

HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

BUSINESS PAPER

DATE OF MEETING: 26 September 1995

LOCATION: Council Chambers

TIME: 9:30am

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HAWKESBURY CITY COUNCIL

MISSION STATEMENT:

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

How Council Operates...

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

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

The Ordinary Meeting of Council meets on the second Tuesday of each month at 7.30pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets at 9.00am to consider activities in the areas of works, finance, and planning and development. Both of these meetings are open to the public.

Meeting Procedure...

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

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

Public Participation...

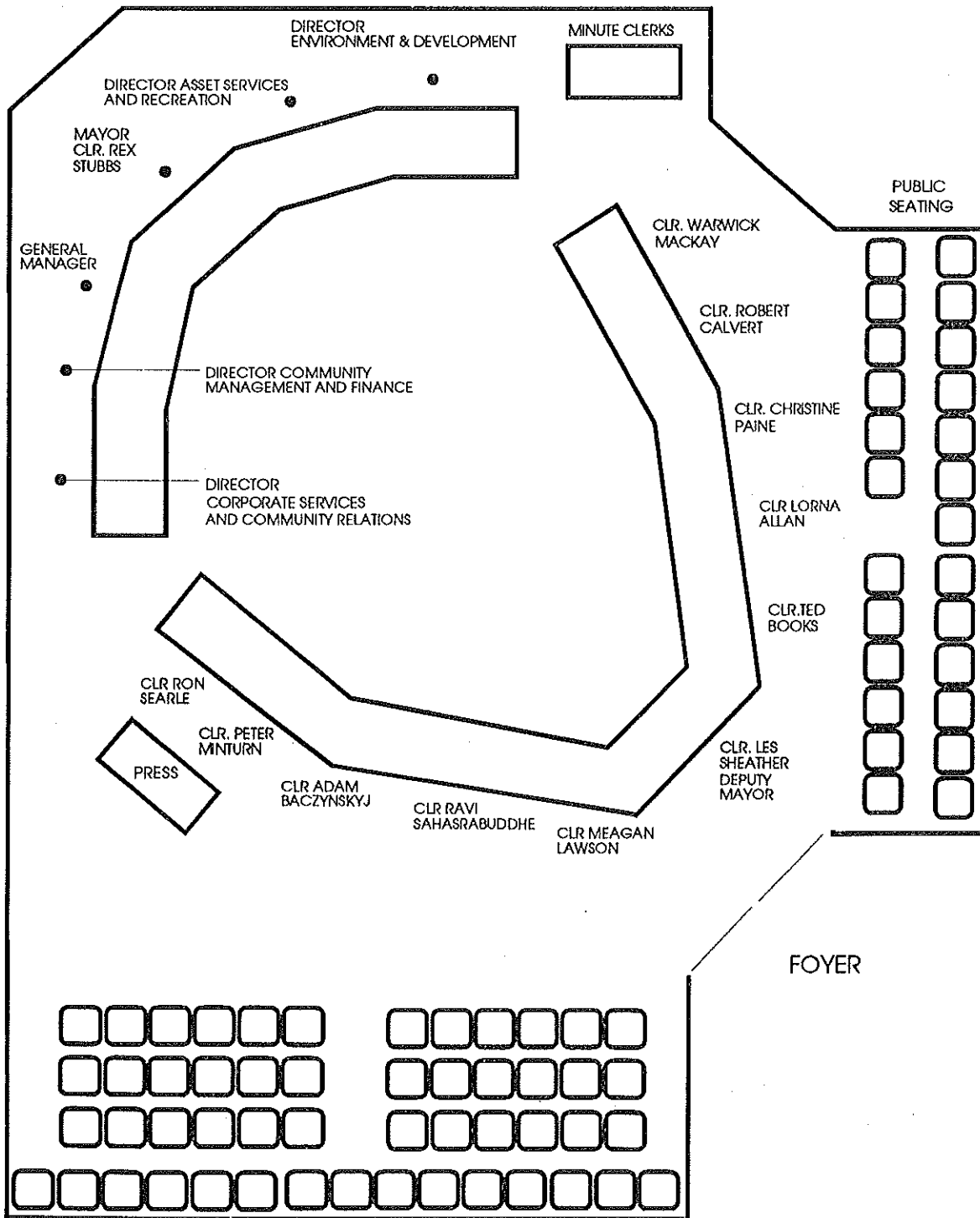
Members of the public can request to speak about a matter that is before the Council at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There will be provision following the break in the meeting at around 9.15/9.30pm for members of the public to ask questions of Council.

A Point of Interest...

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

COUNCIL CHAMBERS



PUBLIC SEATING

GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 26 September 1995

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**

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Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 22 August 1995, commencing at 9.00am.

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

Apologies for absence were received from Councillors Williams, Mackay and Rogers.

Councillor Stubbs left the meeting at 5.20pm

RESOLVED on the motion of Councillor Parsons and seconded by Councillor Sheather that the apologies be accepted.

RESOLVED on the motion of Councillor Sheather and seconded by Councillor Calvert that the Minutes of the General Purpose Committee Meeting held on the 25 July 1995, be confirmed.

The following recommendations were passed as resolutions of the Committee:

SECTION 1 - ENVIRONMENT

12: CONSTRUCTION OF A GO-KART TRACK AND ASSOCIATED FACILITIES - LOT 2 DP595299 AND PART LOT C DP159204 430-446 WILBERFORCE ROAD, WILBERFORCE (DA0021/95/EVD)

Mr Russ Hodgkins, applicant, addressed the Committee.

Ms Lesley George, objector, addressed the Committee and read excerpts from a letter of objection written by the Manning family.

THAT THIS APPLICATION be approved subject to:

- A. 1. Submission of a structural certificate for the proposed bridge as constructed to the effect that it is capable of carrying the loads that will be imposed including flood and flood debris
2. The existing culvert across the creek to be amplified to maintain the waterway area and flows within the Creek. Detailed hydraulic designs to be submitted for approval prior to construction.
3. The widening of the pavement in Wilberforce Road on its western side to provide a passing lane when vehicles are waiting to turn right into the development.

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All work including line marking to be to the requirements of the Roads and Traffic Authority

4. Construction of a sealed access drive including necessary splays from the edge of seal in Wilberforce Road to the site entrance.
5. Construction of the access road with a sealed pavement between the entrance to the site and in front of carparking spaces 1-20, opposite the shelter shed and amenities.
6. Car parking spaces 1-20 near the entrance to the site, referred to in Condition 5 above, to be constructed with a sealed pavement and all parking spaces and aisle widths to conform to Council's Development Control Plan No 2 Parking Policy. Details to be submitted and approved prior to construction commencing.
7. The track drainage to comprise minimum of 225mm (two hundred and twenty five) diameter pipes.
8. All disturbed areas shall be grassed to the satisfaction of the Divisional Manager of Environment & Development immediately after construction of the track, mounds and associated facilities. No area shall be left unprotected for more than 60 (sixty) days.
9. A maximum of 10 (ten) go-karts shall be operated in any way at any given time including on the track and adjoining the track.
10. All go-karts being operated on the site shall have a maximum sound pressure level of 78 dB(A) at 7 (seven) metres. The applicant shall satisfy the Divisional Manager of Environment and Development of this sound pressure level if required to do so.
11. Provision of earth barriers as recommended in the Report by Atkins Acoustics and Associates Pty Ltd, reference 25.4298 RI:GA57 dated June 1995.
12. Petroleum products shall be stored within an impervious bunded area at all times. All refuelling of go-karts and transfer of products shall take place within this bunded area.
13. Approval being obtained from the Environment Protection Authority for the operation of the go-kart facility.

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14. Tyre barriers shall be adequately retained to prevent disturbance to them during periods of flooding.
15. Lot 2 DP595299 and Part Lot C DP159204 to be consolidated into 1 title prior to the go-kart track being used by the public.
16. Submission of a building application, plans and specifications complying with the Building Code of Australia.
17. No advertising structures to be erected, displayed or affixed on any building or land without prior approval.

Any unauthorised advertising structure will be removed at the expense of the advertiser.
18. No excavation or site works shall be commenced prior to the issue of the building permit
19. The submission of an erosion and sedimentation control plan for approval prior to any works commencing
20. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the use of the track and shall be maintained for the life of the development
21. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity
22. 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.
23. Operating hours shall be limited to 9.00am to Sunset, 7 (seven) days a week. Any alteration of these hours will require the approval of the Divisional Manager Environment & Development
24. The development shall be carried out in accordance with Plan No. 94071, dated July 1995.
25. Erosion and sedimentation control devices shall be installed and maintained during construction.

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Details shall be submitted and approved prior to any works commencing.

26. No excavated material, including soil, shall be removed from the site
 27. Payment to Council of a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979, towards the maintenance of roads based on 3c per tonne per kilometre of all material transported to the site. The contribution shall be paid prior to the commencement of any works and shall remain fixed for a period of 3 (three) months
 28. The earth mounds shall be grassed to the satisfaction of the Divisional Manager Environment & Development immediately after filling takes place.
 29. All works shall be completed within 6 (six) months of commencement.
 30. Only go-karts with 4 (four) stroke engines are to be used.
- B. Discussions between the applicant and the Divisional Manager Environment & Development in regard to the items raised by Mr Hodgkins, before the Ordinary Meeting, and
- C. That by the Ordinary Meeting there be further reports on:
- 1). The consultants noise report
 - 2). Section 94 contributions and the RTA and
 - 3). Negotiations with the neighbours regarding the noise issues.

13: CONVERT AN EXISTING STORE ROOM/RUMPUS ROOM INTO A THREE BEDROOM DWELLING (DUAL OCCUPANCY). PROPOSED LOT 62 IN A SUBDIVISION OF LOT 6 DP245119 39 SCOTTS FARM ROAD, GROSE WOLD, (DA0118/95PT01/EVD)

Mrs D Grasso, applicant, addressed the Committee.

- A. THAT THE application be refused for the following reasons:
1. That the development is not an "attached" dual occupancy as defined by Council's Development Control Plan for Dual Occupancy/Duplex Housing.

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2. Approval of the application will create a precedent for similar applications and pressure for the excision of the dwellings by subdivision contrary to minimum area standards for subdivision.
- B. Negotiations be reported to the Ordinary Meeting in relation to a Section 88B Instrument with discussions with the owner if they are prepared to agree to a condition that the 88B Instrument be restricted to the present owner and the condition lapses on the sale of the property.
- C. That Council amend the Dual Occupancy Duplex Housing Development Control Plan to require that "attached" dual occupancies in rural areas be a single building containing 2 (two) dwellings and either share a common wall or the main roof and, in the latter instance, the closest walls of the dwellings be not more than 6 (six) metres apart.

14: ALTERATIONS TO A HERITAGE ITEM AND ITS USE AS A RESTAURANT - LOT 3, DP 803879. NO.663 GROSE VALE ROAD, GROSE VALE (DA106/95/EVD)

Mr Glenn Falson for the applicant, addressed the Committee.

Mrs Carolyn Upjohn, Mr Lindsay Upjohn and Mr Beves, objectors, addressed the Committee.

THAT THE APPLICATION be refused as it is an inappropriate commercial activity in this rural zone and it will cause an adverse impact on the amenity of the local area, particularly in relation to noise.

15: ERECTION OF GREENHOUSE FOR PROPAGATION AND DISPLAY AREA (DA0148/95 PT01/EVD)

Councillor Paine declared an interest in this matter as she believed there is a court case pending between the two applicants and there may be some involvement.

Mr Seltenrych, Miss Jean Makim, objectors, addressed the Committee.

Mr & Mrs Ciccolella, applicants, answered questions from the Committee.

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A. THE APPLICATION be approved subject to the following conditions.

1. The development shall be carried out in accordance with Plan No 627.1278 dated June 1995.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed 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. No excavation or site works shall be commenced prior to the issue of the building permit
6. THAT THE agricultural drain and surface drains to be placed on the downward side of the front fence to a place 10 metres past the last building of the neighbour's property to the satisfaction of the Divisional Manager Environment & Development.
7. A report to come back to the Ordinary Meeting on the request to amend the previous consent not to erect a fence.

16: SUBDIVISION TO CREATE FIVE ALLOTMENTS WITH BUILDING ENTITLEMENTS - PLUS A SIXTH COMMUNITY LOT - LOT 18 DP30468, NO.26 CLIFF ROAD, FREEMANS REACH (SA0106/95/EVD)

Mr John Taylor, applicant and Mr Glenn Falson for the applicant addressed the Committee.

THE APPLICANT BE invited to submit a revised plan taking into consideration the concerns of the Council.

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17: SUBDIVISION TO CREATE SIX ALLOTMENTS - LOT 14 DP202803 NO. 260 TERRACE ROAD, FREEMANS REACH. APPLICANT: FALSON & ASSOCIATES (SA118/94/EVD/EVD)

Mr Glenn Falson, for the applicant, addressed the Committee.

THAT THIS PARTICULAR application be refused, however the Council invite an application where the applicant could demonstrate that the waste water generated from the site could be disposed of satisfactorily by an alternative to system pump-out and with the appropriate licences.

18: SUBDIVISION TO CREATE TEN (10) ALLOTMENTS - LOT 1 DP557035, LOT 2 DP615915, LOT 171 DP527991, HORANS LANE, KURRAJONG. APPLICANT: FALSON & ASSOCIATES (SA0096/95//EVD)

Councillor Books declared an interest in this matter because of a family relationship.

Mr Glenn Falson, for the applicant, addressed the Committee.

A. THAT THE application be refused for the following reasons:-

1. Contrary to the minimum area standard for subdivision in the Environment Protection 7(d) zone.
2. Precedent for further subdivision and inevitably an ad hoc redefinition of the escarpment area.

19: DEVELOPMENT (SUBDIVISION, DUAL OCCUPANCIES, VILLAS ETC) WITH FRONTAGE TO REAR LANES (GT070/011; DA0033/95PT01/EVD)

1. THAT COUNCIL REQUIRE THAT all developments or subdivisions adjoining rear laneways be provided with legal and pedestrian access to the front street.

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2. Council not require the upgrading of rear laneways at the time of subdivision or development where legal and pedestrian access is provided to the front street.
3. All developments adjoining a rear laneway be required to provide screen fencing along the frontage to the lane and adequate courtyard area for the proposed development.

20: DRAFT LOCAL ENVIRONMENTAL PLAN - EQUESTRIAN VILLAGE, RACECOURSE ROAD, CLARENDON - AMENDMENT NO. 40 (LEP007/94 PT01/EVD)

Councillor Keegan declared an interest in this matter.

Councillor Sledge was nominated as Chairman and took the chair.

COUNCIL REAFFIRM ITS commitment to the subdivision here and representations be made to the relevant Minister and local Members of Parliament be invited to help in the response.

Councillor Sledge vacated the Chair

21: REMOVAL OF TREE - PROPOSED DWELLING CONSTRUCTION - LOT 7 DP 787272 NO.20 FLINDERS PLACE, NORTH RICHMOND - APPLICANTS: MR R AND MRS S AMBROSE (BA748/95/EVD)

Mr R. Ambrose, applicant, addressed the Committee.

THAT APPROVAL BE given for the felling of the tree.

22: PROPOSAL FOR THE PROVISION OF BONDS TO ENSURE COMPLIANCE WITH TREE REMOVAL APPROVALS IN RURAL AREAS. (G3020/031PT04;GT070/006PT02/EVD)

THAT THE POLICY for tree applications and bonds for tree clearing be implemented generally in accordance with the proposal outlined in the report.

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23: WILBERFORCE ABATTOIR - PROPOSED AGREEMENT TO RELINQUISH EXISTING CONSENTS AND ISSUE A SINGLE CONSOLIDATED CONSENT (P1102/560PT06;DA0052/94PT01/EVD)

This item was considered in conjunction with Supplementary Item 38

Mr Jeffcot Solicitor, Mr Brad Henry and Mr Don Thorburn, employees of the Wilberforce Abattoir, for the applicant addressed the Committee

A. The abattoir operators be invited to surrender all existing development consents with a modified consolidated consent to be issued under delegated authority subject to the following conditions:

1. This consent is for the operation of an abattoir to slaughter, butcher and undertake any associated activities.
2. The rendering of meat and by-products is not be undertaken on site.
3. The hours of slaughtering shall be limited to 7.00am to 4.00pm Monday to Friday. Slaughtering shall not be undertaken on Saturdays, Sundays or Public Holidays.

Any variation to these times will require the approval of the Divisional Manager Environment and Development and will be restricted to rare events and breakdowns. *Approval for variation in the hours of slaughtering has to be sought and obtained before there is any slaughtering outside of the approved hours.*

4. The hours of boning shall be limited to 7.00am to 10.00pm on any day.
5. There are to be no trucks on site delivering stock between the hours of 10.00pm and 7.00am on any day.
6. *Trucks may remove meat and by-products at any time provided that between the hours of 10.00pm and 7.00am the following practices are employed:*
 - . *no truck refrigeration units to be used on site*
 - . *no headlights to be used on site*
 - . *no loud talking*
 - . *no metal on metal noises*
 - . *no door slamming*
 - . *no revving of engines*

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no unnecessary noise

7. Trucks delivering stock to the abattoir are not to wait outside the abattoir entrance or at any other location which will disturb the amenity of residents.

A new large sign is to be placed at the entrance on King Road advising that stock will be received between 7.00am and 10.00pm only and that stock transports are not to wait outside the abattoir and if they arrive out of hours are to proceed to a road layby outside of Wilberforce and away from houses.

The sign is to be suitably lit so that it can be read at night.

If necessary the applicant is to fund the erection of "No standing" signs outside the abattoir prohibiting standing between 10.00pm and 7.00am.

8. A solid masonry wall (solid brick or concrete block) is to be constructed along the western boundary from the southern end of the property to the end of the slaughter area. This wall is to be returned to the main building at the end of the slaughter area and is also to be taken for a distance of 5 metres along the southern boundary.

The wall is to meet the corrugated metal roof and be fixed to it.

The wall can be constructed in two stages provided that it is completed within 6 months of the date of this consent with the first stage being the slaughter area to be completed within 3 (three) months of the date of this consent.

The requirement to construct the wall is subject to the adjoining property owner providing reasonable access to allow its construction.

In the event that the adjoining owner does not provide access for the construction of the masonry wall, the next best alternative wall in terms of sound attenuation is to be constructed in such a manner that access across the adjoining property is not required. An alternative construction is to be approved by the Divisional Manager Environment and Development.

9. The doors to the compressor on the western side of the building are to be closed when the compressor is in operation. This will probably require an alternative ventilation system which is to be acoustically treated to the satisfaction of the Divisional Manager Environment and Development. Alternatively, the masonry wall can be extended north of the compressor room to provide acoustic screening which would allow the compressor door to be left open.

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10. The submission of a building application, plans and specifications complying with the Building Code of Australia for the masonry wall or its approved alternative.
11. The access road from King Road to the abattoir building shall be maintained in an all weather condition.
12. An adequate on-site area for parking and loading with a suitable all weather surface is to be maintained to the satisfaction of the Divisional Manager Environment and Development.
13. The applicant is to submit either a survey or aerial photographs of the site which clearly depict all improvements so that Council has a record of the extent of the development.
14. No portable buildings or containers are to be brought on site additional to those existing at 14 August 1995 without the consent of Council.
15. The operation of the abattoir shall cease in the event that any part of the waste water control plant is affected by flooding or in the event that the system fails to operate in accordance with standards as approved by Environment Protection Authority.
16. The operation of the waste water treatment plant shall be inspected from time to time as determined by the Divisional Manager Environment and Development and the cost of such inspections and of any consequent sampling and testing shall be met by the operators of the abattoir.
17. The waste water treatment plant and disposal area shall be operated and maintained in accordance with the requirements of the Environment Protection Authority licence.
18. The operators of the abattoirs shall comply with any reasonable direction from Council or its officers to abate or prevent any nuisance.
19. The applicant is to participate on an Environmental Monitoring Committee if requested by Council. The committee would consist of representatives of Council and two community representatives approved by Council. The Committee would consider any impacts that the development may have on the local environment. Meetings of the Committee are to be convened at the request of Council.

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- B. In the event that the abattoir operators do not surrender the existing consents to be replaced by the modified consolidated consent, Council take action to enforce compliance with the existing conditions of consent and, if necessary, take legal action to achieve this.

24: DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 7 DP979541 NO. 2 JOHNSTON STREET, PITT TOWN - 1 JOHNSTON & G TIMMERMAN - 20 ADDITIONAL LOTS (LEP21/93 PT01/EVD)

THAT THE PLAN be forwarded to the Department of Urban Affairs and Planning for gazettal and the information in Item 42 be received.

25: LANDFILL - LOT 1 & LOT 2 DP719658 LOTS 59 AND 60 DP560460 AND LOTS 21 & 22 DP518197 GEORGE STREET, WINDSOR - OWNER: MR WILLOUGHBY (DA0224/94/EVD)

Mr Glenn Falson, for the applicant, addressed the Committee.

THAT COUNCIL SUPPORT the concept in principle subject to an Environmental Impact Statement.

26: SUBDIVISION POTENTIAL - VERMONT AREA (GT0220/003 PT2/EVD)

1. THAT THE CONTENTS of this report be noted.
2. No further action to rezone the large holdings north and east of Hall Street or south of Bootles Lane be taken at this time other than the proposal at Bona Vista currently being considered under LEP21/93.
3. The currently fragmented area of Vermont shown crosshatched on the plan attached to this report be zoned Rural 1(c) and a Section 64 Submission be made to the Department of Urban Affairs and Planning requesting same.

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General Manager

Mayor

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27: DRAFT LOCAL ENVIRONMENTAL PLAN - ADDITIONAL HERITAGE ITEMS (LEP010/95/EVD)

1. THAT A submission be prepared pursuant to Section 54 of the Environmental Planning and Assessment Act be forwarded to the Department of Urban Affairs and Planning in relation to the Draft Local Environmental Plan for additional heritage items in Lower Portland.
2. That Council seek advice from the Heritage Advisor before any decision is made in respect to the main building complex of the old Hawkesbury Hospital.

28: AMENDMENTS TO STAGE 1 - EXTENSIONS AND ALTERATIONS TO THE EXISTING RICHMOND EX-SERVICEMEN'S CLUB - LOT 13, DP4906, LOT B, DP368301, LOTS 1-5, DP237356, 6-8 EAST MARKET STREET AND LOT 1, DP624012 CORNER FRANCIS STREET AND BENSONS LANE, RICHMOND. (DA24/95/EVD)

Mr Bob Wilkins, Mr Bill Abbott, Mrs Marcia Woods, objectors, addressed the Committee.

THAT THE APPLICATION be deferred until further consultation with the members regarding the greens.

29: DRAFT LOCAL ENVIRONMENTAL PLAN - ADDITIONAL HERITAGE ITEMS (LEP1/94; P1341/495 PT1/EVD)

Mr Michael Jackson, objector, addressed the Committee re 37 Lennox Street, Richmond.

Mr Glenn Falson, on behalf of Mr Peel, addressed the Committee re 51 Bells Line of Road, North Richmond.

2. 51 Bells Line of Road, North Richmond

That this matter be deferred until such time as there is a report on the interior of the building.

3. 82 Windsor Street, Richmond

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4. 774 Grose Vale Road, Grose Vale

A HERITAGE ASSESSMENT be undertaken on 82 Windsor Street, Richmond and 774 Grose Vale Road, Grose Vale prior to the Ordinary Meeting.

30: ADDITIONS TO A SERVICE STATION. LOT 2, DP 706131 NO. 1255 BELLS LINE OF ROAD, KURRAJONG HEIGHTS (DA125/94/EVD)

THAT THE INFORMATION be received.

31: BLAXLANDS RIDGE MATURATION PONDS - COMPLETION OF A STUDY TO INVESTIGATE OPTIONS FOR THEIR REPLACEMENT (GE020/028PT05/EVD)

THAT FURTHER URGENT representations again be made to the Commonwealth and State Governments for provision of funding to implement alternative disposal options to the use of the Blaxlands Ridge maturation ponds.

32: BLIGH PARK NORTH RELEASE AREA - SECTION 65 CERTIFICATE TO EXHIBIT DRAFT LOCAL ENVIRONMENTAL PLAN (LEP0016/13 PT02/EVD)

1. THE DEPARTMENT OF Urban Affairs and Planning be requested to advise what additional information or alteration they require to be fully satisfied in respect of the issues of flooding and evacuation.
2. The draft local environmental plan not be placed on public exhibition until the issue of flooding and evacuation is resolved as to do so would require further expenditure on environmental investigations to complete the draft plan.

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General Manager

Mayor

33: APPLICATION FOR THE DEMOLITION OF THE DWELLING ON 37 LENNOX STREET, RICHMOND - NORTH WEST SECTOR HERITAGE ITEM (P1218/100PT01/EVD)

1. THAT THE application for the demolition of the dwelling on N^o 37 Lennox Street not be supported as it has streetscape value and its speculative demolition would leave a vacant site which, by itself, is incapable of a major villa development.
2. The owner be advised that the matter would be reconsidered if and when a satisfactory development application is submitted for the development of the land.

34: HAWKESBURY CITY COUNCIL -V- MUSHROOM COMPOSTERS PTY LTD - CONTEMPT PROCEEDINGS (P1609/110Pt11/EVD)

THAT THE INFORMATION be received.

35: CHANGE IN THE REQUIREMENTS FOR TERMITE CONTROL IN STRUCTURES AS FROM 1 JULY 1995 (GS080/010 PT5/EVD)

THAT THE INFORMATION be received.

36: WINDSOR DOWNS LINK ROAD (1967/R/EVD)

Mrs McGrath from the Windsor Downs Homeowners Association, objector, addressed the Committee.

1. The link road not be constructed.
2. That there be a further report to the Ordinary Meeting clarifying the suggestions made by the Windsor Downs Home Owners Association together with the possibility of a by-pass road through the Windsor Downs Nature Reserve and that the Angliss Group be contacted for their opinion prior to the Ordinary Meeting.

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37: REMOVAL OF TREES AND CLEARING OF LAND FOR PRODUCTION OF CUT FLOWER CROPS AND GROWING SHEDS FOR A WHOLESALE NURSERY - LOT 9 DP210461, 2237 BELLS LINE OF ROAD, BILPIN (DA0165/95PT01/EVD)

Mr Taylor, the applicant, addressed the Committee.

THAT THE APPLICATION be approved subject to the following conditions:

1. No trees to be cleared within 6 (six) metres of the side boundaries and 15 (fifteen) metres of the front boundary to preserve the visual amenity of the area.
2. The small area marked "G" near the front boundary is not to be cleared for growing purposes.
3. Clearing for firebreaks is to be restricted generally to the area between the line of the rear firebreak and the Bells Line of Road with clearing being restricted to removal of under-scrub and small trees with a height less than 4 (four) metres, a spread of less than 3 (three) metres or having a trunk diameter of less than 150 (one hundred and fifty) millimetres, 1 (one) metre above the ground. No mature trees or semi-mature trees are to be removed for firebreak purposes.
4. No firebreak work or clearing of land is to take place other than those areas approved by this development consent and no approval is given to clear adjacent public or privately owned land.
5. Submission of a building application, plans and specifications complying with the Building Code of Australia.
6. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
7. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
8. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
9. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
10. No retail sale of goods is to be made from the subject premises.

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11. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
12. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
13. 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.
14. The development shall be carried out in accordance with Plan No. "B" as submitted with the Development Application except where modified by the above conditions.

38: WILBERFORCE ABATTOIR - RECOMMENDED CHANGE TO PROPOSED CONDITIONS ON THE CONSOLIDATED CONSENT (P1102/560PT06; DA0052/94PT01/EVD)

See Item 23

39: HERITAGE STATUS - 37 LENNOX STREET, RICHMOND (P1218/100Pt01/EVD)

That No. 37 Lennox Street, Richmond, not be included as a heritage item in the North West Sector Draft Local Environmental Plan for additional heritage items.

40: REQUEST FOR DEFERRAL OF CONSIDERATION - 57 EAST MARKET STREET, RICHMOND - NORTH WEST SECTOR HERITAGE DRAFT LOCAL ENVIRONMENTAL PLAN (LEP001/94;P1341/495/EVD)

That consideration of N^o 57 East Market Street, Richmond, as an item of environmental heritage be deferred pending further advice from Mrs Lye as to an appropriate meeting date for the matter to be relisted.

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The Mayor left the meeting at this stage and the Deputy Mayor took the Chair.

41: GRAHAM PRICE PTY LTD - COMPOST OPERATION (P1641/700 PT08-09/GMA)

Mr Graham Price, answered questions from the Committee.

Mr Kevin Symons, Ms Lisa MacMullen, objectors, addressed the Committee.

The General Manager read a letter to the Meeting from Mr Colin Wilson, objector.

That the Information be received.

42: DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 7 DP979541 2 JOHNSTON STREET, PITT TOWN - I JOHNSTON & G TIMMERMAN - 20 ADDITIONAL LOTS (LEP021/93 PT01/EVD)

This item is dealt with in conjunction with Item 24.

SECTION 2 - INFRASTRUCTURE

5: PIPELINES ACROSS PUBLIC RESERVES/ROAD RESERVES (P2003/R PT02; P2003/215 PT01/ENG)

1. THAT THE APPLICATION by McKinlay Morgan & Associates Pty Ltd on behalf of Hambledon Park Pty Ltd for a pipeline for irrigation purposes across the public reserve Lot 17 245824 be approved.

6: EXCLUSIVE USE - BRIDGE TO BRIDGE WATER SKI CLASSIC - GOVERNOR PHILLIP RESERVE, WINDSOR - NSW WATERSKI ASSOCIATION LTD (PK/205 PT04/ENG)

THAT APPROVAL BE granted to the application by the NSW Water Ski Association Ltd for:-

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1. Exclusive use of Governor Phillip Reserve on Sunday, 5 November, 1995, subject to:
 - a) the Association paying to Council a contribution of \$520.00 or \$1.00 per person, whichever is the greater,
 - b) the Reserve being left clean and tidy upon completion of the event, and
 - c) the applicant being wholly responsible for removal of rubbish from the site during the event and including final clean up.
 - d) A Public Liability Cover for \$10 (ten) million
2. Suspension of service of those ferries listed below during the times stipulated, subject to scheduled conditions.

Ferry Closures

Wisemans Ferry 10.45am - 11am
Webbs Creek Ferry 10.45am - 11am
Lower Portland Ferry 10.50am - 11.05am
Sackville Ferry 10.55am - 11.10am

- a) Advertising of the proposed suspension of service is to be undertaken at the expense of the NSW Water Ski Association in newspapers circulating in areas of the services for 4 (four) weeks prior to the event, such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (eighth) page size;
- b) That signs be erected at the Associations cost, in locations as required by the Divisional Manager Engineering and at a size indicated by him, on all roads leading to the ferries, as well as on each ferry, for at least 4 (four) weeks prior to the event;
- c) Safety precautions as previously established are to be placed at all ferry locations, such to include a boat and crew downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and ferry vessel; such procedures are to be implemented to the satisfaction of the Maritime Services Board and Council's Divisional Manager Engineering; and
- d) That the ferry vessels during the suspension period, will operate at the request of any officer of the NSW Police Department, or in the event of an emergency at the request of any police, ambulance or fire vehicle officer.

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3. The following road closures/restrictions to facilitate traffic movement to/from Governor Phillip Park subject to the Association making appropriate arrangements regarding access by affected residents and their visitors.
 - a) George Street, Windsor between Bridge and Palmer Streets (downstream side of Windsor).
 - b) Arndell Street (full length).
 - c) Court Street between Arndell and Palmer Streets.
 - d) Palmer Street between Court and Pitt Streets.

SECTION 3 - ORGANISATION AND RESOURCES

5: ROAD CLOSURES WITHIN WOLLEMI NATIONAL PARK (GR080/050 PT01/CSV)

Mr Paul Godfrey, NPWS Ranger, addressed the Committee.

Ms Christine Pollard, Mr Roger Riley, Mr Mark Maul objectors, addressed the Committee.

The General Manager read out faxed objections received this morning from: A Smith, Epping; C P Commins, Mosman; The Landrover Owners Club of Sydney; Mr Neale Flower; Mrs M Clarke, Engadine; Mr Bruce Duncan, Wahroonga; Toyota Land Cruiser Club and Recreational 4 Wheel Drive Club of Australia; Elaine Willis.

THAT Council not support the closure of the public roads within Wollemi National Park generally known as the Loop Line Road and Howes Swamp Road.

6: GENERAL PURPOSE COMMITTEE MEETINGS (GC280/004 PT03; GC280/010 PT02/CSV)

THAT THE INFORMATION be received.

THAT COUNCIL REVERT back to its previous commencement time of 9.30am for GPC Committee Meetings.

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7: MONTHLY FINANCIAL STATEMENTS - JULY 1995 (GF011/004 PT04/FNC)

THE INFORMATION BE received.

QUESTIONS WITHOUT NOTICE:

1. Councillor Minturn asked if the matter of privacy for the nursery behind the shops of Wilberforce be investigated.

The Director of Community Planning and Corporate Services will investigate this matter.

2. There is a hole outside Kurrajong Building Supplies which they have had to park a car over as it is dangerous, could it be attended to.

The Director of Assets and Recreation advised it will be attended to.

3. Councillor Sheather asked if he could bring forward as a matter of urgency regarding the use of Macquarie Park on the 3rd September by the Australian Personal Water Craft Association.

The Deputy Mayor agreed to the matter being brought forward as a matter of urgency.

THAT PERMISSION BE granted to the Australian Personal Water Craft Association to access Maquarie Park on 3rd September for the purpose of the event, subject to the following conditions:

- a. No fees be implemented for anyone accessing that particular area above Windsor Bridge.
 - b. \$10 million Public Liability to cover Council's ground
 - c. The consent, which they have already got from NSW Waterways.
4. Councillor Sheather asked if there will be any action before the Ordinary Meeting regarding the tree which Council had approved to be cut down at 20 Flinders Place North Richmond today.

The General Manager advised that no action will be taken until the matter has been ratified at the Ordinary Meeting

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5. Councillor Books asked if the roots which are sticking up through the footpath under the fig trees in Fitzgerald Street could be cut

The Director of Assets and Recreation advised this will be attended to

6. Councillor Books tabled a letter from Phil Close re the lighting in McMahons Park

The Director of Assets and Recreation advised that this matter is under investigation now

The meeting terminated at 7.40pm.

Submitted to and confirmed at the meeting of the General Purpose Committee held on 22 August 1995.

.....
Mayor

This is Page 22 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 22 August 1995.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE



SECTION 1 ENVIRONMENT

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GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM: 43

CONSTRUCTION OF GARDEN SHEDS FOR THE HOUSING AND
KEEPING OF EIGHTEEN (18) CHIHUAHUAS - LOT 1 DP566369
NO. 17 ROSE STREET, WILBERFORCE

FILE NUMBER: DA49/95/EVD

Applicant: Mrs E A Tracey
Applicants Reps: Not Advised
Owner: Mr J & Mrs E A Tracey
Stat. Provisions: Hawkesbury Local Environmental Plan 1989. DCP3/92 "The Housing & Keeping of Dogs"
Area: 1011m²
Zone: Residential 2(a)
Advertising: 6 Adjoining Owners Notified with 2 Submissions
Date Received: Received 16 March 1995, Refused 6 July 1995. A letter requesting that the application be reconsidered was received on 29 August 1995

Key Issues:

- ◆ Noise
- ◆ Development Control Plan

Action:

Refusal

REPORT:

Application was made in March 1995 to keep 18 chihuahuas in 3 gardens sheds on the subject property. This application was refused under delegated authority. The applicant has requested that the application be reconsidered at a General Purpose Committee Meeting. This request is reproduced as follows:

"The reason is to ask that this matter be put to a Council meeting that I may address the meeting and maybe have neighbours attend with me to put my case.

Being an only child animals have been my brothers, sisters and friends all my life. The past ten years have been really bad for me and without my dogs I would not have made it.

All I ask is to live quietly, although there are many funny noises come from the Australian Village opposite and the abattoirs at the back. I am hopeful that my husband will move to live here with me when he retires next July. At that time we will most likely be selling the property at Frenchs Forest and looking for a 5 acre property. Until this time I would ask to stay at Rose Street.

I do anticipate that through the Summer heat I may lose some of my little ones. It is not something to look forward to but something that is inevitable. To my knowledge they are not an annoyance to neighbours.

Please reconsider my application."

Statutory Situation

The proposal is defined as an "animal establishment" and is permissible with Council's consent in a Residential 2(a) zone. Council's Development Control Plan, "The Keeping and Housing of Dogs" also applies to this proposal.

Community Consultation

Six adjoining owners were notified and 2 submissions were received, objecting on the following grounds:-

- the 18 dogs are noisy;
- problems with smell and hygiene from the dogs waste products;
- not enough space for 18 dogs; and
- non-compliance with Council's policy of no more than 3 dogs on a residential property.

Planning Assessment

The subject land is regular in shape and has road frontage to Rose Street. The adjoining properties are residential in character with 2 villas units and a detached dwelling located adjacent. Located on the subject property is a detached residential dwelling. The rear boundary of the property is segregated into four separate yards of approximately 3m by 4m which are enclosed by paling fences. Three of these yards contain garden sheds where the dogs are locked during the night. The 18 chihuahuas are confined to these enclosures during the day.

Waste disposal

Dog faeces are currently collected, along with the soiled newspaper from the garden sheds and composted off the subject property. These methods are considered to be inappropriate as the development should be able to sustain the waste produced. The applicant has indicated that a composting toilet is to be purchased to dispose of the waste generated by the dogs. This system composts the waste through the use of worms, the by-product being suitable for reuse on gardens.

Noise

With respect to noise, submissions indicate that the dogs are noisy and that the occupants of Unit 1 cannot go into the backyard without the dogs barking. Upon inspection of the site, the dogs barked when the enclosures were approached. As the sheds are also located on the rear boundary, they are in close proximity to the dwelling on the adjoining property. The noise emanating from the enclosures on the subject property is considered to have more impact on the adjoining property than the subject property due to their location on the boundary.

Development Control Plan

Council's Development Control Plan (DCP) 3/92 "The Keeping and Housing" does not permit the keeping of more than 3 dogs on land that:-

- a) is zoned residential;
- b) is proposed to become residential; or
- c) has a residential character, even if zoned residential.

An allowance has been made in the DCP for retaining dogs where it can be proven that the dogs legally existed prior to the implementation of the plan. The dogs on the subject property have been there since early 1995, well after the implementation of the plan.

The subject property is zoned residential 2(a) and the surrounding land consists of residential property with some villa development. One of the objectives of the residential zone is:-

"to enable development for the purposes other than Residential only if it is compatible with the character of the living area and has a domestic character and scale".

The keeping and housing of 18 dogs on a residential property is not compatible with the character of the area.

Conclusion

The adjoining properties are clearly affected by the noise emanating from the subject property. The proposal does not comply with the DCP for the housing and keeping of dogs and it is considered that there will be adverse impacts on the amenity of the locality.

RECOMMENDATION:

A. The application be refused for the following reasons:-

- 1. The proposed development is inconsistent with the objectives contained in the Development Control Plan, "The Housing and Keeping of Dogs".
- 2. The proposed development could adversely affect the existing and future amenity of the locality.

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3. The proposed development is inconsistent with the objectives of the Residential 2(a) zone.

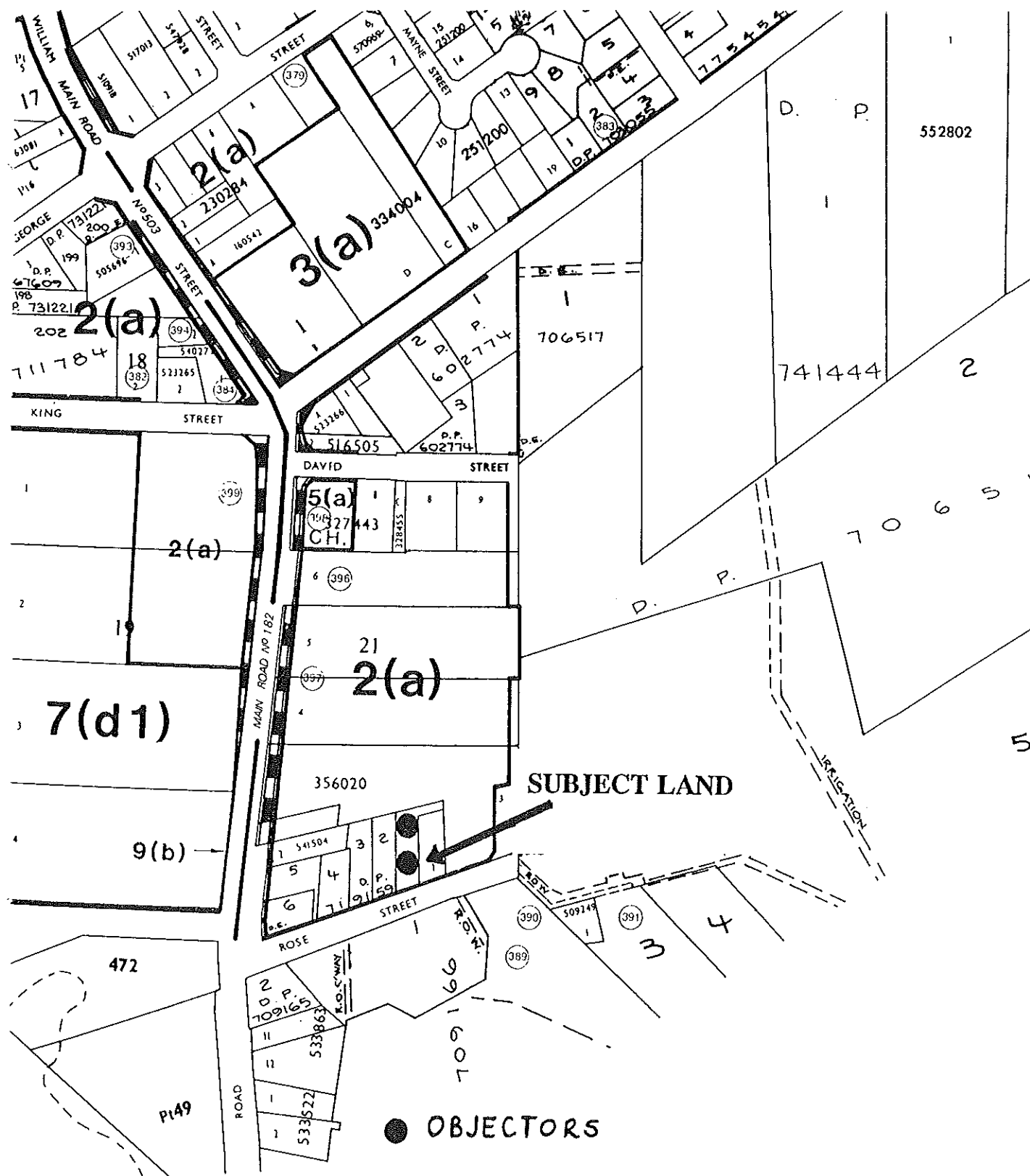
B. The dogs are to be removed from the subject property over a period of not more than 6 (six) months so that there are not more than 3 (three) dogs on the property by 1 December 1995.

ATTACHMENTS:

AT-1 Locality map showing site and objectors.

FN:EN926NAX.V11

**** END OF ITEM 43 ****



GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM: 44 UNDERSTOREY REMOVAL FOR THE PURPOSES OF RABBIT
CONTROL AND FIRE CONTROL - LOT 12 DP846650 NO. 124
TIZZANA ROAD, EBENEZER

FILE NUMBER: DA115/95/EVD

Applicant: Mr D Tolson
Applicants Reps: Not Advised
Owner: Mr D Tolson
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Area: 13.62 hectares
Zone: Environmental Protection (Scenic)
Advertising: 3 Adjoining Owners
Date Received: 29 May 1995, amended plans were Submitted on 26 July 1995

Key Issues:

- ♦ Agricultural Capability
- ♦ Fire control
- ♦ Rabbit control

Action:

Refusal

REPORT:

The application is to clear the subject property of vegetation with the exception of large established trees, for the purposes of rabbit and fire control. The application initially proposed to clear the understorey of the entire property. These plans were considered to be unsatisfactory and amended plans were submitted limiting the clearing to certain areas on the property. The proposed methods of clearing of the understorey are by bulldozer, slasher and by hand. Following the clearing it is proposed to pasture improve the land presumably for grazing purposes.

Statutory Situation

The proposal is permissible with Council's Consent under the provisions of Hawkesbury Local Environmental Plan, 1989.

Background

In 1994, Council resolved to support a Mushroom Growing Operation (DA 132/94) on the subject property. This facility included growing rooms, peak heat and spawn room building, parking areas, a rural workers dwelling and a managers residence. A Building Application has not been lodged for this development.

It should be noted that the outcome of this application has no effect on the Mushroom Growing Operation that was approved in 1994.

Planning Assessment

The subject property is regularly shaped with an area of 14.340 hectares and has road frontage to Tizzana Road. The subject property is relatively flat at the front and slopes towards the southern boundary which is the Hawkesbury River.

The site of the approved mushroom growing operations is relatively flat and clear of vegetation. The proposed method for clearing of the vegetation in this section is through the use of a bulldozer and slasher. The area south of escarpment is vegetated, consisting of large trees as well as shrubs, regrowth and lantana. The proposed method of clearing in this area is through the use of a slasher and spraying methods.

Within both of these areas there are rock outcrops with the soil being very sandy and shallow with a high erosion capability. There are also two species located on the property that are listed as Vulnerable in the Western Sydney context. These species are:-

1. Acacia binervia; and
2. Persoonia oblongata.

There are no buildings located on the subject property and buildings on the adjoining properties are not located near the common boundary. This application was not required to be referred to Fire Control for comments, however, the applicant has indicated that the property is a high fire risk and therefore needs to be cleared. In these instances, with no buildings located on the property, Fire Control would, at the most, require 15 m around the boundary to be cleared. It is therefore considered that removal of the understorey for the purposes of fire control is not justified at this stage. Building approval for the Mushroom Growing Operation would allow the applicant to clear around the complex for the purposes of fire control. Since the Building Application has not been lodged, consent to remove the understorey would be premature.

With respect to rabbit control, the Moss Vale Rural Protection Board inspected the property and recommended that a baiting program be undertaken on the property to control the rabbits. This is considered to be a more appropriate method of rabbit control than clearing the vegetation.

Conclusion

There is no obvious reason to clear the property. The applicant has indicated that the he will pasture improve but provides no justification as to why this will done or what the land will be used for once "improved". In terms of agricultural classification, the property is classed 3 and 4, land suitable for grazing but not intensive cultivation. If this land is cleared and pasture improved, it will have little economic value in terms of agriculture and would have detrimental environmental effects.

Furthermore, building approval for the mushroom growing operation would allow sufficient areas to be cleared for fire control. Until a Building Application is lodged and approved, there is little justification to clear the understorey for the purposes of bushfire control.

RECOMMENDATION:

That the application be refused for the following reasons:-

1. The agricultural land capability does not warrant clearing and pasture improvement.
2. The stated problems of rabbit and fire control do not warrant the clearing of the land.

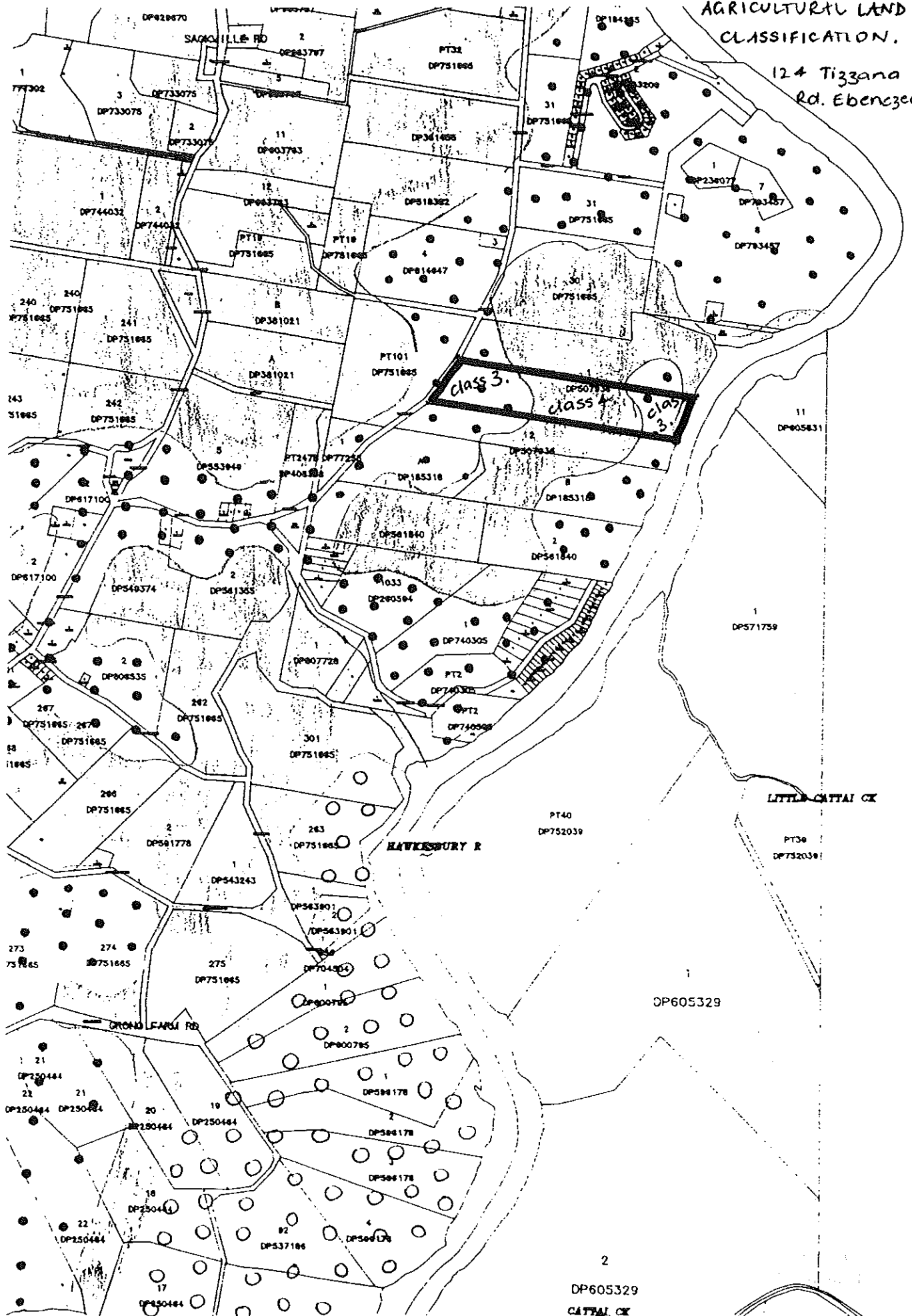
ATTACHMENTS:

AT-1 Locality map showing agricultural land capability.

FN:EN926NAX.V10

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

124 Tizzana
Rd. Ebenczer



ITEM: 45

EDUCATIONAL FACILITY BEING ANIMAL FARM AND DEER
PARK FOR PRE-SCHOOL AND SCHOOL CHILDREN - LOT 12
DP775129 NO. 111 WEATHERBOARD RIDGE ROAD,
KURRAJONG

FILE NUMBER: DA170/95/EVD

Applicant: C Blaydon
Applicants Reps: None Stated
Owner: C Blaydon
Stat. Provisions: Hawkesbury LEP 1989
Area: 4.34ha
Zone: Rural 1(c1)
Advertising: 14 days to adjoining owners, 6 submissions received
Date Received: 24 July 1995

Key Issues:

- ◆ Parking and Access
- ◆ Buffer Areas
- ◆ Amenity

Action:

Approval.

REPORT:

Application is to use the existing farm to bring pre-school and school children for hands on experience with farm animals. The applicant currently operates a mobile farm visiting various schools and shopping centres and wishes to extend the range of animals available by having children visit the farm in groups.

The application includes a report which illustrates the range of "services" proposed on the animal farm. A circular driveway is to be provided at the front of the site but no parking area is designated for visitors' vehicles. There is, however, ample space to provide for buses and cars. The proposal is intended to operate 10.00am to 4.00pm 5 days a week, Monday to Friday.

Statutory Situation

The site is zoned as Rural 1(c1) and a tourist facility and educational establishment are allowable uses with Council's consent.

Council's Parking Policy has no specific requirements for the proposed development, however, it would seem appropriate to require parking for 2 coach/buses and 3 cars.

Community Response

The receipt of the application was advised to adjoining owners and 6 submissions have been received. The submissions include the following objections and concerns:-

- object if proposal for 7 days, no objections to week days only for school children not tourists;
- adjoins Wollemi National Park;
- site already overstocked, appearance of a feed lot;
- hygiene and animal husbandry practices have been of low standard;
- degrading land, no grass on deer pen, deer ringbarking trees;
- existing development could be polluting Wheeney Creek;
- odours disgusting in summer;
- in the rutting season, the noise from the bucks goes on all day and night;
- fencing of property not complete, trespassing could occur;
- privacy could be affected;
- parking must be provided on-site;
- no signs or boarding should be permitted;
- commercial development not appropriate for quiet residential area; and
- increased traffic could be dangerous to children living in the area.

The plan included in the Business Paper shows the site and the location of objectors. It is noted, 2 submissions are from the one property.

Environmental Assessment**Access and Parking**

It is considered that all weather access and parking should be provided for a minimum of 2 bus/coaches and for 3 vehicles. The access and parking should be designed so that all vehicles can enter and leave in a forward direction.

Buffer Areas

Due to the close proximity of the adjacent dwelling on the northern side, a 15 metre wide planted buffer should be provided and fenced to exclude stock.

Amenity

The development should be controlled at all times so that adverse impact on the amenity of the area by noise, odours, traffic and activities is minimised at all times.

In regard to overstocking, two of the paddocks used were devoid of grass and another had been turfed but was not growing due to the drought. The applicant explained that, due to the drought, all the grass in the two used paddocks had been eaten but there was an intension to fence other parts of the property so the stock could be rotated in times of drought. There were other paddocks with grass but with incomplete fencing.

There is also a need to provide sediment control over the heavily grazed areas so as pollution does not occur to the creeks in the area.

The restriction of the approval to pre-school and school children, Monday to Friday only and with hours 10.00am to 4.00pm is likely to keep adverse impacts to within acceptable limits.

RECOMMENDATION:

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

1. Provision of a landscaped buffer 15 (fifteen) metres wide along the northern side boundary with such area being fenced to stop any stock from grazing on this 15 (fifteen) metres strip. The 15 (fifteen) metre wide strip is to extend from the front boundary along all paddocks used by stock or used as part of the educational facility.
2. Provision of parking on the site for a minimum of 2 (two) bus/coaches and 3 (three) cars for visitors to the site with all parking spaces and access being to the requirements of Council's Parking Policy, and such that all vehicles can enter and leave the site in a forward direction.
3. Access from Weatherboard Ridge Road and the parking area to be constructed to an all weather surface. Full details of works shall be submitted for approval prior to commencement of construction.
4. Footpath planting to be to the requirements of Prospect Electricity and to consist of species that do not interfere with the power lines in the area.
5. Submission of a building application, plans and specifications complying with the Building Code of Australia.

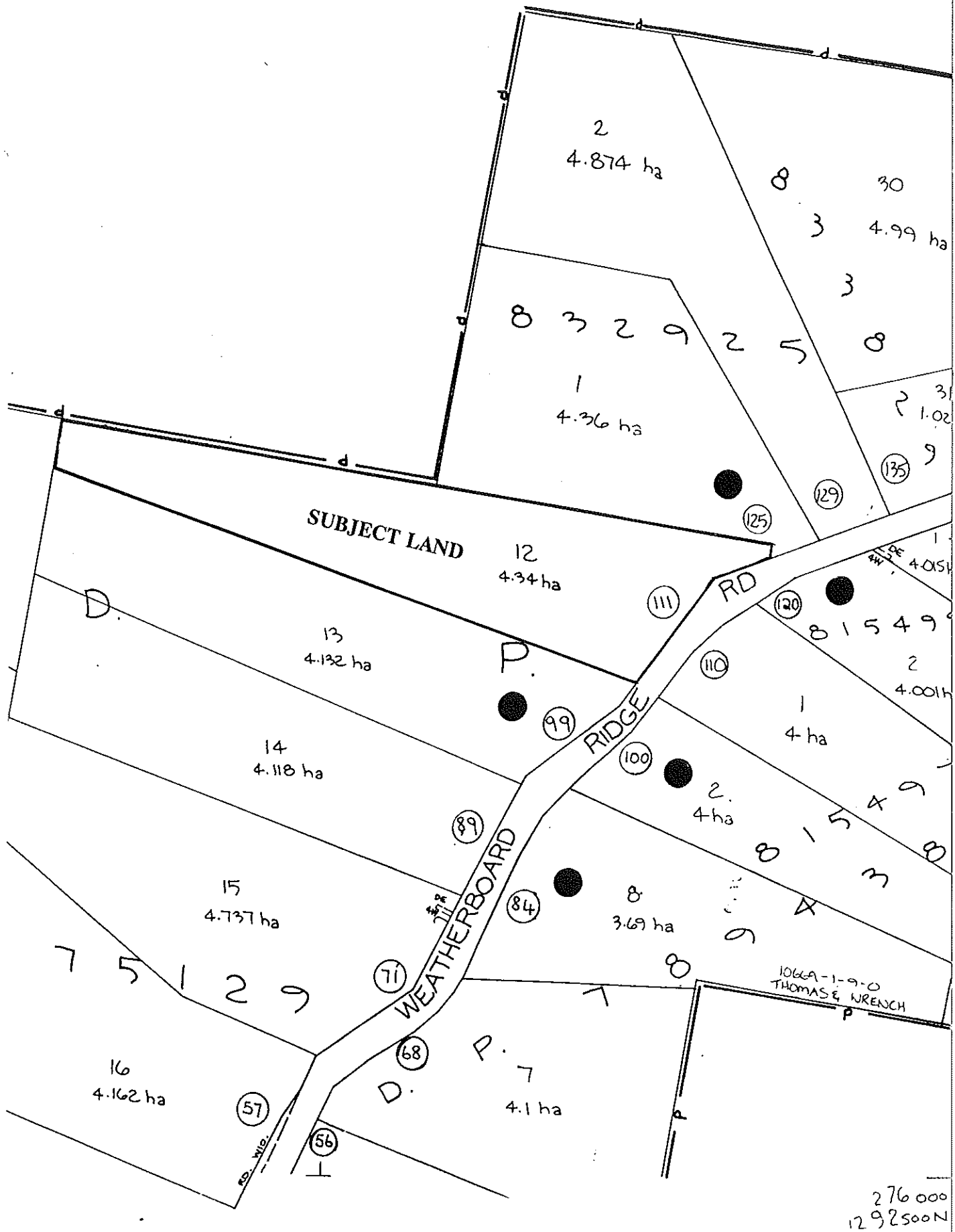
6. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
7. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
8. Provision of toilets in accordance with the requirements of the Building Code of Australia.
9. 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.
10. No excavation or site works shall be commenced prior to the issue of the building permit.
11. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
12. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
13. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.
14. 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.
15. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Divisional Manager Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
16. Operating hours shall be limited to 10.00am to 4.00pm Mondays to Fridays with no operating on weekends or public holidays. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.
17. The development shall be carried out in accordance with plan dated 8 June 1995, prepared by Linda Hanlon except where modified by conditions of this Development Consent.

ATTACHMENTS:

AT-1 Site Plan.

FN:EN926NAX.V03

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



● objector

ITEM: 46 REFRESHMENT ROOM - USE OF AN EXISTING BUILDING -
LOT 1 DP997462 NO. 36 BERAMBING CRESCENT, BERAMBING

FILE NUMBER: DA139/95/EVD

Applicant: Teresa Plane
Owner: As Above
Area: 14.16ha
Zone: Environmental Protection (Scenic) (7(d))
Advertising: Advertised with 6 submissions - 3 objecting, 3 supporting
Date Received: 16th June, 1995

Key Issues:

- ♦ Amenity
- ♦ Traffic
- ♦ Commercialisation

Action:

Approval with conditions

REPORT:

Application is made to use an existing meeting room as a 'refreshment room'. Operating hours proposed will be 10.30am to 5.00pm Saturdays, Sundays and Public Holidays.

In support of the proposal the applicant has submitted the following:-

"Part of the development at 36 Berambing Crescent has for the past three years been used as the National Headquarters of the Outstretched Hand Foundation. We have had our offices in the Windsor/Richmond area since 1984. Our services, offered without charge, have been widely used by the residents of the Hawkesbury Valley in the past eleven years.

Prior to his death in February 1995, Mr Jack Plane provided the finance to create new buildings in the paddock adjoining the main house. These were the Meeting House and Counselling Room, House of Prayer (a non-denominational Chapel), a Gate House, a large Gazebo and the Cherub House (a safe play area for children). All the walkways in the garden are paved for wheelchairs and there are ramps and toilets for the disabled. Along with the landscaping of what before was a rough paddock the total development amounted to \$300,000 all of which has been approved by Council. These buildings are used for seminars for Health Professionals as well as public education, "Touch the Earth Days" ie. days out for residents of nursing homes and our Cancer Support Group's monthly "Living and Learning" luncheons.

Following the death of Mr. Jack Plane the Foundation's income was considerably reduced. We felt that utilising the existing Meeting House as a Tearoom/Refreshment Room would be a creative way of generating income for the Foundation. On March 9th I applied to Council (correctly as I thought) for a Refreshment Room permit to operate on Saturdays, Sundays and Public Holidays. During a later telephone conversation, I was advised that we were permitted to operate. Subsequently we received a telephone call advising us our permit was not in order, that a complaint had been received by Council and that we could no longer open to the public. As you can imagine I and the Committee were deeply shocked and concerned, due to the fact that we had committed a large proportion of our available funds to equipping and operating the Tearooms.

Also, because our senior citizens and frail aged groups have been delighted with their experience of "Touch the Earth" days, and were wanting return visits, we have installed handrails for extra security when walking about, at a cost of \$3,300, and ordered a Walkabout buggy to convey our frail aged from car parking to the other facilities, at a quoted price of \$4,800. Both these amounts of money were donated to the Foundation for these specific purposes.

With regard to the complaint received, I am personally in attendance at the Gate House on Saturdays and Sundays to greet visitors and distribute literature and information about the Foundation.

On only two occasions can I recall vehicles being parked on the grass verge of the Berambing Crescent and always adjacent to No.36. One was Mother's Day, when we had a special afternoon for bereaved mothers, and the second occasion was when two large vehicles with trailers arrived together, restricting the availability of parking in our six car parking facility. We do provide two further car spaces adjacent to the Chapel, and the house entrance can accommodate an additional four cars in the driveway if required. A staff car park has also been made available inside the top entrance at the western end of the property."

Statutory Situation

The proposal may be defined as either a 'tourist facility' under Council's planning scheme or 'refreshment rooms' under the Environmental Planning and Assessment Model Provisions, 1980:-

"tourist facilities" means a building or place that is used to provide refreshment, accommodation, recreation or amusement facilities for the travelling or holidays public, and includes craft shops and the like;

"refreshment room" means a restaurant, cafe, tea room, eating house or the like;

Clause 23 (Advertising Signs) is applicable where, approval is required for displaying only purposes for which the use is intended, such as tourist facilities.

Amongst others, objectives of the zone are:-

to prevent the establishment of traffic generating development along main and arterial roads; and

to control outdoor advertising so that it does not disfigure the rural landscape.

Public Submissions

Residents within the street were notified of the proposal, with 3 (three) property owners objecting. Three submissions were also received in support of the proposal.

Concerns raised within the objections relate to signs on the road, street parked vehicles and commercialisation. Comments read:

"In our opinion commercial development of this type conflicts with the "environment" of private orchards and gardens along Berambing Crescent.

We would add that for historic and geographic reasons most of the dwellings along the crescent are close to the road and are particularly sensitive to traffic. It would be entirely inappropriate for the normal traffic flow to be increased to the detriment of all other residents (including those belong to the Blue Mountains Council) in favour of a development which militates against our life-style in the first place.

General tourists are well catered for in this area by either the Mt.Tomah Botanical Gardens facilities or the Mount Inn at Bilpin itself."

"Increased traffic flow will detract from the quiet, rural nature of the crescent. Road and parking facilities are inadequate. Previous restaurant signs have been unsightly and dangerously placed on the main road.

- *Already there have been over 10 building/development applications approved since the present owner has purchased this rural subdivision.*
- *The "Outstretched Hand Foundation" operates as a business A.C.N. 001995464. For example, apart from the recent restaurant venture, a \$3.00, per person fee has been charged for entry to the grounds, overnight accommodation has been charged for, a wedding and reception has been held there. Therefore "The outstretched Hand Foundation" should not attract special consideration as a charity because it charges for services."*

Letters of support reflect the charitable nature of the organisation and that:-

"The centre is dedicated to people with life threatening illness and to those who are bereaved, and we don't know when these things will touch our own lives."

Planning Assessment

Site Characteristics

Generally rectangular in shape, the subject property is mostly covered with medium/dense vegetation. Existing buildings are within the cleared areas adjacent to the road. Elevated above the street, the land provides scenic views particularly from the existing meeting room. Berambing Crescent, accessed off Bells Line of Road to the east and west, is reasonably sealed with grass shoulders, providing two way traffic.

Traffic and Parking

Parking will be provided at various designated locations with caretakers in attendance during busy periods (see Plan No.1). Parking will be provided in excess of Councils Parking Policy of 1 per 10m² of floor area. It is considered that no traffic hazard exists.

Concerns regarding traffic and parking can be overcome by imposing conditions and reviewed after 12 (twelve) months.

Amenity

Concerns are expressed by objectors as to the commercialisation of the proposal. Tourist facilities are encouraged within the Hawkesbury region and it is considered that this particular proposal will not interfere with the amenity of the area.

Other than visitors, the existing building to be used, will not be seen from the road. In this respect adjoining privacy will not be compromised.

Signage within the property can be overcome by conditions, so as not to be on the road. Directional signs maybe used within proximity of the intersection of Bells Line of Road and Berambing Crescent.

Notwithstanding that the tea room will operate on Saturdays, Sundays and Public Holidays, it is considered that minimal noise will be generated due to the nature of the organisation.

RECOMMENDATION:

That consent be granted subject to:-

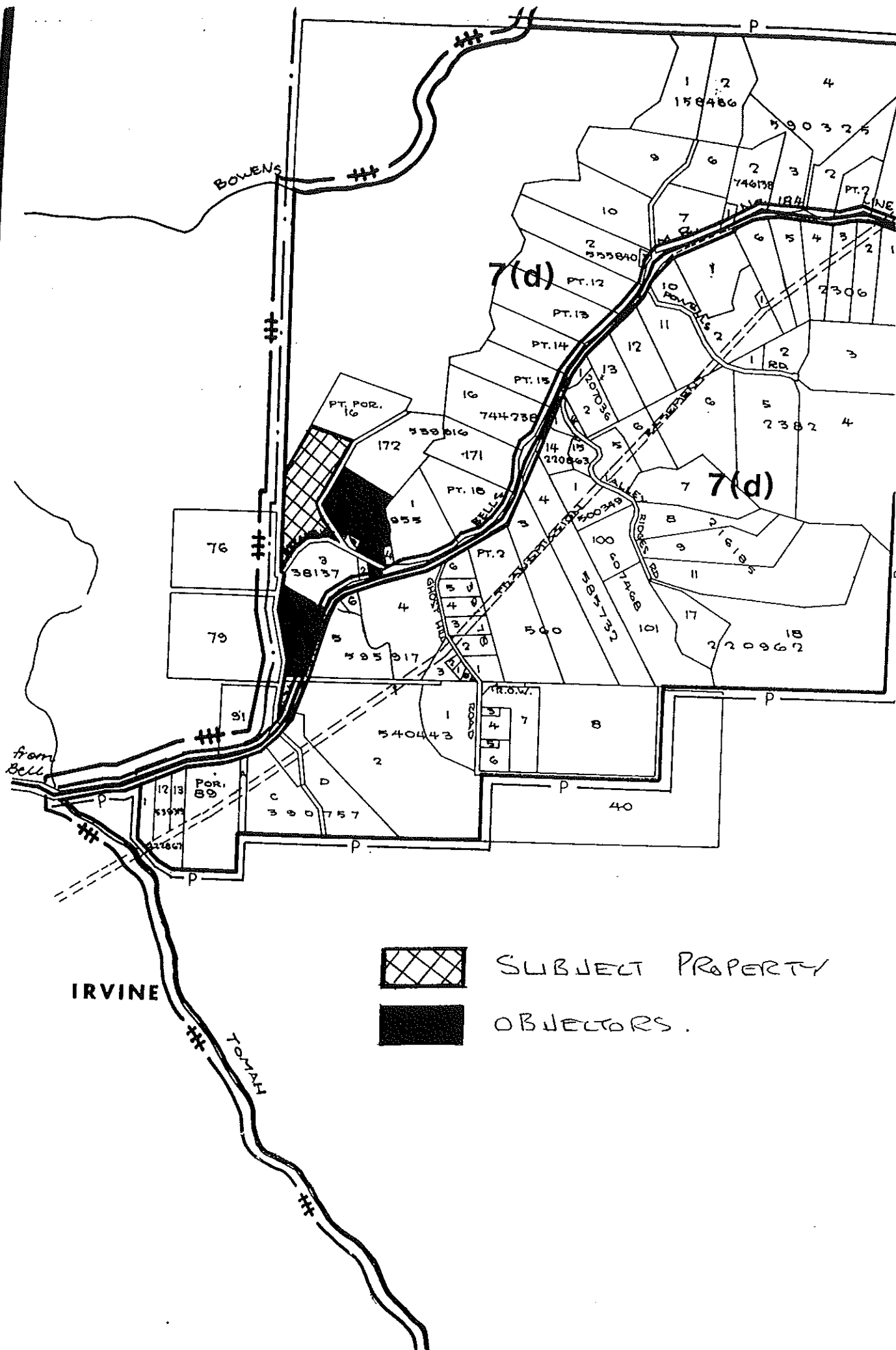
1. The development shall be carried out generally in accordance with plans and documentation submitted with the application.
2. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.

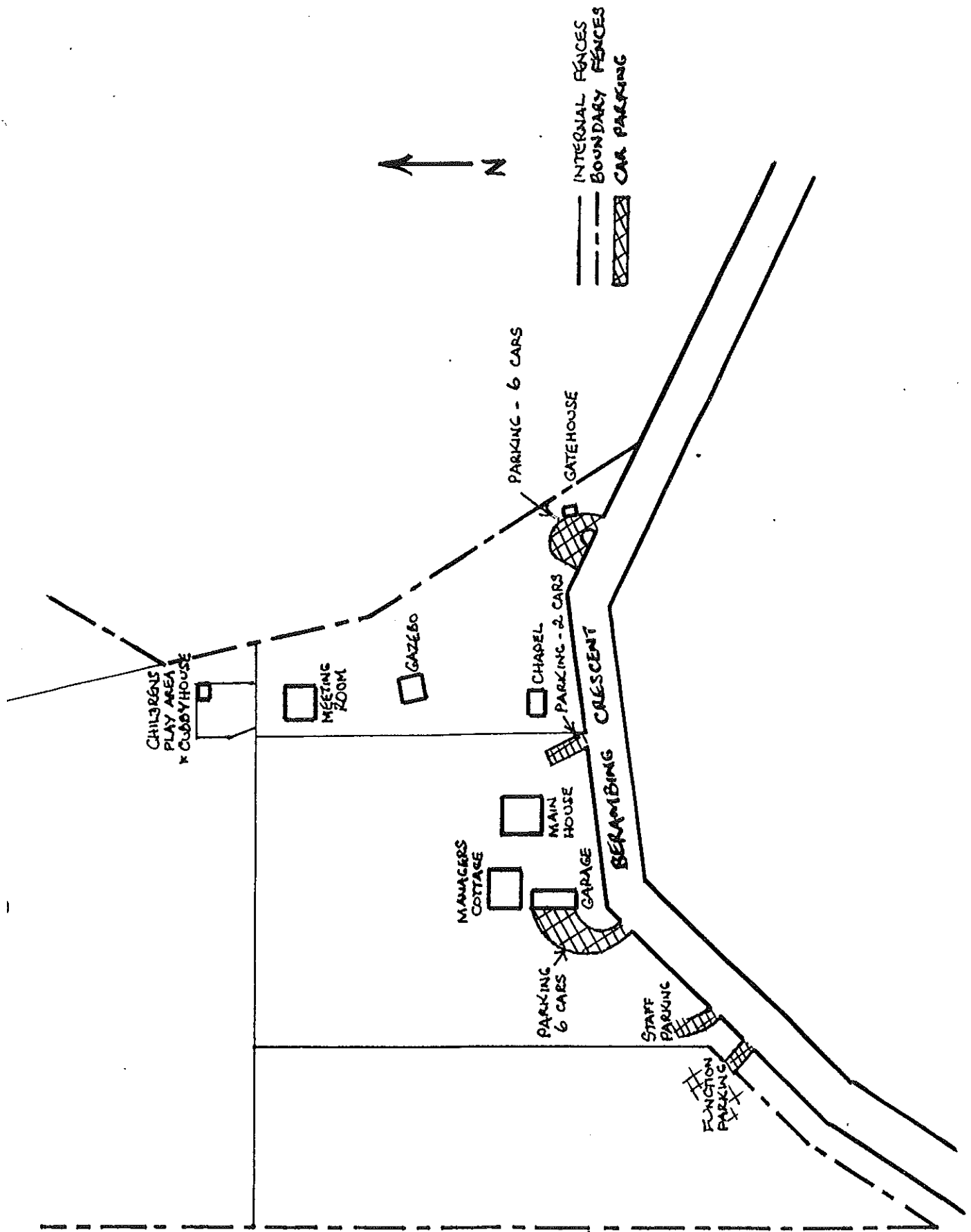
3. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
4. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
5. Parking shall be provided for 6 (six) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked.
6. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
7. 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.
8. Operating hours shall be limited to 10.30am to 5.00pm for Saturday, Sunday and Public Holidays. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.
9. Parking signs shall be provided to parking areas.

ATTACHMENTS:**AT-1** Site Plan.

FN:EN926NAX.V02

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





Plan No 1

ITEM: 47 ALTERATIONS TO A HERITAGE ITEM AND ITS USE AS A RESTAURANT - LOT 3 DP803879 NO. 663 GROSE VALE ROAD, GROSE VALE

FILE NUMBER: DA106/95/EVD

REPORT:

A request has been received that this application be reconsidered by the new Council. It has been suggested that reconsideration may obviate the potential for expense in the Land and Environment Court by both the applicant and Council. In the interests of mediation, there is no legal constraint to reconsideration.

Reproduced below is the report to the General Purpose Committee on 22 August 1995:-

"Applicant: Mr A O'Grady
Applicant's Reps: Not known
Property Owner: Grose Vale Properties (G Kable)
Stat. Provisions: Hawkesbury LEP 1989
Area: 6.36ha
Zone: Rural 1(c1)
Advertising: Adjoining owners notified with 12 submissions and a petition containing 96 signatures.
Date Received: 18th May, 1995

Key Issues:

- *Noise*
- *Amenity*
- *Parking*

Action:

Conditional approval

Report:

Council is in receipt of an application proposing alterations to 'Wyanbah', an existing heritage item, and its use as a restaurant.

Four persons are to be employed in respect of the use which is proposed to operate between the hours of 6.00pm to 12.00pm on weekdays and 12.00 noon to 12.00pm on Saturdays and Sundays. The restaurant will be capable of seating 45 persons.

Statutory Situation

The proposal would be defined as a 'refreshment room' and is a use permissible, with Council's consent, under the provisions contained in Hawkesbury LEP, 1989.

Submissions

Of the 12 submissions received, 2 were in support of the proposal on the basis that this development will help ensure the longevity of the heritage building. The remaining submissions object to the development on the following grounds:-

- impact on traffic in Grose Vale Road*
- inadequate car parking*
- financial viability of the development*
- fire hazard*
- on-site disposal and stormwater*
- adverse impact on amenity*
- noise*
- supply of water*

The petition containing 96 signatures is in support of the proposal.

Environmental Assessment

The subject property is a rural allotment with an area of 6.36ha containing a single dwelling - house known as 'Wyanbah' which is a heritage item listed in Schedule 1 of Hawkesbury LEP 1989.

The locality is generally rural in nature. The development proposes minor internal alterations only which will not impact on the significance of the heritage item.

Traffic and Parking

Car parking is to be provided for 9 cars within a gravel surface parking area located behind the existing dwelling house. Council's Parking DCP requires for restaurants that 1 space be provided for each 10m² of dining area, plus 1 space per 2 employees. This development proposes 86m² of such area, plus 4 employees, thus requiring 11 spaces. Ample area is available to provide these spaces on site. Furthermore, it is considered reasonable to provide additional space on the property to cater for parking in excess of that formally provided for any overflow requirements.

Access to the site is via a driveway off Grose Vale Road. The driveway is located almost immediately opposite a dwelling on the other side of Grose Vale Road and it is considered that the driveway should be relocated to avoid the shining of motor vehicle headlights into the dwelling-house. The relocation of the driveway further down hill will have the added advantage of improving sight distances for vehicles exiting the site.

Amenity

It is considered that the proposed development is a reasonable use for the site, however, it has the potential to impact upon the amenity of the area, particularly by way of noise from patrons at the restaurant and leaving the site. It is recommended, therefore, that conditions be imposed preventing outdoor eating and further limiting the hours of operation to 10.00pm Sunday to Thursdays and 11pm Fridays and Saturdays. This should adequately protect the amenity of the locality.

Services

The disposal of effluent is to be carried out by way of an aerated treatment system which will spray irrigate on-site. The property has sufficient area to accommodate this type of system. The on-site collection and storage of water will provide adequate water for the development. This can be supplemented by tanker.

Conclusion

The proposed development is considered to be a reasonable use for the site and is recommended for approval with conditions."

RECOMMENDATION:

That approval be granted subject to the following conditions:-

1. The development shall be carried out in accordance with Plan No. K1.84, dated 15 May 1994.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
4. Provision of toilets in accordance with the requirements of the Building Code of Australia.
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. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
7. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
8. Parking shall be provided for 11 (eleven) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works including driveway shall be submitted for consideration with the Building Application by the Divisional Manager of Environment and Development.
9. All parking required by this activity shall be provided on the property and no vehicles shall be parked on the surrounding road network.
10. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
11. The provision of a sealed driveway 4.5m (four point five) wide from the footway crossing in Grose Vale Road to the parking area.
12. The provision of a sealed rural type footway crossing.
13. The driveway being relocated to the satisfaction of the Divisional Manager of Environment and Development. Details to be submitted prior to works commencing.
14. 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.
15. The use of the verandah for dining or other entertaining or like use is prohibited.
16. Operating hours shall be limited to 6.00pm to 10.00pm on Mondays to Thursdays; 6.00pm to 11.00pm on Fridays; 12.00 noon to 11.00pm on Saturdays and 12.00 noon to 10.00pm on Sundays. Any alteration of these hours will require approval of the Divisional Manager Environment and Development."

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V16

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

ITEM: 48**REJECTION OF PROPOSED REZONING OF KEMSLEY DOWNS
AT NORTH RICHMOND FOR URBAN DEVELOPMENT****FILE NUMBER:** LEP002/95 PT01/EVD**REPORT:**

Council at its meeting on 14 March 1995, resolved to support the potential of possible development of the Kemsley Downs property for residential purposes by preparing a Draft Local Environmental Plan and further that support, in principle, be provided to the provision of reticulated water from Cranebrook to South Windsor as a means of servicing the additional urban development.

The land, which is in single ownership, has the potential for approximately 2,000 dwellings which is an equivalent scale to Bligh Park.

The Department of Urban Affairs and Planning have now advised that the proposal was referred to the Land and Housing Committee of the State Government for consideration. At its meeting on 26 June 1995, the Land and Housing Committee decided that the proposed rezoning was inconsistent with the Metropolitan Strategy and that the Committee would not be prepared to consider the land for the Urban Development Program.

The Committee also considered that Council and the Department of Urban Affairs and Planning should consider a more strategic approach to the location of new developments in relation to existing towns and villages.

Whilst there is regular communication between Council and the Department in relation to proposed urban development, it would be of benefit to discuss desirable strategic approaches with the Land and Housing Committee direct.

Accordingly, the Land and Housing Committee should be requested to invite attendance by representatives of Council at a scheduled Committee meeting to discuss their preferred strategic approach to the location of new urban development in the North West Sector and in the City of Hawkesbury in particular. In the event that Council is invited to attend a scheduled Committee meeting, the matter will be reported back to Council for the determination of Council representatives.

RECOMMENDATION:

That the Land and Housing Committee be requested to receive a small delegation from Council to discuss their preferred strategic approach to the location of new urban development in the North West Sector and in particular the City of Hawkesbury.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V15

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

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 September 1995

Item: 49

ITEM: 49**OFF STREET PARKING REQUIREMENT FOR KURRAJONG
BETWEEN THE KURRAJONG PUBLIC SCHOOL AND THE
BUSHFIRE STATION****FILE NUMBER:** 722/R PT05 & 1501/R PT03/EVD**REPORT:**

It had been requested that a report be brought forward as to the extent of compliance with development consent conditions for off street parking between Kurrajong Public School and the Bushfire station.

A search was undertaken of Council records to 1981 to ascertain developments with outstanding on site parking conditions. This search indicated that there are two developments which have not complied with the provision of on site parking conditions attached to the consent. The two developments are identified in the table below:-

DA FILE	LOCATION	TYPE OF DEVELOPMENT	NO OF CAR SPACES	CONSENT DATE	COMPLIED
DA102/82	LOT 27 DP13541	SHOPS	6	12/5/82	NO
DA145/82	LOT 4 DP13541	DOCTORS SURGERY	3	9/6/82	NO

In May 1982, Development Consent was issued for the use of the existing building for the storage, restoration and refurbishing of antiques and the sale by retail of antiques, secondhand goods and arts and crafts at the intersection of Grose Vale Road and Old Bells Line of Road at Kurrajong. Since the issue of consent use of the building has substantially changed and today the building is used as shops, ie. pizza, video, real estate agent and lolly shop. The consent issued by Council in 1982 was conditioned on provision of six on site spaces. To date no provision has been made for this. On 4 September 1994, the applicant was advised that this outstanding condition had to be complied with, but there has still been no action.

In June 1982, Development Consent was issued to convert the front rooms of an existing dwelling to be used for the purpose of professional consulting rooms. The dwelling is currently used as a Doctors Surgery. The consent issued by Council was conditioned on the provision of three on-site car parking spaces. To date no provision has been made of this. Currently the surgery operates Monday to Friday for only 1 hour per day being 2.00pm to 3.00pm. Whilst provision of the spaces will ensure that there is on site parking available for the doctor and patients it will not alleviate any parking congestion that occurs in the village on Saturdays and Sundays as the surgery is not open.

RECOMMENDATION:

That:-

1. The information in the report be received.
2. Appropriate action be taken to ensure the provision of 9 (nine) outstanding car parking spaces required for DA102/82 and DA145/82.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V14

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

ITEM: 50

HAWKESBURY CITY COUNCIL & FOSTER - V - MUSHROOM
COMPOSTERS PTY LTD - APPLICATION FOR COSTS &
PROCEEDS OF PENALTY

FILE NUMBER: P1609/110 PT11/EVD

REPORT:

Following a Notice of Motion filed on behalf of Council, argument on the question of costs has been set down for hearing on 18 December 1995, before the Chief Justice. Full costs are also being sought (on an indemnity basis) given that Mushroom Composters changed their plea several days before the hearing and also acknowledged that they were in contempt at the hearing and would be continuing their contempt after the hearing of the matter.

In relation to the penalty, the second applicant (Foster) has sought an order that they be granted the penalty of \$80,000 under the Fines and Penalties Act 1901, as well as any continuing penalty. Council's Solicitors have been instructed to oppose the granting of the penalty to the second applicant on the basis that Council is entitled to the whole of the fine pursuant to Section 694 of the Local Government Act 1993, which reads:-

- "1. Any penalty, fine or forfeiture under any Act recovered in proceedings instituted by or under the direction or on behalf of or for the benefit of the Council is;
- (a) to be paid to the Council; and
 - (b) to be allocated by the Council to the Council's consolidated funds."

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V13

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

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 September 1995

Item: 51

ITEM: 51 AMENDMENTS TO INDUSTRIAL DEVELOPMENT CONTROL
PLAN BASED ON URBAN CONSOLIDATION AND
"GREENSTREET" PHILOSOPHIES

FILE NUMBER: DCP001/93 PT1/EVD

REPORT:

On 27 June 1995, the General Purpose Committee considered a report in relation to amendments to the Industrial Development Control Plan based on Urban Consolidation and "Greenstreet" philosophies. At its Ordinary meeting on 11 July 1995, Council resolved the following:-

"The suggestions contained in this report be incorporated into an amendment of the current development control plan for industrial development which will be presented to Council for adoption when complete."

The issues to be addressed included setbacks, construction materials, parking, security fencing and the reversing of trucks onto properties. The Development Control Plan - Industrial Development has now been amended in accordance with Council's resolution. A copy of the amended Development Control Plan - Industrial Development is enclosed with this Business Paper for Council's perusal.

The amendments will essentially facilitate improvements of existing industrial areas in the City. Given the above, it is considered that the amended Development Control Plan - Industrial Development should be placed on exhibition in accordance with the Environmental Planning and Assessment Regulations.

RECOMMENDATION:

1. That information contained in the report be received.
2. That the amended Development Control Plan - Industrial Development be placed on exhibition in accordance with the Environmental Planning and Assessment Regulations, 1994.

ATTACHMENTS:

AT-1 Amended Development Control Plan - Industrial Development.

FN:EN926NBX.V12

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

ITEM: 52 DRAFT DEVELOPMENT CONTROL PLAN - DRAFT
GUIDELINES FOR DEVELOPMENT IN THE MACDONALD
VALLEY AND ST ALBANS VILLAGE CONSERVATION AREA

FILE NUMBER: DCP4/92/EVD

REPORT:

Council at its Ordinary meeting on 11 November 1993, resolved that a Draft Development Control Plan be prepared for development in the Macdonald Valley and St Albans Village Conservation Area. As a consequence of exhibition of the Draft Plan 2 submissions were received, 1 from the Macdonald Valley Association and 1 from the Macdonald Valley landowners.

The submission from the Macdonald Valley Association states:-

"We have tried to produce an easily accessible and easily understood document, consistent with Council's 1989 Local Environmental Plan, appropriate building codes, and the practical circumstances of Valley life, but allowing, within those constraints for the exercise of architectural innovation and personal lifestyle preferences.

In general, a redraft is considerably shorter than Council's document. It omits the reference material supplied on your pages 21 to 34 and sets the main provisions of Council's Bush Fire Mitigation Policy (modified, as in the case of water reserves, to meet the practical consideration of tank sizes) side by side with other provisions. We have excluded or relaxed some provisions, included or tightened others. We have added information about noxious weeds. Although the diagrams on pages 9 and 14 of your document have been omitted from our redraft we found them helpful, and would like to see them in the final plan."

The submission from the Macdonald Valley landowners states:-

"After careful consideration of your draft guidelines we approve in principle the draft subject to any future amendment/redesigns being submitted to the people of the Valley. Your guidelines it seems, are designed around ensuring the heritage usage of the Valley in terms of building design/development is retained and conserved and is consistent with its historical background. We believe this is important, however, building design/development is not the only issue.

In terms of your guidelines you have addressed design/development standards for construction of dwellings in an environmental, cultural and heritage context. However, you have not addressed development in its true sense/definition/scope as the title of your document lends itself to. On the basis of dwelling design/development, the intent of the document, we see no real problems. Although, if you are concerned objectively with development of the Valley then other issues need to be addressed. Briefly we believe these issues should include:-

* *altering the document title or subject matter to communicate your objectives/intent/scope/design outcomes to "Guidelines for development and construction of dwellings in the Macdonald Valley" or alternately "Guidelines for development in the Macdonald Valley and St Albans Village" encompassing the following:-*

1. *greater autonomy for land holders to utilise resources;*
2. *roads in terms of condition, dust, pollution and measures to prevent accidents (speed limits);*
3. *tourism development, eg. ferry queues. Suspend all tourist development until roads can support the increased traffic movement;*
4. *river management issues;*
5. *sand inundation to properties;*
6. *policies, fire hazard reduction - cold burning; and*
7. *subdivision.*

The owners of the Valley believe that the issues listed above are the main concerns in the context of developing the Macdonald Valley for the betterment of all residents and landowners alike. We would like to point out that these issues briefly outline issues that need to be considered in toto.

Recommendation

1. *That the issues raised be addressed and included in a clear and concise development plan for the Valley and subsequently presented to the people of the Valley for comment through a formal forum through initial consultation and assistance from the Macdonald Valley landowners.*
2. *If the Council in its document is primarily concerned with the design/development of dwellings, then the title should reflect its intent and, therefore, be changed to guidelines for design and development of dwellings in the Macdonald Valley and St Albans Village."*

The Draft Development Control Plan was written by staff in conjunction with Council's Heritage Adviser, Mr Robert Staas, following extensive field work and research. The work undertaken prior to the preparation of the Draft Development Control Plan revealed that recent development was often at odds with the historic character of the Macdonald Valley. More importantly, the work revealed the urgent need for a document which would provide appropriate guidelines for development. The Draft Development Control Plan was written to assist property owners in the Macdonald Valley and St Albans Village with the design and siting of new development. It was envisaged that implementation of the Draft Development Control Plan would ensure that new development did not detract from the existing landscape but rather was designed to compliment and reinforce its historic character.

Whilst the intent of the Draft Development Control Plan, as written, was merely to be an advisory document to facilitate achievement of a good result for each property owner, it should not be seen as the panacea for every planning "ill" in the Macdonald Valley. Planning "ills" identified in the submissions include roads, tourism development, sand inundation, river management and subdivision. These "ills" are beyond the ambit of this document and more appropriately fall within the "Our City Our Future" planning strategy. It is, however, acknowledged that the title of the Draft Development Control Plan should be changed to "Guidelines for Development and Construction of Dwellings in the Macdonald Valley" as suggested by the Macdonald Valley Landowners. The title change as suggested will clarify the intent and ambit of the document.

RECOMMENDATION:

That:

1. Information in the report relating to the Draft Development Control Plan - Macdonald Valley be received.
2. The title of the Draft Development Control Plan be changed to "Guidelines for Development and Construction of Dwellings in the Macdonald Valley".
3. The Draft Development Control Plan be adopted as a Development Control Plan in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.

ATTACHMENTS:

AT-1 Draft Development Control Plan

FN:EN926NBX.V09

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

ITEM: 53

REZONING APPLICATION - LOT 1 DP201294 NO. 53 ARGYLE STREET, SOUTH WINDSOR

FILE NUMBER:

LEP006/95/EVD

REPORT:

Council, at its Ordinary meeting of 11 July 1995, resolved as follows:-

- "1. Council prepare a draft local environmental plan to rezone Lot 1 DP201294 from Special Uses 5(a) County Council Depot under Hawkesbury Local Environmental Plan 1989 to General Industrial 4(a).
2. An environmental study not be required in view of the relatively minor nature of the proposal.
3. Council exercise its delegation under Sections 65 and 69 of the Act in respect of the proposal."

The Section 65 Certificate was issued by the Divisional Manager Environment and Development, as the delegate of the Director of Urban Affairs and Planning and the draft plan was exhibited from 2 August 1995, to 1 September 1995. No submissions have been received under Section 67 of the Act, and no hearing is required under Section 68 of the Act.

The proposal was referred under Section 62 of the Act to the Roads and Traffic Authority, Sydney Water, Environment Protection Authority, Department of Conservation and Land Management and Telecom Australia.

Replies have been received from the Environment Protection Authority, Sydney Water and Roads and Traffic Authority who have no objections to the proposed rezoning.

The matter can now be referred to the Department of Urban Affairs and Planning for finalisation.

RECOMMENDATION:

That Council:-

1. Exercise its delegation under Section 69 of the Environmental Planning and Assessment Act 1979.
2. Refer the local environmental plan, Hawkesbury Local Environmental Plan 1989 (Amendment 50) to the Department of Urban Affairs and Planning for final gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V07

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

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 September 1995

Item: 54

ITEM: 54

DRAFT LOCAL ENVIRONMENTAL PLAN - LOT DP836577 &
LOT 1 DP736139 NO. 1 MARCH STREET, RICHMOND AND NO.
21 BRABYN STREET, WINDSOR - STATE RAIL AUTHORITY

FILE NUMBER: LEP5/94/EVD

REPORT:

Council at its Ordinary meeting held on 10 May 1994, resolved to support the preparation of a draft local environmental plan to rezone the subject properties from Special Uses 5(b) Railway to Residential 2(a). Both properties contain dwellings which were sold by the State Rail Authority as each was considered surplus to the Authority's needs.

As a result of the draft plan being of a minor nature, no state Authorities were notified pursuant to Section 62 of the Environmental Planning and Assessment Act 1979.

Adjoining owners were notified of the proposal and advertisements were placed in the Gazette exhibiting the plan between 14 June and 14 July 1995. One submission was received from Prospect Electricity stating no objection to the plan.

The Section 65 Certificate was issued by the then Department of Planning on 2 November 1994.

RECOMMENDATION:

That the plan be forwarded to the Department of Urban Affairs and Planning for gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN926NBX.V06

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

ITEM: 55**TOURIST FACILITY - EXTENSION TO OPERATING HOURS -
LOT 182 DP593791 NO. 39 NORTH STREET, WINDSOR - MR C
WELLS****FILE NUMBER:** DA320/93/EVD**REPORT:**

Council, at its Ordinary meeting of 8 March 1994, resolved to approve a tourist facility with conditions. The conditions required the operating hours to be 10.00am to 5.00pm on weekends and public holidays and that extensions to these hours require Council approval and that a 12 month review be carried out.

Proposal

The owners of the subject property have requested an extension to the operating hours for the existing craft shop. The proposed hours from 10.00am to 5.00pm are to include trading 7 days a week.

Notification has been carried out to those people who previously made submissions. However, no objections have been received.

It is considered that based on the above and that the amenity of the area will not be compromised as a result of the proposed extended hours, the request be supported.

RECOMMENDATION:

That Condition No. 8 to Development Consent DA320/93 be amended to read:-

- "8. *Operating hours shall be limited to 10.00am to 5.00pm 7 (seven) days a week. Any alteration to these hours will require the approval of the Divisional Manager Environment and Development.*"

ATTACHMENTS:

AT-1 Site Plan.

FN:EN926NBX.V05

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

ITEM: 56**DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 5 & 3 & PT LOT 1 FP977347 NO. 63 BELLS LINE OF ROAD, NORTH RICHMOND****FILE NUMBER:** LEP9/95/EVD**REPORT:**

Application is made to rezone the subject property from Residential 2(a) to Business Special 3(b) to allow commercial/office development.

The subject property is vacant and has an area measuring over 4800m² with a street frontage measuring approximately 170m.

Located adjacent to and west of the intersection of Grose Vale Road and Bells Line of Road, the land is surrounded by the following land use zones (see attached map):-

- Residential;
- Light Industrial; and
- Open Space.

In proximity to the site is the redeveloped Shell Service Station with existing shops adjoining to the east.

It is considered that the subject land is not suitable for residential development because of increasing traffic and noise, and being opposite existing industrial development. Further, it is better to create a commercial zone rather than a spot 'non-conforming' zone which will allow Council to consider a variety of uses.

Plans have not been prepared at this stage without the knowledge of the end land use. However, preliminary discussions with prospective clients such as Homebase Hardware, Motels, Hungry Jacks and other restaurant users have taken place providing possible proposals.

RECOMMENDATION:

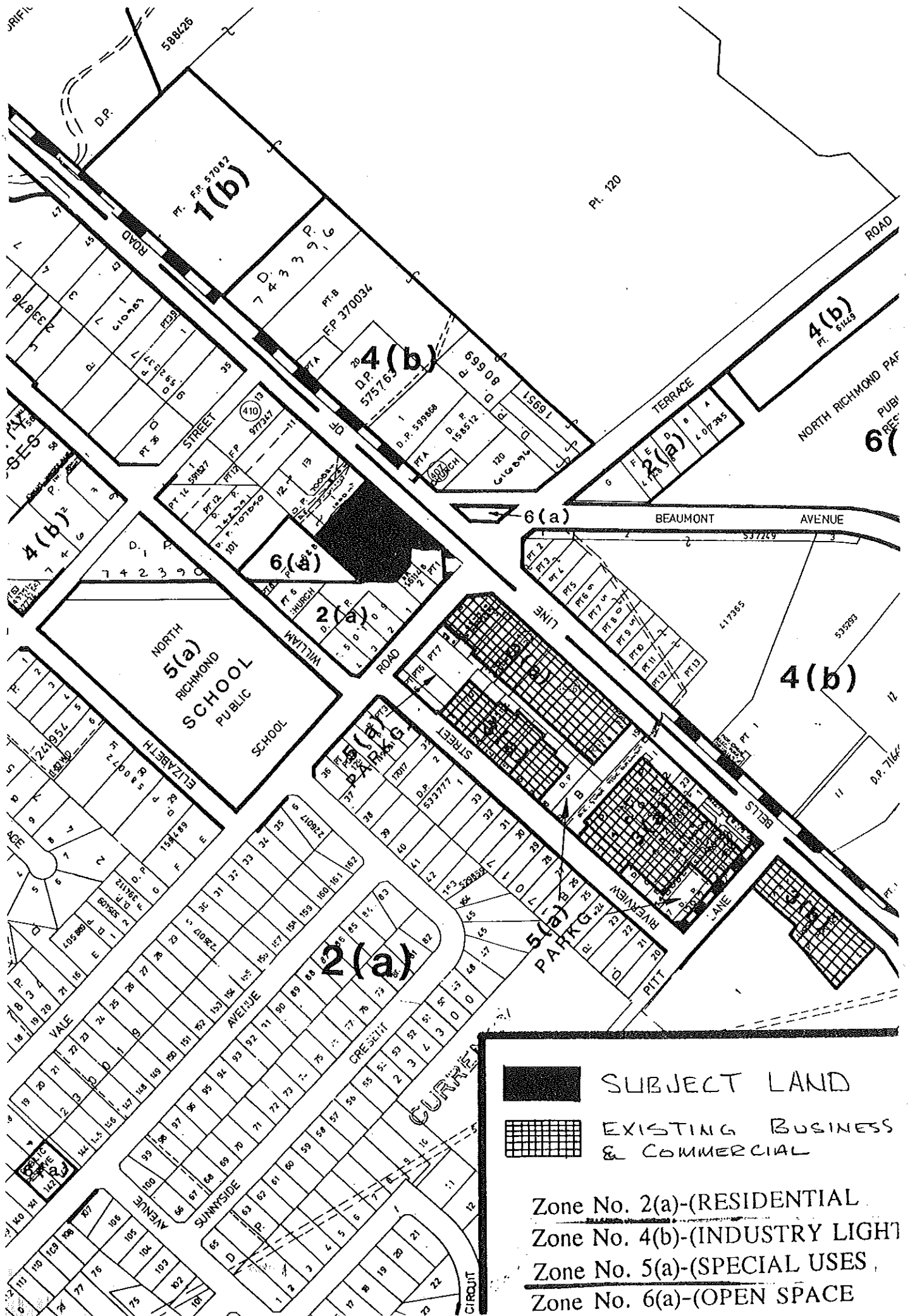
That Council resolve to proceed with the draft local environmental plan and then further consider the matter following its advertising and receipt of any submissions.

ATTACHMENTS:

AT-1 Map.

FN:EN926NBX.V04

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



GENERAL PURPOSE COMMITTEE



SECTION 2 INFRASTRUCTURE

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

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ITEM: 7 CONSTRUCTION - NORTH WESTERN SIDE BANDON ROAD
FROM WINDSOR COUNTRY VILLAGE TO VINEYARD
RAILWAY STATION.**FILE NUMBER:** 0236/R PT02/ENG

REPORT:

A report was requested by Council regarding representations from Mr. James Wolf, Secretary of the Body Corporate at Windsor Country Village, Bandon Road, Vineyard seeking the provision of a footpath on the north western side of Bandon Road from the Village to Vineyard Railway Station, a distance of approximately 600 metres.

There is an existing concrete footpath from the Village to a point approximately 100 metres short of Vineyard Station on the opposite (south east) side of Bandon Road.

The verge area on the north western side of Bandon Road is heavily vegetated with native trees and the construction of a footpath on this side is estimated to cost \$25,000 and would involve the removal of the majority of these mature trees.

Mr. Wolf advised during discussions that he thought approximately twenty residents used Vineyard Station daily; he also advised that a return bus service operated four times per day between the Village and Riverstone Railway Station and this service was an option for those residents not wishing to walk.

Due to the existence of the concrete footpath on the south eastern side of Bandon Road, it is considered that duplication on the north eastern side is not warranted, however, consideration could be given to the provision of a link from Wallace Road to Vineyard Station (a length of approximately 100 metres, estimated to cost \$4,500) in a future construction program.

RECOMMENDATION:**THAT:-**

1. The construction of a footway on the north western side of Bandon Road from the Village to Vineyard Railway Station not proceed at this time.
2. An investigation be undertaken to determine the most appropriate and safe location for the construction of the missing 100 (one hundred) metre section near Vineyard Station and that this work be considered for inclusion in Council's 1996/97 Construction Program.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN926NBX.E04

**** END OF ITEM 7 ****

FN:IN926NBX.E04

SECTION B**Page 3**

GENERAL PURPOSE COMMITTEE



SECTION 3 ORGANISATION & RESOURCES

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

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GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 26 September 1995

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ITEM: 8 MONTHLY FINANCIAL STATEMENTS - AUGUST 1995**FILE NUMBER:** GF011/004 PT04/FNC**REPORT:**A. CASH EXPENDITURE WARRANT N° 7/1995SUMMARY - Accounts Paid

General Fund Nos.	36962 -	37754	10,249,009.29
Trust Fund Nos.	4426 -	4447	708,438.59
FID General Fund	469199		1,350,555.18
			12,308,003.06

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 Community Management and Finance

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 26 September 1995

Item: 8

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE**STATEMENT OF BANK BALANCES AS AT 31 AUGUST 1995**

GENERAL FUND	CR. 430,484.89
TRUST FUND	CR. 59,673.95

CR. 490,158.84

FORM 2

GENERAL

Balance - Cash Account as at 1 August 1995	CR. 60,401.94
Receipts for period ended 31 August 1995	DR. 12,766,311.81

DR. 12,705,909.87

Payments for period ended 31 August 1995	CR. 13,207,667.32
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CR. 501,757.45

Limit of overdraft arranged with bank	\$800,000.00
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RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Statements have been reconciled in all funds as at 31 August 1995.

L M Weatherstone
Divisional Manager Community Management and Finance

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 26 September 1995

Item: 8

C. INVESTMENTS

Hereunder is the list of amounts invested:

Bank Bills

Interest

<u>Period</u>	<u>Due Date</u>	<u>Rate</u>	<u>Interest A/C</u>	<u>Amount</u>
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Term Deposits

77 Days	01.09.95	7.70%	General Fund	780,000.00
77 Days	01.09.95	7.70%	General Fund	300,000.00
365 Days	15.09.95	7.80%	General Fund	1,000,000.00
92 Days	20.09.95	7.71%	General Fund	610,000.00
92 Days	20.09.95	7.71%	General Fund	1,490,000.00
56 Days	20.09.95	7.63%	General Fund	1,000,000.00
56 Days	20.09.95	7.63%	General Fund	1,000,000.00
60 Days	26.09.95	7.60%	General Fund	500,000.00
60 Days	03.10.95	7.60%	General Fund	260,000.00
97 Days	03.10.95	7.73%	Sewerage Fund	2,000,000.00
396 Days	09.10.95	7.35%	General Fund	3,500,000.00
129 Days	09.11.95	7.80%	General Fund	800,000.00
129 Days	09.11.95	7.80%	General Fund	200,000.00
137 Days	17.11.95	7.81%	General Fund	1,800,000.00
120 Days	12.12.95	7.68%	General Fund	200,000.00
116 Days	18.12.95	7.67%	General Fund	300,000.00
216 Days	18.12.95	8.00%	Sewerage Fund	1,000,000.00
181 Days	11.12.95	7.80%	General Fund	660,000.00
181 Days	11.12.95	7.80%	General Fund	163,680.16
181 Days	11.12.95	7.80%	Sewerage Fund	976,319.84
180 Days	27.02.96	7.75%	Sewerage Fund	1,230,000.00
180 Days	27.02.96	7.75%	General Fund	770,000.00
185 Days	29.02.96	7.83%	General Fund	1,000,000.00
365 Days	15.08.96	8.05%	General Fund	850,000.00

Australian Treasury Corporation

04.08.97	8.45%	Workers Comp Board	950,000.00
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<u>Short Term Investments</u>	General Fund	2,790,000.00
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\$26,130,000.00

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 Community Management and Finance

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG926NAX.F01

**** END OF ITEM 8 ****

**HAWKESBURY CITY COUNCIL
GENERAL PURPOSE COMMITTEE**

END OF BUSINESS PAPER