HAWKESBURY CITY COUNCIL
ORDINARY MEETING

Where People Make the Difference!

SUPPLEMENTARY BUSINESS PAPER

DATE OF MEETING: 11 April 1995

LOCATION: Council Chambers

TIME: 7:30pm

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No Reports of other Committees Are Submitted

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ORDINARY

Mayoral Minutes

Mayoral Minute

Ordinary Meeting - 11th April, 1995

1. AEROSPACE - TECHNOLOGY MUSEUM GM030/002

Council has previously considered the establishment of an aerospace technology museum on a site at Clarendon and land within the Richmond RAAF Base.

Previous submissions have met with luke warm responses and when the possibility of Australia's major aerospace museum being established in the locality, the response has been that with the Maritime Museum in New South Wales, establishments in other technological areas would go to other states.

There are a number of aircraft type museums throughout Australia and it is seen that there should be an interchange of displays between them to enable as many people as possible to have access.

The Richmond/Clarendon area provides a site with access to a runway, is served by electric rail to metropolitan Sydney and its large population and it is known that there will be a downsizing of RAAF operations over forthcoming years. There are suitable land sites available and such an establishment could provide a important employment base.

I propose that a formal structured committee should be established with the objective of preparing a further submission and securing the necessary approvals and possibly funding.
I would propose that the committee comprise representatives from the RAAF; private organisations that have an interest in aerospace matters including suitable aircraft, the Air Force Association; the National Museum and other interested persons, Councillors and staff.

Should the Council concur with the proposal then I will write to appropriate organisations seeking their representation, arrange for suitable advertisement in the local press then
report the matter to the Council recommending adoption and incorporation of the body. I recommend that the Council establish an incorporated committee to pursue the objective of establishing an aerospace technology facility in the Richmond/Clarendon area.

2. HERITAGE AWARD

The Council last year produced, with the assistance of the Heritage Council, an educational video promoting the importance of maintaining and keeping our heritage. The video has been distributed to all schools in the area.

It was entered in the Heritage Awards and last week Council was successful in receiving the Sydney Electricity Award in the Educational Section for the production. The Award comprises a painting by Jenny Kee which will be maintained as part of the Councils art collection.

Congratulations have been given to the staff involved in both initiating the educational video production and its results.

Councillor Rex Stubbs
Mayor

******* END OF MAYORAL MINUTES *******

ORDINARY

Section 4

Reports for Determination

ITEM: 203 THE DRIFTWAY - FENCING

FILE NUMBER: 2018/R Pt04/GMA

REPORT:

The University wishes to re-fence its property along The Driftway. The bushland on the property (most of which is subject to National Heritage recognition), for most of the length is on the property boundary. The purpose of the fencing is to prevent access for illegal dumping and to provide for fire protection. If the fence therefore is placed on the property boundary it would be necessary to clear native bushland to enable a vehicle to travel between the fence and the natural bush.

The Driftway is 40 metres wide with an average road having a width of 20 metres. On the University's side there is sufficient width along the roadway to enable the fence to be established with access for a vehicle, thus preventing the need for any further bushland clearing. There is little use of this side of The Driftway by the public and recent inspections have indicated some horse riding. If the fence was placed on the public road then that use could still occur within a reduced area.

Should the Council agree then the private property owners on the southern side of The Driftway would be advised accordingly.

It is not proposed to enter into any formal lease but to let the matter rest on correspondence between the two parties.

RECOMMENDATION:

The University of Western Sydney, Hawkesbury be advised that the Council agrees to the fencing of its land along The Driftway with a fence that is located on the public road so as to prevent further clearing of native bushland and where the matters of traffic safety and appropriate pedestrian access are addressed. Further, that the agreement to fence the area rests on correspondence between the two parties.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LAX.G19 ****** END OF ITEM 203 ******

ITEM: 204 SEWERAGE - NON RETICULATED AREAS

FILE NUMBER: GS047/009 Pt01/GMA

REPORT:

There is a report to this Meeting regarding the provision of reticulated sewerage to the urban areas of Glossodia, Freemans Reach and Wilberforce. As well as making representations for the reticulated sewerage of these areas Council has made representations and undertaken investigations for the provision of waste water management facilities for other non reticulated urban areas in Kurmond, Kurrajong, Bowen Mountain and Kurrajong Heights. Of these only Kurmond and Kurrajong have reticulated water and could therefore see a conventional reticulated sewerage system.

Should Freemans Reach, Wilberforce and Glossodia proceed, then the cost of pump out services to the remaining areas could be expected to escalate significantly. This is based on the fact that the current contract primarily involves volume and transport economics.

The cost of pump out services has been indicated in the previous report and in the past there have been representations to the Water Board about whether sewerage is collected by pipe or tanker and that there should be one charge across the metropolitan area and thus cross-subsidisation that has occurred in the past for the provision of water and sewerage services continues in their operation. This has met with philosophical agreement but no action. It is understood that Sydney Water is undertaking such provision in another area and this will be checked and advised to the Meeting.

What needs to occur for the other areas is that investigations proceed, are costed and an appropriate community consultation phase occurs so that action either in the form of implementation of a scheme or re-addressing a pump out service can take place.

There appears to be a number of options for all areas including a possible re-use water scheme for the two non reticulated areas.

The Council has spent resources since the mid 1970's in looking at appropriate measures in these areas and these included two consultant's reports one specifically addressing Bowen Mountain in the mid 1970's and the other looking at sewerage facilities for small urban areas in the 1980's. As well, there have been a number of small investigations into all of the villages.

RECOMMENDATION:

THAT Council make representations and seek appropriate deputations to State and Federal Government seeking support for investigation into waste water management facilities appropriate to be placed at the urban areas of Kurmond, Kurrajong, Bowen Mountain and Kurrajong Heights and this to include a community consultation phase with all land owners and residents in the area.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LAX.G20 ****** END OF ITEM 204 ******

ITEM: 205 AUSTRALIAN PIONEER VILLAGE - FUTURE OPERATION

FILE NUMBER: GC283/107 PT3/CSV

REPORT:

At the General Purpose Committee Meeting on 28th March, 1995, Council gave consideration to a report submitted concerning two submissions received for the leasing of Australian Pioneer Village Recreation and Animal Park, together with a strategic plan prepared by Village staff for its future operation. At that meeting correspondence was also tabled from the 'Friends of the Village' Society and as a consequence the Committee's recommendation was that a Working Party be established to report to the next General Purpose Committee Meeting.

The Committee's recommendation was to allow the opportunity for the working party to meet with representatives of the 'Friends Society' to discuss issues raised by them and possible options they may have in respect of the future management of the facility. Such a meeting was convened on Wednesday 5th April at which time representatives of the 'Friends' present submitted a conceptual proposal which provided for the establishment of a Management Committee under the terms of the Local Government Act 1993 to operate the Village on behalf of the Council. The preliminary proposal outlined a number of future proposals including opportunities for increased usage of the Village and the conversion of the existing Work-Shed, currently leased for a Carriage-Works business and located adjacent to the main entry, to a multi-purpose facility. This would be at no cost to the Council.

It has been indicated that in order to prepare a more detailed application for Council's consideration, that an extension of time be permitted to the following General Purpose Committee Meeting, that is on the 30th May, 1995.

In view of all the circumstances the request is supported and presented to Council for concurrence.

Council will recall that at the last Ordinary Meeting when considering an item concerning the estimated cost for the construction of a Multi-purpose All-weather Building within the Village grounds, that a further report be submitted with a detailed cost analysis of such facility. In view of all the circumstances relating to the future of the Village, it is not considered appropriate at this time to undertake this analysis pending the outcome of current considerations relating to the future management and control of the Village.

RECOMMENDATION:

1. That information concerning the meeting between Council's Working Party and the 'Friends of the Village' Society be received and the Society be advised that in order for them to prepare a detailed submission for Council's consideration, that an extension of time is permitted to allow for presentation of this submission at the May General Purpose Committee Meeting.

2. That having regard to current circumstances relating to the future operation of the Village, that no further action be taken at this stage in respect of the further report concerning the cost feasibility of a Multi-purpose All-weather Building.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LBX.C18 ****** END OF ITEM 205 ******

ITEM: 206 COMPULSORY ACQUISITION OF LAND ON MCGRATHS FLATS

FILE NUMBER: GS045/001 PT02/CSV

REPORT:

Council has previously considered reports in regard to the compulsory acquisition of land on McGraths Flats for the purpose of enabling extension of the McGraths Hill Wastewater Treatment Plant.

Council is now advised that the Minister of Local Government and Co-operatives has given his approval for the compulsory acquisition to proceed. Accordingly, formal notice has now been given to the land owner, the Valuer General and the Registrar General in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Compensation payable to the land owner will be determined by the Valuer General as required by the Act.

On or prior to gazettal of the Acquisition, Council is required to classify the land in accordance with the provisions of the Local Government Act 1993. Accordingly, having regard to the use of the land it is considered that an Operational classification be the most appropriate.

RECOMMENDATION:

1. Council classify land described as the unnumbered lot in DP58762 having an area of 9.712ha, Part Portion 32 Parish of St Matthew DP59541 having an area of 12.97ha, Part Portion 48 Parish of Pitt Town DP59541 having an area of 11.93ha and Part Portion 31 Parish of St Matthew DP59708 having an area of 15.83ha as Operational.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LBX.C21 ****** END OF ITEM 206 ******

ITEM: 207 PROPOSED CONSERVATION OF HERITAGE ITEM AND CONSTRUCTION OF 20 UNIT MOTEL - LOT B DP153561 51 BOSWORTH STREET, RICHMOND - GRAHAM EDDS AND ASSOCIATES

FILE NUMBER: DA6/95 PT1/EVD

REPORT:

Letter from Graham Edds

Mr Edds addressed the General Purpose Committee meeting on 28 March 1995 on this item and has provided further details of his concerns about conditions 23 & 25 and condition 19.

"Conditions 23 & 25
Although it is recognised that some archaeological investigation and/or watching brief will be necessary it is intended to keep this to an absolute minimum. I am sure Council will agree that the priority is the conservation and enhancement of the heritage item. The costs to achieve this will be substantial.

It would be a disaster to deprive the conservation works in order to achieve the extent of archaeological investigation and reporting as outlined in Conditions 23 & 25.

We ask that a sensible approach to archaeology be maintained."

Comment

The recommendation from the General Purpose Committee contains three conditions relating to archaeological investigation; conditions 22, 23 and 24.

Conditions 23 & 24 largely duplicate the requirements of the Heritage Council which are expressed in Condition 22. It is considered preferable that the responsibility for implementing the relics provision of the Heritage Act rest solely with the Heritage Council rather than be split between the Heritage Council and Hawkesbury City Council. For this reason it is agreed that Conditions 23 & 24 should be deleted.

"Condition 19
Although it is intended to provide disabled access to the breakfast rooms it is not intended to provide a disable toilet within this area as Condition 19 suggests.

My clients feel the provision of a disabled toilet within this area is an unnecessary "duplication of service" that is provided within the closest ground floor motel unit. It should be acknowledged that this is a breakfast room with only short stays by patrons, not a restaurant.

The provision of such a facility would necessitate enlargement of the toilet facility and passage further necessitating the enlargement of the new attached building."

Comment

The Building Code of Australia makes the provision of access for people with disabilities to the breakfast room a mandatory requirement. This access requirement also includes the provision access to sanitary facilities. Therefore this condition cannot be waived.

Non Compliance with Clause 58 of the Local Government Regulations (side setbacks)

In recent investigations it was discovered that the development application is contrary to Clause 58 of the Local Government (Approvals) Regulation. Clause 58(4) states that the minimum distance of external walls of the first and second storeys from the side boundaries of the allotment on which the building stands must be 2290 mm. The reason for this regulation is not apparent as it is particular to Class 3 buildings (motels, boarding houses etc) and not Class 2 buildings (residential flat buildings).

Section 82 of the Act allows an applicant to lodge an objection to this particular provision in the regulations on the grounds that compliance with the regulation is unreasonable and unnecessary in the circumstances of the case. If Council is satisfied that the objection is well founded, it may, with the concurrence of the Director-General of the Department of Local Government, determine that the regulation does not need to apply.

It is considered that the circumstances warrant that the Director General be requested to waive the requirements of Clause 58. To enforce compliance with Clause 58 would result in the loss of at least one unit and likely jeopardise the restoration and adaptive reuse of an item of environmental heritage, being 51 Bosworth Street. In addition it should be noted that the building complies with the requirements of the Building Code of Australia in respect of the spread of fire and that the variation from 2290mm to 1500mm is minor.

RECOMMENDATION:

1. Condition no's 23 & 24 of the recommendation by the General Purpose Committee on 28 March 1995 be deleted.

2. Mr Edds be advised that the deletion of Condition 19 cannot be supported as it is required by the Building Code of Australia.

3. The objection by Mr Edds to the application of Clause 58 of the Local Government (Approvals) Regulation be supported and referred for the concurrence of the Director-General of the Department of Local Government.

   Following receipt of the Director-General's concurrence, the building application be determined under delegated authority.

ATTACHMENTS:

There are no supporting documents for this report.
FN:OR411LBX.V22 ****** END OF ITEM 207 ******

ORDINARY

Section 5

Reports for Information

ORDINARY

MEETING

Meeting Filename: OR110495.BIL

END OF BUSINESS PAPER

ITEM: 208 MUSHROOM COMPOSTERS v HAWKESBURY CITY COUNCIL, NEVILLE DIAMOND v HAWKESBURY CITY COUNCIL & HAWKESBURY CITY COUNCIL & PETER FORSTER v MUSHROOM COMPOSTERS

FILE NUMBER: DA171/94 & P1609/110 PT 9/EVD

REPORT:

There have been a number of preliminary call-overs in these matters which have resulted in the following hearing dates being set down:-

1. Mushroom Composters v Hawkesbury City Council 30 June 1995

This is the class 1 appeal by Mushroom Composters against a deemed refusal of consent for the Tinda Creek application. In these proceedings Council has requested that the Court determine the following point of law before there is any argument about the merits of the application:-

> *"Whether or not the proposed development is designated development in accordance with the provisions of the Environmental Planning & Assessment Act."*

This will save any unnecessary argument and cost in the event that the Court determines that the application is designated development.

Both Mushroom Composters and Council requested that the Court set this matter down for hearing at the earliest possible date. This was initially fixed at 16 June 1995 however Mr Diamond's legal representative requested that his class 4 proceedings be joined and both matters were set down for 30 June 1995.

Mr Wilson of Counsel has been briefed to appear on Council's behalf.

2. Neville Diamond v Hawkesbury City Council 30 June 1995

As indicated Mr Diamond's class 4 proceedings seeking an injunction preventing Council from determining the application are to be heard at the same time as the Class 1 appeal. Mr Diamond's injunction is basically on the grounds that the proposed development is designated and requires an EIS and secondly that the owner's consent has not been granted for access through the National Park and that National Parks do not have power to grant consent to such access.

Mr Wilson of Counsel will also be appearing on Council's behalf in this matter.

3. Hawkesbury City Council & Foster v Mushroom Composters - 22 to 25 May

This is the hearing of the contempt motion for non compliance with the Court's order regarding the operation of the Post Office Road compost yard.

Mushroom Composters are defending the action and have submitted a number of affidavits from residents to the effect that there is no odour problem. Both Council staff, Mr Foster and other residents will be submitting affidavits to the contrary.

RECOMMENDATION:

The information concerning various legal actions in relation to Mushroom Composters be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LCX.V23 ****** END OF ITEM 208 ******

ITEM: 209 PROPOSED SUBDIVISION LITTLE ISLAND & PROPOSED TOURIST FACILITY ON MIDDLE ISLAND

FILE NUMBER: SA65/94/EVD

REPORT:

A revised application for the property was the subject of an inspection with residents on 6 April 1995.

In summary, the revised application is in two parts.

Firstly, a subdivision application has been submitted for 32 lots on Little Island of which 30 would have building entitlements.

A second application, for a deferred commencement (in principle) approval, has been submitted for equestrian facilities and tourist accommodation on Middle Island. The accommodation comprises seven 5 bedroom bunkhouses and a motel type facility with approximately 50 bedrooms.

Given the revised applications, the current applications should not be determined. The revised applications will need to be notified to adjoining and affected owners for comment and will be reported to a future General Purpose Committee meeting.

RECOMMENDATION:

The information concerning the revised applications for "the Islands" be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR411LCX.V24 ****** END OF ITEM 209 ******