consent of the Department of Planning.

It is noted that the building platform designed by Mr Staas, Heritage Architect, does not appear to conflict with the terms of the PCO.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131LCX.C19

**** END OF ITEM 56 <#> ****

✓ ITEM: 55

PROPOSED SALE OF 1A GREENWAY CRESCENT WINDSOR

FILE NUMBER: P740/0015/PT02/CSV

REPORT:

Council has considered this matter at several meetings. At its meeting of 13 December, 1994, Council adopted the recommendation that "this matter be deferred until the next General Purpose Committee Meeting and that interested persons be advised of their rights to address the Committee".

In accordance with the recommendation, interested parties were advised in writing on 28 December, 1994, of their rights.

The report placed before Council at its meeting of 29 November, 1994, is reproduced below:

Council at its meeting of 11 October 1994 considered a report on the sale of the subject land to Mr B J Ghantous and recommended that:-

- "1. The land in question being Lot 161 DP716680 Greenway Crescent, Windsor be offered by public tender.*
- 2. There be a reserve of \$250,000 (two hundred and fifty thousand dollars).*
- 3. A restrictive covenant be placed on the title restricting any development on the site to a single storey and preventing any blocking of views from the St Matthews Anglican Church property.*
- 4. Any subsequent building be subject to discussions regarding its design with the Council's Heritage Adviser."*

Subsequently, Solicitors Abbott Tout prepared an extensive covenant in accordance with the recommendations and the property was advertised for sale. At the close of the tender period, one tender lodged by Triston Pty Ltd was received. Mr Ghantous is the principal of Triston Pty Ltd. The amount tendered was \$250,000.

The tenderer has included three extra special conditions that he has requested for inclusion in the contract for sale.

In brief, the conditions are:-

- 7. A warranty to be made by Council that legal access is available from Greenway Crescent and James Ruse Close.*
- 8. That subject to Development Consent the purchaser would be entitled to build a dwelling on areas identified by the tenderer. (2 (two) building platforms have been identified.)*

9. *To the extent permitted by law, Council shall permit a re-alignment of the boundaries of the subject land and the adjoining land owned by the tenderer.*

With regard to Condition 7, the tender specification made specific mention that access is "available from either Greenway Crescent or James Ruse Close". An inspection of the Deposited Plan attached to the tender documents also makes this self evident. Thus, a warranty need not be given.

With regard to Condition 8, Council's Consultant Architect having regard to factors such as flood heights, visual amenity and the proximity of heritage items identified a specific area for the building platform. The extension of this platform as requested by the tenderer is not in accordance with the tender specification and therefore should not be supported. In addition, legal representation has been made by the adjoining property holders, Mr & Mrs Hendrikson seeking further restrictions on the development of Lot 161 to protect their amenity. These restrictions would be in the form of amendments to the 88B instrument which would in essence ensure that no building could occur (without their consent) in front of their property.

It is considered that the imposition of further restrictive covenants on Lot 161 are not considered appropriate in this instance as Council has provided adequate recognition of this issue in its tender specification.

With regard to Condition 9 the tenderer may lodge a boundary adjustment application. It is not considered reasonable that Council be required to "permit a re-alignment of the boundaries" at the tender stage. Council will note that boundary adjustments are considered on their merits in accordance with the provisions of the Hawkesbury Local Environmental Plan 1989 including clauses 11(3), 13, 15(2), 25, 28 and 34. Of particular note in Clause 15(2) which stipulates that the number of dwelling houses erected on land subdivided shall not exceed the total number permissible prior to the adjustment. It is noted that the lot owned by the tenderer does not retain a building right due to its floodability no more than one building could be erected even if a boundary alignment is lodged and successful.

The acceptance of Condition 9 is not supported.

The tender specification stipulated that "Council reserves the right to accept non-conforming tenders". Subject to the deletion of the conditions 7, 8 and 9 imposed by the tender or it is recommended that Council accept the tender lodged by Triston Pty Ltd.

1. *THAT COUNCIL ACCEPT the tender lodged by Triston Pty Ltd in the amount of \$250,000 (two hundred and fifty thousand) for the purchase of land known as 1A Greenway Crescent, Windsor (Lot 161 DP716680) subject to the removal of conditions 7, 8 and 9 as specified by the tenderer.*
2. *As previously identified, funding from the sale be put toward extensions of the Windsor Library or a regional art gallery.*

3. *All documents be completed under Seal of Council.*

Additionally the committee added a further recommendation following the tabling a letter by Mr A Hendrikson.

1. That by the Ordinary Meeting there be further conditions for consideration taking into account the concerns set out by Mr Hendrikson by way of conditions of approval.

Subsequently, at the Ordinary Meeting of 13 December 1994 the following information was reported.

As reported to Council at the 29 November 1994 meeting, the tenderer imposed three extra conditions for the sale of the land with the tender he lodged. These conditions were largely not supported as they did not conform with the previous resolution and sale specification.

In terms of the letter tabled by Mr Hendrikson he has asked that this property be benefited from the restrictions as with the Church and as landowner be entitled to vary the covenants along with the Church. The reason the Church have been identified as receiving a benefit of the covenants is due to the historic nature of the site. As previously reported, the special conditions prepared and included with the specification limit the type, style and location of any development on the land. In particular, no development shall occur in front of Mr Hendrikson's land and Council, as the consent authority for developments, is clearly able to control the development of the land.

Whilst the concerns raised by Mr Hendrikson are noted, it is considered that the amenity of his block is adequately protected by the special conditions already imposed in the tender specification and the conditions for development as defined in the Hawkesbury Local Environmental Plan, 1989.

The request from Mr Hendrikson effectively "blots" the title to the land and will reduce the value of the land accordingly. Further, this extra requirement alters the tender specification and if included would need to be readvertised with an amended specification.

At this time further correspondence has been received from Mr Ghantous requesting that consideration be deferred to the next General Purpose Committee meeting so he may address Council.

Having regard to the preceding recommendations, the matter is again presented for consideration.

RECOMMENDATION:

1. COUNCIL ACCEPT the tender lodged by Triston Pty Ltd in the amount of \$250,000 (two hundred and fifty thousand) for the purchase of land known as 1A Greenway Crescent, Windsor (Lot 161 DP716680) subject to the removal of conditions 7, 8 and 9 as specified by the tenderer.
2. As previously identified, funding from the sale be put toward extensions of the Windsor Library or a regional art gallery.
3. All documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NCX.C12

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

**HAWKESBURY CITY COUNCIL
GENERAL PURPOSE COMMITTEE**

END OF BUSINESS PAPER

ROGERS 75/96 - RELOCATION of Kijong S/F station

- DEVELOP AREA AS COR PARK

- PARKING AVAILABLE / POSSIBLE

SNEATHER - VERY APPROACHES

- BRIDGE APPROACHES

BOOKS - GIVEWAY SIGNS AT RAILWAY STATION

Paine - BUSINESS PAPER TO PUBLIC

- MALE PIVERS.

PERSONS - LUNCH.

ITEM 98 (PARSONS).

BOOKS, ~~KEEGAN~~ - APPROVAL WITH CONDITIONS

PAINE, BOOKS, KEEGAN MINTURN COLVERT }
SUEDE PARSONS | STUBBS ROGERS SNEATHER
LATER

F
TB
BK
M.P.
PM.
4

A
RC.
C.P.
L.S.
W.S.
6