

HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

BUSINESS PAPER

DATE OF MEETING: 26 March 1996

LOCATION: Council Chambers *INSPECTIONS*

TIME: 9:30am

*① 81 RLA MOONJA ROAD
② 484 TERRACE ROAD F' REACH*

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

HAWKESBURY CITY COUNCIL

MISSION STATEMENT:

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

Your Ref:

Our Ref:

21 March 1996

HAWKESBURY CITY COUNCIL



George Street, Windsor NSW 2756
Phone (045) 60 4444
DX 8601 Windsor
Facsimile (045) 60 4400

Mr C Daley
Director Asset Services & Recreation
Hawkesbury City Council
WINDSOR NSW 2756

Dear Mr Daley

A meeting of the GENERAL PURPOSE COMMITTEE will be held in the Council Chambers, Windsor, on TUESDAY, 26 MARCH, 1996, commencing at 9.30am and your attendance would be appreciated.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'G.M. McCully', written in dark ink.

G.M. McCully
General Manager

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...

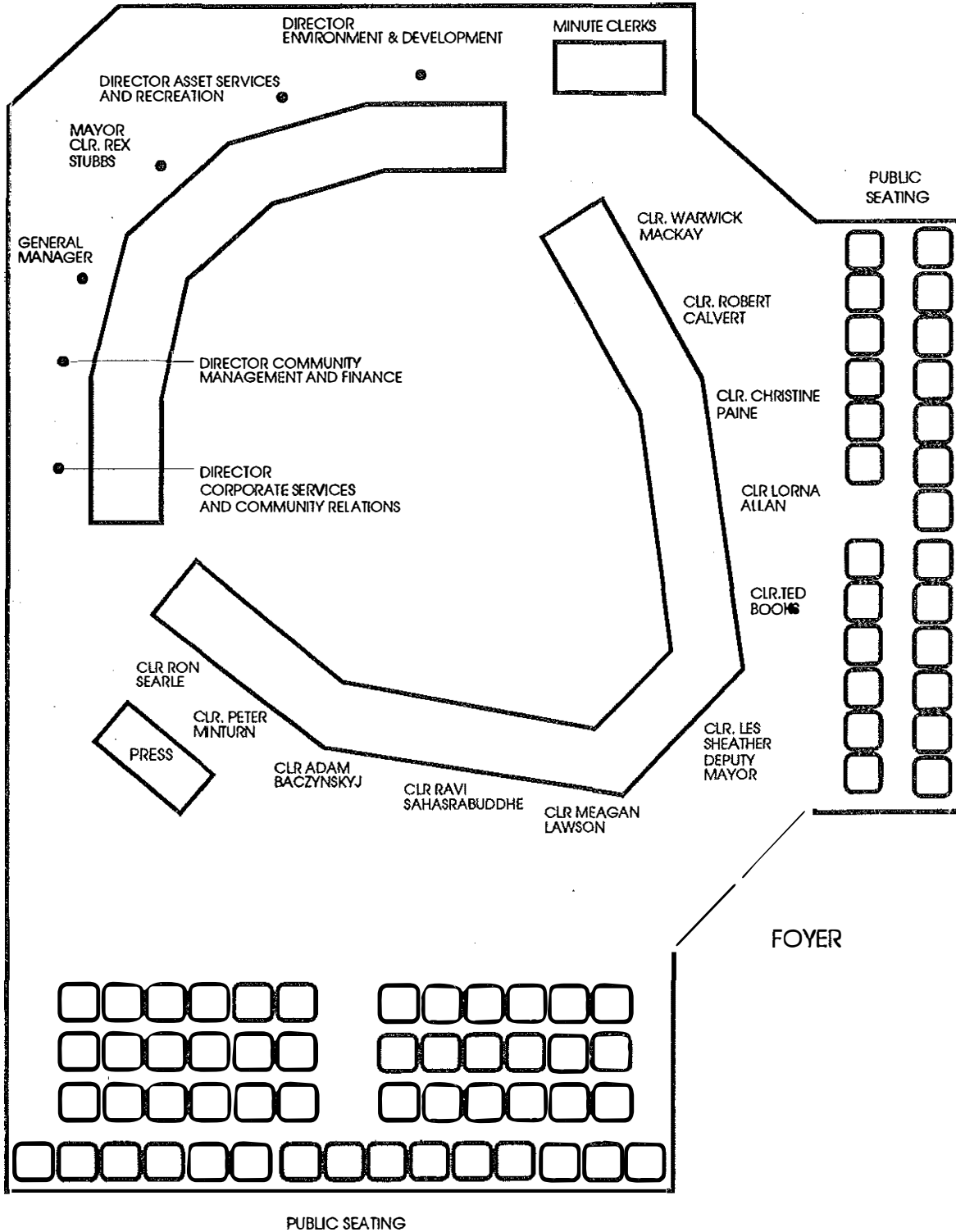
Members of the public can request to speak about a matter that is before the Council at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered.

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



GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 26 March 1996

AGENDA

- **APOLOGIES.** *MURRAY CALVERT PAINE LINDSON BACZYNYJS*
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**

HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

BUSINESS PAPER MINUTES

DATE OF MEETING: 27 February 1996

LOCATION: Council Chambers

TIME: 9:30am

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

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 2

Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 27 February 1996, commencing at 9.30am.

PRESENT: Councillor R P Stubbs, Mayor and Councillors L Allan, A W Baczynskyj, H J M Books, R G Calvert, M E Lawson, P J Minturn, C A Paine, R Sahasrabuddhe, R D Searle and L C Sheather.

An apology for absence was received from Councillor W J Mackay and from Councillor A W Baczynskyj who would be arriving late.

RESOLVED on the motion of Councillor Calvert and seconded by Councillor Searle that the apologies be accepted.

Councillor Baczynskyj arrived at 10.58am.
Councillor Books left the meeting at 11.45am.

RESOLVED on the motion of Councillor Sheather and seconded by Councillor Books that the Minutes of the General Purpose Committee Meeting held on the 30 January 1996, be confirmed, subject to the amendment of Item 14 - Questions Without Notice to read "To stop vehicles doing a right turn from the BP Service Station into Bells Line of Road".

The following recommendations were passed as resolutions of the Committee:

MAYORAL MINUTE

1. CONCERNED CITIZENS COMMITTEE - 24 HR MANNING - RICHMOND POLICE STATION GP040/001 PT02

THAT COUNCIL NOMINATE a representative on the Committee with Councillor Allan being elected as Council's representative.

SECTION 1 - ENVIRONMENT

112: HAWKESBURY SPORTS STADIUM (P1950/213 PT08, DA233/94/EVD/ENG)

Mrs Gae Kelly and Mr Bob Alford of Stimulus, Mrs Lynne Lane, President and Mrs Noeline Callaghan of Greenhills Child Care Centre Management Committee, addressed the Committee.

This is Page 2 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 7

**115: USE OF EXISTING DWELLING - PROFESSIONAL & COMMERCIAL CHAMBERS
- DENTIST - LOT 12 DP709025 NO. 23 COLONIAL DRIVE, BLIGH PARK
(DA277/95/EVD)**

THAT THE APPLICATION be approved in accordance with the report and subject to conditions as listed:-

1. The existing driveway between the existing garage and Colonial Drive to be constructed full width 2.6m (two point six) wide for stacked parking for 2 (two) vehicles and shall be constructed of pavers/earth toned coloured concrete or the like.
2. Details of storage and disposal of medical waste shall be submitted and approved prior to the use commencing.
3. Submission of a building application, plans and specifications complying with the Building Code of Australia for any internal alteration or additions to the existing building.
4. 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.
5. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
6. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
7. Operating hours shall be limited to 8.00am to 7.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays. Any alteration of these hours will require the approval of the Director Environment and Development.
8. The development shall be carried out in accordance with Plan No. 15395.

This is Page 7 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 8

116: FLOODPLAIN PLANNING (GC180/006PT02/EVD)

Mr Brian Keegan addressed the Committee.

COUNCIL PREPARE A Draft Local Environmental Plan to amend Hawkesbury Local Environmental Plan 1989 to revert to the estimated 1:100 year flood frequency level as the floor level requirement for any habitable rooms and the surface level requirement for the subdivision of rural land.

This is Page 8 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 9

SECTION 2 - INFRASTRUCTURE

16: RESTRICTION PROPOSAL - CROWN ROAD RESERVE OFF TIZZANA ROAD, EBENEZER (P2006/250 PT02/CSV)

Mr Steve Atkins of 578 Tizzana Road, Mr Rob Atkins, Mr Greg Foran, Mrs Barbara Hamilton, Mrs Julie Dever, in favour of the proposal, addressed the Committee.

The General Manager read a letter received from the Department of Lands and Water Conservation.

Mr Peter Wade, Mr Steven Zekonus, objectors, addressed the Committee.

1. THAT THE INFORMATION be received.
2. That the Council advise the Department of Lands and Water Conservation that representations have been received and that it currently wishes to have its application for road transfer deferred.
3. Appropriate investigation take place on the relocation of the access of the existing Crown Road Reserve in accordance with the proposal by Mr & Mrs Atkins.

17: CAR PARKING - RICHMOND PRE-SCHOOL/RICHMOND NURSING HOME/SENIOR CITIZENS CENTRE (PP1343/822 PT02, P1343/820 PT02, P1343/834 PT02/ENG)

THAT AN ADDITIONAL 14 (fourteen) car parking spaces be provided at the rear of the Richmond Pre-school at an estimated cost of \$38,000 (thirty eight thousand) with funds provided from the Car Parking Reserve.

This is Page 9 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 10

SECTION 3 - ORGANISATION AND RESOURCES

23: COUNCIL'S COMPUTER SYSTEM UPGRADE (GC230/002 PT03/CSV)

THAT THE TENDER from Hewlett Packard Australia Limited to provide an operating lease of the Council's mainframe computer and ancillary equipment for a 3 (three) year period at quarterly payments of \$24,630.29 (twenty four thousand six hundred and thirty dollars and twenty nine cents) be accepted.

24: AUSTRALIAN PIONEER VILLAGE - QUARTERLY REVIEW (GC283/107/CSV)

Mr Brian McKinlay was available to answers questions raised by the Committee.

THAT THE QUARTERLY Review of the operation of the Australian Pioneer Village be received.

25: MONTHLY FINANCIAL STATEMENTS - JANUARY 1996 (GF011/005 PT04/FNC)

THAT THE INFORMATION be received.

26: BELLBIRD HILL LOOKOUT (P243/5425 PT01/CSV)

THAT PERMISSION BE granted to R & L Solutions of Kurrajong Heights, to install one set of coin operated binoculars at the Bellbird Hill Lookout, Kurrajong Heights, subject to the following terms and conditions:

This is Page 10 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 11

- i. The Company meeting the full cost of the purchase, installation and maintenance of the binoculars.
- ii. The Company having \$5 (five) million public liability insurance cover, which also indemnifies the Council in respect of the use of the equipment.
- iii. Payment of an initial license fee of \$250 (two hundred and fifty dollars) per annum, which is to be reviewed annually on the basis of audited financial statements being provided by the Company.
- iv. Support for the proposal being obtained from the Kurrajong - North Richmond Rotary Club.
- v. The arrangement rest on correspondence.

27: ALCOHOL FREE ZONE CREATION AT McGRATHS HILL (GP070/001 PT05/CSV)

THAT AN ALCOHOL Free Zone be created for the roads, footpaths and carpark of the block bounded by Redhouse Crescent, Phillip Place and the Community Centre in McGraths Hill, for operation until 31 December 1997.

28: WINDSOR RUGBY LEAGUE COMPLEX - PROCEEDS OF SALE (GC283/032 PT2/CSV)

THAT THE PROCEEDS of the sale of Lot 1 in Deposited Plan 582018 to Windsor Leagues Club Limited be allocated to the property development reserve for the purchase of further recreational facilities (structural/organised).

This is Page 11 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 12

29: LEASING OF SHOP 1 - WILBERFORCE SHOPPING CENTRE (GC283/139 PT01/CSV)

Councillor Sheather declared an interest in this matter as he had carried out work for Mr Fowler from time to time.

THAT:-

1. Shop 1 in Wilberforce Shopping Centre be leased to Messrs T and J and Mrs L Fowler as a health food outlet, for a lease period of 3 x 3 (three by three) years at \$7,350 (seven thousand three hundred and fifty dollars) per annum reviewed annually and to include a contribution of 2.9% (two point nine) to Council Rates and 3.7% (three point seven) to Centre outgoings.
2. All necessary documents be completed under the Seal of Council.

30: BUSH FIRE ESTIMATES 1996/97 (GF10/44 PT6/FNC)

THAT THE INFORMATION be received and there be a report to the next Ordinary Meeting on additional information which is available at that stage either from the Coronial Inquiry or the Department of Bush Fire Services.

QUESTIONS WITHOUT NOTICE:

1. Councillor Minturn referred to an accident where a lady fell on the footpath at Kurrajong last Saturday and injured herself. He asked if Council is liable and if something could be done about the footpath.

The Director Corporate Services & Community Relations advised that it is a matter of whether Council is negligent in its actions in some way.

This is Page 12 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 13

2. Councillor Minturn advised that, in Comleroy Road just south of the intersection with the School, there is a long drop away, and asked if something could be done in this regard.
3. Councillor Minturn asked if he could receive an itemised account of the construction cost of the SES Headquarters at Wilberforce.

The General Manager undertook to discuss this matter with Councillor Minturn.

4. Councillor Baczynskyj asked if the Federal Candidates had been asked to make a submission to Council.

The General Manager advised that this had been done and undertook to ascertain if any responses had been received.

5. Councillor Baczynskyj asked about the Bligh Park traffic lights and roundabout.

The Director Asset Services & Recreation advised that there was no further information available at this stage.

6. Councillor Sheather referred to the sign at Windsor Bridge and asked if the log in the river could be removed.

The Director Asset Services & Recreation advised that the log was removed at the same time as the sign was removed.

7. Councillor Sheather stated that the pavement had lifted, 3" in some places, across Ham Common.

The Director Asset Services & Recreation advised that the road surface is the responsibility of the Roads & Traffic Authority and undertook to take the matter up with the Authority.

8. Councillor Sheather sought the current situation regarding the roundabout at South Windsor on Blacktown Road.

The Director Asset Services & Recreation advised that the RTA is having a review of environmental factors for the construction of the slip lane.

Councillor Sheather asked if the Mayor could have discussions with the appropriate bodies so that it is not missed out again.

This is Page 13 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 14

The Mayor advised that it would be organised fairly quickly.

9. Councillor Allan asked if Council is arranging any project for Clean Up Australia day on Sunday. South Windsor Primary School has asked if their area could be cleaned up.

The Director Environment & Development advised that the Branch Manager Environment & Waste is involved in the program and sites will be selected.

10. Councillor Paine asked if the proposal for a Training Officer for the Bush Fire Brigades was still in vogue.

The General Manager advised that this should be done on a regional basis and undertook to take the matter up again.

11. Councillor Paine asked if the provision of accessible, clean toilets could be included in the budget for both Windsor and Richmond. There are no toilets available for people who visit Windsor early in the morning. Problems have arisen since Council had arranged to have toilets locked up of a night. She referred to the condition of those toilets that were left open overnight.

The General Manager undertook to take the matter up with the Police.

12. Councillor Paine asked what is happening regarding the draining of the lagoon at McGraths Flat, if this would be detrimental to the bird life and what is the time frame.

The Director Asset Services & Recreation advised that the water level in the wetlands is currently being lowered to allow some drying out to allow the wetlands to be constructed. There will still be water for the bird life and also they can migrate to the maturation ponds at the plant. It would probably take a few months before the physical work starts, as Council was awaiting Environmental Approval.

The General Manager advised that arrangements would be made for some signs to be erected on the roadside.

13. Councillor Paine expressed concern about the Bike Plan and asked when is it proposed to hold a meeting.

The Director Asset Services & Recreation advised next Wednesday.

14. Councillor Calvert asked if any progress had been made with Council regaining ownership of the Sewerage Plants and control of the rate system.

This is Page 14 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 15

The General Manager advised that Council owns, controls and holds the licence for the plants. The only matter to be finalised is who is the authority to collect the rates.

15. Councillor Calvert advised that he, as Chairman of the Hawkesbury Local Economic Development Board, had received a letter from Senator Macdonald committing \$250,000 towards the EIS feasibility study for sewerage for Glossodia, Freemans Reach and Wilberforce.
16. Councillor Calvert asked if there was any progress regarding the two intersections at Colonial Drive and Rifle Range Road.

The General Manager advised that there have been several approaches direct to the RTA on behalf of the Joint Venture. Both the Federal Member and the Coalition Candidates have indicated Federal funding from current Federal Programs for which there may be an announcement regarding these two intersections.

17. Councillor Calvert referred to previous requests for meetings with the Planning Minister on various issues such as Windsor Road and on the control of redevelopment within our area.

Councillor Allan asked about a meeting with The Hon Craig Knowles or the relevant Ministers.

Councillor Paine asked if Paul Gibson MP had been involved in trying to get a meeting organised.

The Mayor advised that he had had personal discussions with Mr Gibson and he is well aware of the position and he was to raise a number of Council's concerns with the Premier last week.

18. Councillor Searle asked what is the current position regarding provision of toilets for Heritage Park at North Richmond.

The Director Asset Services & Recreation stated that there are no funds available at this stage for provision of toilets at the Park.

19. Councillor Searle asked if a date could be set for the meeting which was to have been held last week regarding various matters.

The Mayor advised that this would be done to-day.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 27 February 1996

Page 16

20. Councillor Minturn advised that property in Terrace Road, North Richmond has been battered down to within half a metre of the river. There is no soil control and there is a trench about three quarters of a metre deep between a couple of trees. He referred also to the shale bank. He asked if the property could be inspected.

The meeting terminated at 3.45pm.

Submitted to and confirmed at the meeting of the General Purpose Committee held on 26 March 1996.

.....
Mayor

This is Page 16 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 February 1996.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE



SECTION 1 ENVIRONMENT

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

Meeting Date: 26 March 1996

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 1 - ENVIRONMENT.	
117:	GUIDED HORSE TRAIL RIDES ALONG EXISTING FIRE TRAILS LOT 202, 203 DP206301 - NO 380-382 LIEUTENANT BOWEN DRIVE - BOWEN MOUNTAIN DA288/95/EVD	4
118:	MODIFICATION OF DEVELOPMENT CONSENT - USE OF BRICKS AND CONCRETE IN LANDFILL MATERIAL - LOT 1 DP814363 NO 103 FRANCIS STREET, RICHMOND DA218/93 P613.309/EVD	8
119:	LOCAL ENVIRONMENTAL PLAN - LOT 1 DP831345 CORNER DRUMMOND AND MILEHAM STREETS, SOUTH WINDSOR LEP11/95/EVD	10
120:	SUBDIVISION TO CREATE 3 LOTS - LOT 12 DP246945 - 81 ALA MOANA ROAD, KURRAJONG SA173/95/EVD	25
121:	MEDITATION ROOM FOR EXISTING RELIGIOUS RETREAT CENTRE - LOT 47 DP753793 NO. 374 GORRICKS RUN, UPPER MACDONALD DA184/95/EVD	28
122:	COMMUNITY TITLE SUBDIVISION TO CREATE 7 LOTS, 6 RESIDENTIAL AND 1 COMMUNITY LOT - LOT 1 DP838855 - 484 TERRACE ROAD, FREEMANS REACH SA10/96/EVD	36
123:	EMPLOYMENT LANDS DEVELOPMENT PROGRAM 1995 SURVEY GT225/005/EVD	42
124:	DRAFT LANDFILL DEVELOPMENT CONTROL PLAN - LANDFILL POLICY DCP1/92/EVD/EVD	44
125:	DRAFT LOCAL ENVIRONMENT PLAN - LOT 11 DP803218 CORNER OF OAKVILLE AND SMITHS ROAD, OAKVILLE APPLICANT: MR AND MRS JAMES LEP19/95/EVD	45
126:	COMPOSTING IN THE HAWKESBURY - GUIDELINES FOR COMPOSTING OPERATIONS - STRATEGIC DIRECTION GA025/001PT04/EVD	46

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

Meeting Date: 26 March 1996

Page 3

ITEM	SUBJECT	PAGE
127:	WASTE MINIMISATION AND MANAGEMENT ACT GW010/022 PT02/EVD	52
128:	GRAHAM PRICE PTY LTD - COURT ORDER NOT TO INTERFERE WITH THE AMENITY OF THE NEIGHBOURHOOD - CONTEMPT OF COURT P1641/700PT09/EVD	55
129:	CSR READYMIX QUARRY - BULL RIDGE ROAD, EAST KURRAJONG 68/297/76/EVD	57
130:	WARRAGAMBA DAM - PROPOSED AUXILIARY SPILLWAY - ISSUES TO BE TAKEN INTO ACCOUNT IN THE PREPARATION OF THE ENVIRONMENTAL IMPACT STATEMENT. GC180/006PT02/EVD	59
131:	REZONING APPLICATION - LOT 202 DP801553 AND LOT 1 DP 574043, CORNER ARGYLE STREET AND FAIREY ROAD, SOUTH WINDSOR (OLD SPEEDWAY SITE) DA270/95Pt01;LEP002/91/EVD	61

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

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 March 1996

Item: 117

ITEM: 117

DEFERRED TO
NEXT GPC

GUIDED HORSE TRAIL RIDES ALONG EXISTING FIRE TRAILS
LOT 202 203 DP206301 - NO 380-382 LIEUTENANT BOWEN
DRIVE - BOWEN MOUNTAIN

FILE NUMBER: DA288/95/EVD

Applicant: Mr S Antcliff
Applicants Reps: Unknown
Owner: Department of Land and Water Conservation
Stat. Provisions: HLEP 1989
Area: Lot 202 - 1233m², Lot 203 (vacant) 1239m²
Zone: Environmental Protection (Scenic) 7(d)
Advertising: Advertised with 2 submission - 1 support and 1 objection
Date Received: 19 December 1995

Key Issues:

High Bush Fire Risk Area, Restricted Access

Action:

Approval subject to conditions.

REPORT:

The applicant has provided the following, information:

"The land is currently Crown Recreational Reserve and acts as a buffer zone between the villages of Kurrajong Heights and Bowen Mountain and the Blue Mountains National Park.

Permission is sought to run an hourly and daily horse hire business consisting of six horses and one guide (on a horse) to give a relaxing and informative tour of the Lower Blue Mountains. The topics covered will be basic horse handling, local plants and flowers, local wildlife, mammals, reptiles and bird life as well as local history on the way.

The horses will be walking on the existing fire trails only and no walking trails will be used. The customers will not be permitted to ride any faster than a walk and they must wear helmets at all times. No customers will be permitted to ride unattended.

The idea of the company is to promote the Hawkesbury's heritage as well as its unique flora and fauna at the leisurely pace of horseback.

The fire trails for intended use are:

- * *The Western Ridge Trail*
- * *Horse Paddock Trail*

- * Bowen Trail
- * Clewetts Trail
- * Southern Trail
- * Eastern Trail
- * Duffy's Trail
- * Bunning Trail
- * Jamiesons Trail
- * Scrimmages
- * Burralow Fire Trail
- * Burralow Road

The tours would start and finish at 382 Lt Bowen Drive, Bowen Mountain where car parking will be provided as this is my primary residence. I am offering a very personalised service and individual needs will be catered for, such as basic tuition before departure.

The guide would be in contact with the base or emergency services by mobile phone and access can be gained by car if necessary to pick up the customers or to pick up sick or injured horses if the need arose.

Tours would not be operated in extreme temperature conditions such as heat wave, or extreme wet weather and smoking would not be permitted once the tour has commenced. Tours will not be run in extreme wet so as to keep erosion of the fire trails to an absolute minimum. In addition because the horses will only be walking, it could possibly help keep weed growth down on the more seldom used fire trails. At the same time, to prevent the horses bringing in weeds, to the Reserve, every horse will be fed crushed or pellet feeds so that weeds could not be spread through the horses' faeces and each horse will have its feet cleaned at the start of each day to prevent weeds entering the Reserve by way of their feet.

I would also be more than willing to make a contribution to the upkeep and maintenance of the fire trails in use".

Statutory Situation

The proposal is permissible under Councils planning scheme.

The trails are throughout Crown Reserve Land owned by the Department of Land and Water Conservation under the care, control and management of this Council.

Community Response

One letter of support was submitted as a result of Councils advertising policy. Numerous letters of support were submitted with the application.

National Parks and Wildlife Service and the Department of Land and Water Conservation raise no objection to the proposal, subject to conditions.

Objection is raised from the Fire Control Officer for the following reasons:-

- * increased risk of fire ignition;
- * increased damage to fire trails;
- * perceived lack of responsibility of users;
- * gate keeping;
- * setting precedent; and
- * possible loss of life in the event of fire.

Planning Assessment

The activity will start from the applicants property which contains an existing stable complex located behind the existing residence. Natural bush exists behind the stables.

Five (5) carparking spaces are proposed on the adjacent vacant allotment owned by the applicant. Located at the end of Lieutenant Bowen Drive, a large cul-de-sac exists for a satisfactory vehicle turning area. Under normal circumstances, vehicles are required to enter and leave business premises in a forward direction. Given the location and low amenity, it is considered that this is not required. However, a revised parking layout should be provided so as to keep clear at an existing drainage pit.

The applicant has demonstrated that with satisfactory management of this business, the horse trail guided tours will not detrimentally interfere with the amenity of the local environment. The applicant has indicated that he is prepared to contribute towards maintenance of the fire trails.

Earth mound landscaping and bunding can be provided to enhance the carparking and stable area.

Fire controls concerns are noted however, the applicant has demonstrated a willingness and desire to manage the business in an environmentally sympathetic manner

The applicant has also provided insurance details indemnifying the Crown and Council against injury.

RECOMMENDATION:

DEFERRED

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

1. The development be carried out generally in accordance with plans and documentation submitted with the application and where modified by conditions.
2. The activity shall be carried out in accordance with the 'National Parks Horse Riding Code'.
3. A satisfactory management plan shall be submitted and approved to the satisfaction of the Director Environment and Development detailing the care, control and maintenance of the fire trails prior to the commencement of the activity.

4. Parking shall be provided for 5 (five) 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, with a dust free compacted crushed rock pavement drained, and marked. Full details of works shall be submitted for approval prior to commencement of construction.
5. The car park layout to be redesigned to provide unobstructed access to the letterbox pit located in the road shoulder. Details to be submitted and approved prior to construction.
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. 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.
9. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Director Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
10. Operating hours shall be limited to 8.00am to 5.00pm Thursday to Sundays. Any alteration of these hours will require the approval of the Director Environment and Development.
11. Not more than 6 (six) horses are to be accommodated on the premises at any given time.
12. Horses when not in use, shall be confined to their stables and manure to be removed from the site.
13. A 'Certificate of Currency' shall be submitted and approved indemnifying Hawkesbury City Council against action as a result of this approved use prior to the use commencing.
14. No vehicles shall be used as part of this activity except in emergencies.

ATTACHMENTS:**AT-1** Locality of Trails Plan.**AT-2** Site Plan.

FN:EN326NAX.V04

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

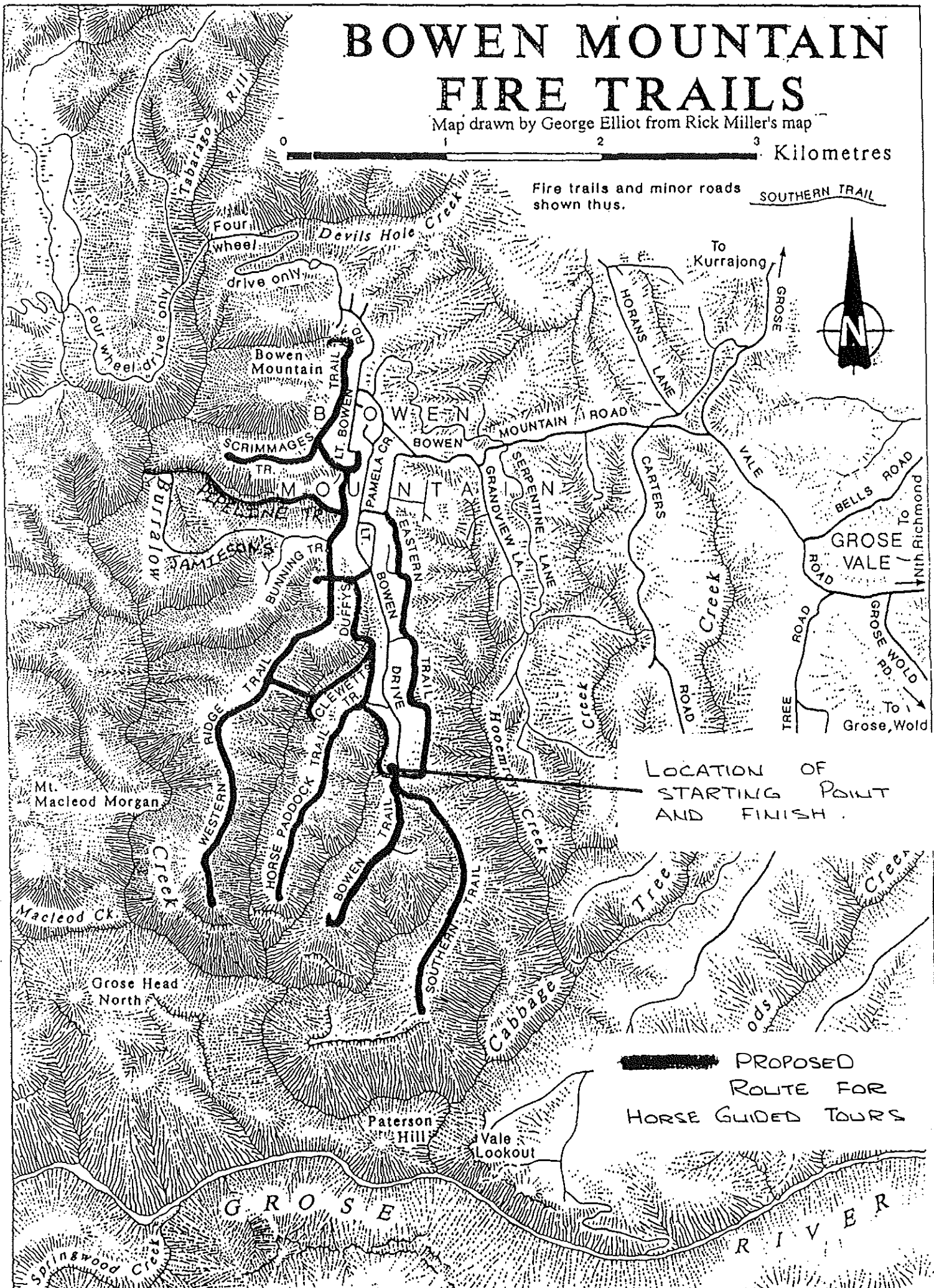
BOWEN MOUNTAIN FIRE TRAILS

Map drawn by George Elliot from Rick Miller's map

0 1 2 3 Kilometres

Fire trails and minor roads shown thus.

SOUTHERN TRAIL



15.24

15.24

SEDIMENT CONTROL

NATURAL
BUSH AND

HORSE PASTURE

3.81

18.3

LOT 202

LOT 201

PRIVATE SPACE

OPEN SPACE

81.875

81.24

80.69

EXISTING RESIDENCE

PRIVATE PARKING

11.865

11.045



LANDSCAPED MOUND

3.0

5.0

CAR PARKING

7.55 SET-BACK

LANDSCAPED MOUND

ITEM: 118

MODIFICATION OF DEVELOPMENT CONSENT - USE OF
BRICKS AND CONCRETE IN LANDFILL MATERIAL - LOT 1
DP814363 NO 103 FRANCIS STREET, RICHMOND

FILE NUMBER: DA218/93 P613.309/EVD

Applicant: Mr FD Leal
Applicants Reps: Not known
Owner: Mr FD Leal
Stat. Provisions: Hawkesbury LEP - Sec 102 Environmental Planning and Assessment Act
Area: 39.470 hectares
Zone: Residential 2(a) and Environmental Protection Scenic 7(d1)
Advertising: 14 days to adjoining owners with 1 submission received
Date Received: 25 January 1996

Key Issues:

- ◆ Dust Factor
- ◆ Non putrescible material

Action:

Approval

REPORT:

On the 16 May 1994 development consent was issued for a landfill activity at the subject property for the purpose of establishing a hard stand area for 40 to 70 cattle during times of flooding.

On the 25 January 1996 an application was received to amend condition 2 of the consent to permit the use of bricks and concrete in the landfill material. Condition 2 reads as follows:-

"The deposited material is to be clean fill, free from demolition material".

The use of bricks and concrete in any landfill activity is listed in Schedule 3 of the Environmental Planning and Assessment Act and is defined as a waste facility. A waste facility is required to be licensed by the Environment Protection Authority.

As the landfill site lies on the edge of a recognised floodplain, consideration has been given to the effects of water flow during times of flooding. The use of large concrete blocks may assist in the stability of areas where the velocity of water flow is high, however this particular area is well outside the main flow of flood waters and is only effected by back water. The use of concrete and bricks would therefore be acceptable as an alternate to clean fill.

Submission

Notification of the application was sent to 16 owners and residents adjoining and in close proximity to the site with 1 submission received. The submission received, read as follows:-

"As an adjoining owner I would like to lodge my concern re DA218/93

Provided its only clean fill - bricks cement, clean soil, is strictly adhered too and the dust factor re truck movements are Council controlled - I trust there will be no problems for the environment of the Hawkesbury City".

RECOMMENDATION:

That the development consent 218/93 be amended to:-

1. Permit the use of concrete and bricks as fill in addition to clean fill.
2. Require the access roadway throughout the site to be regularly watered during times that material is delivered.
3. Require all filling to cease by 10 May 1997.
4. Apply all previous conditions on consent 218/93 except as amended in items 1,2 and 3 above.

ATTACHMENTS:

AT-1 Site plan.

FN:EN326NAX.V06

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

37397

ITEM: 119

6:1 approved LOCAL ENVIRONMENTAL PLAN - LOT 1 DP831345 CORNER
DRUMMOND AND MILEHAM STREETS, SOUTH WINDSOR

FILE NUMBER: LEP11/95/EVD

REPORT:

Council, at its Ordinary Meeting of 9 May 1995, resolved in respect of a rezoning application for the above site, changing the existing Light Industrial 4(b) to Residential 2(a), as follows:-

1. *Council support the preparation of a draft local environmental plan to zone part of Lot 1 DP831345 corner of Mileham and Drummond Streets, South Windsor, containing an area of 3.133ha, from Light Industrial 4(b) to Residential 2(a) to provide for medium density residential use. That consideration of the solar orientation principles also apply in the review of the draft local environmental plan. The applicant is to submit a Traffic Consultant's Report regarding traffic access to the land and parking and specifically that access from Drummond Street to any development that faces that street.*
2. *The Director of Planning be requested to issue the Section 65 Certificate to allow the proposal to be exhibited.*
3. *Consultation be undertaken with relevant government authorities and agencies pursuant to Section 62 of the Act.*
4. *That Council assist the applicant and AV Jennings to settle a Memorandum of Understanding and appropriate Section 88B Instrument of the Conveyancing Act whereby the applicant and its successors in title will address any future environmental/nuisance issues to the satisfaction of all parties involved, they being the Council, the applicant and any future owners of the land.*
5. *That none of the water reserves for North Bligh Park be substituted to allow for the rezoning of this area.*

In regard to Item 1 above, the solar orientation principles will apply to the future subdivision of the land and a draft development control plan on energy efficiency is expected to be presented to the next General Purpose Committee.

A traffic review of the proposed rezoning, prepared by Christopher Hallam and Associates Pty Ltd, was submitted and was forwarded to all consulted government agencies. The assessment of the proposal in the report, states as follows:-

"A traffic generation of about 40 veh/hr would be expected to have minor impact on the adjacent road network, by the time it was distributed, and would be a lower impact than typical industrial uses for this site. This traffic impact could be more fully reviewed at a later planning stage, if considered necessary. Traffic counts at the Drummond Street/Mileham Street intersection could be appropriate. These should cover not only the weekday peak periods but also the Saturday sports peaks. However it should be borne in mind in any assessment that the proportional impact of the residential development would probably be lower on a Saturday than on a weekday.

Consideration could be given to traffic management at the Drummond Street/Mileham Street intersection. In our opinion, it is unlikely that traffic signals would be warranted, or appropriate. If warranted by projected delays, a one-lane roundabout could be an option. We note that on the western side of the intersection the property setbacks are about 3.8 metres, and there are Telecom service pits, as well as a power pole. A large roundabout could thus be difficult to design, but a small roundabout could be feasible. We note that the corner lot on the subject site has a corner splay. This would assist in any later plans for intersection works. However, a small roundabout might not be appropriate with the volume of heavy vehicles travelling to/from the industrial area, unless the vehicles were able to drive over part of the central island.

The issue of the treatment of the Drummond Street/Mileham Street intersection for current and future traffic flows could be assessed as part of sub-regional traffic studies of development in the area, with particular regard to North Bligh Park.

A specific question has been raised about the orientation of the lots proposed to front Drummond Street, with a suggestion that they would be better turned inwards, given the perceived conflicts with industrial and sports traffic. In terms of straight volume, these conflicts would be no different in that section of Drummond Street west of Mileham Street. The traffic volume in this western section of Drummond Street would in fact be higher. While kerbside parking does occur along the Drummond Street frontage to the site during Saturday netball games, we do not see this as being a significant constraint. In practice the main parking for the netball occurs on the park itself. In theory the netball parking could obstruct the driveways of the dwellings. This would be no different to any other situation close to major activities, such as shops, railway stations or other sporting facilities. In terms of the detailed location of driveways, while this might more appropriately be addressed at a later planning stage, an option would be to pair driveways along the property boundaries, not only to reduce the chance of driveways being blocked, but also to minimise the number of kerbside parking spaces lost. The corner lot could have access to Mileham Street. The next two lots could have a centralised driveway of say 5 metres total width, with similar arrangements at every second lot boundary.

We see advantages from a streetscape perspective of the lots fronting Drummond Street, rather than having their rear fences facing the street. Arrangements of the latter type often look very unattractive. In addition, the park on the other side of Drummond Street offers the opportunity for attractive views from the dwellings. A view over a park is generally preferred to a view over other houses.

Should some medium density housing be proposed for the site, we would see a preference in locating this housing on the Drummond Street frontage, rather than on Mileham Street.

In conclusion, we see no traffic reasons why the proposed rezoning cannot be approved. If required, further assessment could be undertaken at a later planning stage. We consider that the proposed orientation of the lots fronting Drummond Street is appropriate."

In regard to Item 2, the Section 65 Certificate was issued by Director of Planning on 22 August 1995 and the draft plan was exhibited between 13 September 1995 and 13 October 1995. One objection, from a resident in Church Street, South Windsor, was received and the following are the concerns given:-

- shortsighted view to rezone industrial land
- South Windsor industrial area important employer
- site has common boundary with industrial land other industrial/residential areas separated by a road.
- problems between residents and industry would occur eg noise, change of uses in industrial area, odours, dust,
- proposal violates town planning logic to separate industrial and residential areas
- a light industrial development could be satisfactorily planned for the site
- light industrial land needed for future growth and future employment.

Consultation under Section 62 of the Act was undertaken and the proposal forwarded to the following:-

Prospect Electricity
Sydney Water
Roads and Traffic Authority
Environment Protection Authority
Department of Conservation and Land Management
Telecom Australia

No reply has been received from Telecom Australia and Prospect Electricity has no objections to the proposal.

The Roads and Traffic Authority has replied as follows:-

While the Authority raises no objection to the proposal it may be appropriate if Council has not already prepared a Section 94 contribution plan to prepare a plan to enable Council to collect funds from the developer to undertake appropriate traffic management works in the vicinity of the site. This would be seen as extremely beneficial should the housing development proceed and an application is submitted to Council for the site to be used as an exhibition village.

Sydney Water has replied as follows:-

Sydney Water has no objection to the proposed rezoning, however, the developer will be required to fund water main extensions to the proposed area. As you be aware, section 78 of the Water Board (Corporisation) Act 1994 requires consent authorities to give Sydney Water notice of a building or development application which would:

- increase the demand for water;*
- increase the amount of wastewater to be removed;*
- damage or interfere with works;*
- adversely affect Sydney Water's operations; and*
- adversely affect water quantity in a special area.*

Council is therefore obliged to refer to Sydney Water any building, development or subdivisional application in order that the Corporation may determine the nature of its requirements in connection with a particular development under consideration.

The Department of Land and Water Conservation have replied as follows:-

General Comments

The Soil Conservation Act, (1938) and amendments make provision for the conservation of soil and farm water resources and for the mitigation of erosion within New South Wales. Any activity which disturbs the land or causes land degradation can constitute an erosion hazard. It is therefore necessary to adopt adequate control measures to minimise the impact of development.

Specific Comments - LEP

- i) Residential developments impact upon the soil landscape. These developments have the potential to create significant long term problems with water quality, soil and landscape degradation. To avoid these problems it is essential that these developments be planned, implemented and maintained to appropriate standards.*

The Environment Protection Authority have replied as follows:-

NOISE

*The EPA believes that the objective noise criterion has been calculated incorrectly, in the report by Day Design Pty Ltd. Chapter 20 of the EPA's Environmental Noise Control Manual (ENCM) details the methodology that should be used to determine the objective planning noise levels. The methodology is designed to prevent the incremental increase, or creep, of background noise levels. The EPA recommends that the proponent recalculate the acoustic objectives using the methodology adopted in Chapter 20 of the ENCM and reformulate the noise mitigation measures for the Airlite Window Pty Limited factory operations on the basis of this new objective limit. **(THE OBJECTIVE LIMIT IS MORE LIKELY TO BE IN THE ORDER OF 49dB(A).***

The EPA also suggests that Council seek to have any noise mitigation measures recommended by Day Design Pty Ltd installed at the Airlite Windows Pty Ltd factory, to ensure that the acoustic objectives can actually be achieved prior to acceding to the proposed rezoning. Indeed, this would require the proponent to demonstrate a real commitment to complying with the noise objectives and may avoid potential regulatory action by Council or the EPA that may otherwise be required in the future.

PLANNING

The report by Connell Wagner Pty Ltd partly justifies the proposed rezoning by contending that there is no existing shortage of industrial land and a shortage of residential land in the Hawkesbury Area. The EPA suggests that Council consider a broader perspective of the proposal given that the North West Sector development has already commenced at Rouse Hill.

The North West Sector development is likely to provide adequate residential land while simultaneously generating a need for employment opportunity within the greater North West area, including the city of Windsor. The existing blend of land supply and demand may therefore not continue and the subject site may be more suitable for industrial uses longer term.

The applicant was forwarded a copy of the above reply and requested to address the matter raised.

The following letter from Day Designs Pty Ltd Acoustic Engineers, was forwarded to the EPA:-

In our recent report to you (Number 1928-2) regarding your proposed use of the adjacent land for residential development, we proposed that the acceptable L_{90} and L_{10} noise emission criteria for the factory, when measured at any nearby residential premises be 53 and 58 dBA respectively. This was based on our measured L_{90} background noise level of 47 dBA and a line of logic based on the length of time the factory has been there, that it is the dominant industrial noise source, further noise control was not practical, and the criteria suggested are within daytime planning limits given in the EPA Environmental Noise Control Manual (ENCM).

Following your submission of that report to the Windsor Council and their referral to the EPA, we have been advised by Mr Tim Gilbert of the EPA that our recommended criteria have been rejected. Their calculations based on Section 20 of the ENCM gives a recommended planning level of 47 dBA. I agree with the logic of their calculation in arriving at that number, but disagree with them calling that an L_{10} level. It should be an L_{90} level, because only an L_{90} type of noise emission will affect an L_{90} background noise level. The L_{10} level may then be 5 dBA above that if it is of broadband character. I have reasoned at length with Mr Gilbert on the unreasonable stringency of this ruling, but to no avail.

I disagree with the slavish use of the number derived from the ENCM. When it was introduced the EPA stated their intention to use it as a guideline only, and would be willing to look at reasoned argument why a different criteria should be accepted. All too often, the guidelines of the ENCM have become more rock-like than the Ten Commandments handed to Moses.

Because of difficulties being experienced by acoustical engineers, the Australian Acoustical

Society conducted a Conference in December 1993 to consider the criteria given in the ENCM. Many useful suggestions were made and a transcript of the Conference was sent to the EPA.

The Association of Australian Acoustical Consultants (AAAC) also approached the EPA and held a conference with their senior acoustical staff in January 1994. Many suggestions were made for improvement in noise measurement and assessment. A transcript of this conference also was made and supplied to the EPA.

None of the suggestions made by either the AAS or the AAAC have been adopted by the EPA, nor has there been any official response from the EPA concerning those recommendations.

Section 19-1 "Level of Intrusive Noise" allows the acceptable L_{10} noise level to be 5 dBA higher than the L_{90} background noise level. Current legislation in Victoria and South Australia effectively allows L_{eq} noise levels (L_{eq} is similar descriptor to L_{10}) from 12 to 15 dBA above the L_{90} background noise level. Recommendations have been made by a number of reputable acoustical consultants for the use of L_{eq} rather than L_{10} and for the limits to be similarly lifted.

Table 20-1 provides a method of setting Recommended Planning Levels depending on the current background noise level at the most sensitive residential receptor. It is universally accepted that background noise levels must be measured using the L_{90} statistical descriptor. However, some EPA staff (as in this case) are continuing to require that industry reduce the L_{10} level of noise emission to the Planning Levels given in Table 20-1. This is unfairly enforcing a standard which is effectively 5 to 20 dBA more stringent than logic dictates.

It should also be accepted that only steady noise from a development such as that from ventilation fans and continuously operating machinery will affect the L_{90} background noise level. Level varying noise from short term noise sources such as fork lift trucks and hand tools effect the L_{eq} and L_{10} noise levels but do not influence the L_{90} background noise level.

Since Planning Noise Levels are used to minimise L_{90} background noise creep, it follows that it is the steady noise of L_{90} component of noise from an industry or development that must be controlled to achieve satisfactory Planning Noise Levels.

If the background noise level is 47 dBA and the Planning Noise criteria is determined by the EPA to the 47 dBA, this must be considered to be an L_{90} level, not an L_{10} . In this case the acceptable L_{10} level would be $(47 + 5 =) 52$ dBA. Would it then be too much to ask that in the case of a residential area being developed near a longstanding industrial area that the criteria be edged upwards by say 6 dBA to allow L_{90} and L_{10} levels of noise emission from the factory to be not more than 52 and 57 dBA respectively? In view of the fact that measured L_{10} traffic noise levels in the area currently vary between 55 and 60 dBA, we consider the request to be quite reasonable, and in line with the last paragraph of Section 19 (ii) "Effects of Changing Land Use".

The large tract of land at the side of your factory seems to be ideally suited to residential development. We suggest that the EPA be approached again to reconsider their criteria for this proposed development.

The EPA have replied to the above by letter dated 2 February 1996 and the following is quoted from part of that letter.

2.0 Noise Assessment Report

There are two primary issues about site suitability that Council needs to consider in respect of the acoustic environment for any proposed rezoning. Firstly, Council should be satisfied that the background noise levels at the subject site are acceptable for the proposed zoning and use. Secondly, Council should satisfy itself that the noise emissions from adjacent land uses are acceptable in the proposed zoning.

The Manual can be used by Council as a guide in making this assessment. The EPA accepts that the specific criteria indicated in the Manual should not be applied unilaterally without consideration of the overall planning objectives. However, Council should note that the Manual states "the creation of new high noise problem areas should be avoided" and "the goals of the town planner in regard to noise should include.....to control the establishment or growth of new residential areas in the vicinity of existing or planning industrial or commercial complexes, taking account of present or future background noise levels in relation to environmental noise policies.

2.1 Background Noise Levels

Chapter 21 of the Manual indicates that an acceptable day time background noise level for a residential development would be 45 dB(A). The EPA's policy regarding the measurement of background noise levels is that it should be determined over a fully representative period, generally at least one week, with the lowest repeatable L90 level being adopted as the background noise level.

The EPA recognises that, in practice, it may be difficult to obtain a measurement of background noise level in this manner due to a continuous noise source (which should be excluded for the measurement). In this situation, the background noise level should be determined at some similar location away from the continuous noise source, or by calculation based on the sound power levels from the source. In any case, the background noise level was measured by Day Design Pty Ltd as 47 dB(A) based, apparently on two spot readings at noon and 12:30pm on one day. The EPA does not consider that this is an adequate measure upon which to base the planning decision for a residential development.

The 47 dB(A) background noise level was determined by Day Design Pty Ltd when the noise contribution from Airlite Windsows Pty Ltd was excluded. However, Day Design Pty Ltd suggests in the noise assessment report that the background noise level should include noise from the Airlite Windows activities and that the background noise level in this case would be 50 to 55 dB(A). This background noise level exceeds the 45 dB(A) recommended background noise level for residential zoning. Therefore, based on this argument proffered by Day Design Pty Ltd, the existing background noise level is such that the acoustic amenity is not suitable for residential land use.

2.2 Noise Emissions from Adjacent Land Uses

The EPA accepts that there is little potential for creep in background noise levels since the adjacent land is already developed. This being the case, the procedures set out in the Manual indicate that to ensure an adequate amenity the intrusive noise from the Airlite Windows factory, measured as the L10 value at the receptor, should not exceed 47dB (A) using the method of adding 5dB (A) because of the existence of tonal characteristics in the intrusive noise from the factory. The L10 measured by Day Design Pty Ltd is reported as 56dB (A). Clearly, on this basis, the existing noise from the Airlite Windows factory would be likely to constitute an unacceptable impact for residential receivers in the land proposed for rezoning to residential use.

3.0 General Comments

While the EPA's primary concern is with the existing noise emissions and the prospect of future exposure of residents, our past experience in regulating noise and air emissions from industrial premises indicates that an adequate buffer zone should be provided between any residential zoning and an industrial zoning. Accordingly, Council should consider the provision of a buffer area between the existing industrial area and any future residential development on the site. An adequate buffer may be obtained by an intermediate zoning which permits less noise sensitive uses such as commercial premises.

4.0 Conclusion

The EPA acknowledges the measures that have been undertaken by the proponent to minimise the noise emitted from their premises. However, we recommend that Council considers the issues raised in this submission and zone land for the most suitable use. It is the EPA's view, based on the existing noise levels emitted from the premises operated by Airlite Windows, that, at this stage, the adjacent site is not suitable for residential usage.

However, the EPA would be pleased to consider any other land use options or any further information that could demonstrate that the subject land is suitable for the proposed use.

The EPA trusts that Council considers the EPA's comments in its assessment of the proposed rezoning and encourages Council to formulate its decision in light of the statutory responsibilities and the assessment of the proposal offered in this submission.

Airlite Windows Pty Ltd by letter dated 27 February 1996 have replied as follows to the EPA response:-

We wish to advise Council of Airlite Window's position in respect of the noise standard applicable to the future residential site adjacent to Airlite's factory in Drummond Street, South Windsor and to suggest a method of resolving the conflicting advice of Airlite's Acoustic Consultants and the Environment Protection Authority (EPA).

Following a resolution to rezone the industrial site to residential in May 1995, Council invited the EPA to comment on the planning noise objective proposed by Airlite's Acoustic Consultants, Day Design Pty Ltd. The standard proposed by the EPA in its response was calculated on a different basis to that recommended by Day Design. Accordingly, Council referred the matter back to both the EPA and Airlite with a request that they consult and resolve the technical argument.

Over a period of several months Airlite and its consultants have had numerous discussions and meetings with EPA representatives. In this period we have been frustrated by our inability to gain access to Acoustic Engineers with the EPA and we have been unable to get a satisfactory response to our contention that the EPA is incorrectly applying the standards set out in its own Environmental Noise Control Manual.

In its latest response (copy of EPA letter attached), the EPA has on the one hand led Council to believe that the relevant daytime L90 background noise level standard should be 45 dB(A). This stringent specification would apply in a new greenfields residential development remote from the influence of existing industrial activity. Then, when addressing the specifics of the Airlite situation it has proposed a yet more stringent L10 noise specification of 47 dB(A) (see EPA's paragraph 2.2).

There are several contradictions in the Authority's response which we believe lacks credibility. Clearly it has made up its mind to oppose the rezoning and does not wish to be drawn into any discussion of practical, achievable noise standards notwithstanding that its own Control Manual recognises that there are lesser but acceptable standards to be applied in the transition from industrial to residential land use. In these circumstances we can see no point in Airlite attempting to reach agreement with the EPA on an acceptable noise objective.

For residential receivers in close proximity to industry, the EPA's Control Manual clearly proposes daytime background noise limits in the range 50 dB(A) "acceptable" to 55 dB(A) "extreme" (copy of table extracted from the Noise Manual is attached). Following guidelines provided by Day Design, Airlite has already reduced machinery noise levels and noise readings recently recorded at the proposed residential site are within the above range, as shown in Table 1. Further minor noise reductions are possible. However the cost of further reducing the L90 noise emission level to less than 50 dB(A) would be prohibitive and completely unwarranted.

TABLE 1 Measured Noise Levels

<i>Descriptor</i>	<i>Airlite Before Silencing</i>	<i>Airlite After Silencing</i>
<i>L90 Noise Level</i>	<i>68 dB(A)</i>	<i>52 dB(A)</i>
<i>L10 Noise Level</i>	<i>70 dB(A)</i>	<i>55 dB(A)</i>

We propose that Council now adopt the EPA's published acceptable background noise standard of 50 dB(A) L90 as the planning noise objective to apply to this site. Further we propose that the EPA's criteria which sets the L10 peak level at 5 dB(A) above background be adopted (I.E. 55 dB(A) to apply).

We understand the difficulty Council is likely to have in relating to noise descriptors. We believe that Council and Airlite share the common objective of wishing to ensure that incoming residents will enjoy a good standard of amenity and in respect to noise this will mean that residents will not have cause to make complaints to Council or the Company.

Accordingly we further propose that Council satisfy itself that the EPA standard of 50 dB(A) L90 is acceptable by having its representatives visit the site while the factory is fully operational and while sound level meters are available.

Given that the Airlite factory is the major noise source in the locality and is directly adjoining the site, we would argue that this is the only sensible basis for determining the amenity that residents will enjoy. This is the same test that Airlite has had to apply to satisfy itself that it can operate successfully with residential neighbours. We hope that Council will also see the inappropriateness of the EPA's proposal to apply standards that essentially rely on measurements taken with the factory closed down.

Finally we wish to express our concern that the EPA has attempted to place Council in a position where it should not support this planning proposal based on standards that are unrealistically stringent and arguments that we are advised to be technically flawed and in contradiction to its own published Control Manual. As we see it, the EPA could potentially become the defacto planning authority in every instance where it is marginal as to whether a development can achieve noise standards; standards set by the authority and interpreted at its whim.

We respectfully request that Council give favourable consideration to the proposed L90 background noise objective of 50 dB(A) and L10 criteria of 55 dB(A) after satisfying itself that these standards are appropriate by inspection of the site.

A site inspection was undertaken by Council officers on 12 March 1996 and the following letter has been submitted by McKinlay Morgan and Associates Pty Ltd:-

We refer to the inspection of the Airlite Factory site at South Windsor on Tuesday, 12th March, 1996, by Senior Officers of Council's Planning Department. Measured noise levels and issues of concern were discussed at that inspection have been minuted by Day Design Pty Limited (Consulting Acoustical Engineers) who are Consultants to Airlite Windows, and the Minute is attached for Council's information and further consideration.

In April, 1995, Airlite presented a Planning Report to Council demonstrating that there are worthwhile planning and social objectives to be achieved from rezoning of the subject site from Light Industry to Residential. The Report draw attention to the suitability of the site for housing, the abundant existing amenities and infrastructure available to incoming residents and the opportunity to provide much needed home sites for families in circumstances where Windsor is facing a future shortage in the supply of residential land.

A comprehensive study by Airlite Specialist Consultants demonstrated that the rezoning would not result in a shortage of Industrial Land in Hawkesbury Local Government Area, or specifically at South Windsor. (Sydney Water confirmed that the residential development can be supplied with water without impact on the supply of water to North Bligh Park).

At that time Airlite acknowledged that it would have to reduce the noise resulting from its factory operation to a level that will provide a good standard of amenity for future residents on the site.

When the rezoning proposal was favourably considered by the Council the following agreements were achieved:

- 1. Airlite will voluntarily enter into a Memorandum of Understanding with Council which will establish its responsibility as a good corporate citizen to manage its future operations in such a way as to ensure incoming residential neighbours are not inconvenienced by noise or other impacts arising from its manufacturing processes.*
- 2. The impact of industrial traffic and weekend recreation generated parking would be taken into account in the final planning of the housing development.*

In respect of Item 1, Airlite has reaffirmed its previous commitment to a formal understanding and is prepared to give an undertaking not to carry out its noise generating processes outside accepted day-time working hours. In respect of Item 2, the residential developer has proposed that the development turn its back on Drummond Street. The provisional design concept is for a sound reduction barrier (to reduce industrial and recreational traffic noise), plantation strip and parking bays to accommodate weekend users of the adjacent netball courts.

A provisional concept plan is enclosed to illustrate one possible design approach.

This rezoning proposal presents a unique opportunity to curtail the progressive intrusion of industrial noise into the Mileham Street residential precinct. That opportunity arises out of the fact that existing factory development turns its back on this site and a desirable interface exists between industrial and residential land uses. Secondly Council can obtain by way of a single agreement, with a major responsible Company, control over future industrial noise. This agreement will obtain a level of noise for new residents less than that previously experienced by residents in Mileham Street (from whom there has been no history of complaint). Should this site be developed for Light Industry, there is no guarantee that Council will be able to achieve satisfactory noise impact for residents in Mileham Street, both in respect of factory operations and increased industrial traffic.

It is unfortunate that this rezoning proposal with so many positive aspects and with such strong support from the Council has been delayed by technical arguments related to the appropriate noise standard to be adopted for future planning.

On 27th February, 1996, Airlite wrote to Council and explained that it simply cannot hope to meet the unrealistic standards proposed by the Environmental Protection Authority; standards identified in its own publications as applicable to noise impacting on residences as a result of residential activity i.e., applicable to new greenfields developments.

We trust that the site inspection carried out on the 12th March, 1996, has assisted Council Officers in understanding Airlite's view, and that the factory has already been quietened to a level that is almost acceptable. Further, that with the removal of the tonal noise effects and minor noise reduction to the EPA's, long established standard for this situation (50 dB A (L90) and 55 dBA (L₁₀) the residential amenity at the site will be very satisfactory.

We respectfully request that Council again consider the positive planning aspects of this proposal, adopt the above noise standard for its planning control and take all necessary steps to complete the rezoning of this site to permit residential use.

An amended layout plan has been submitted with the above letter which has no lots fronting Drummond Street and has the road shoulder area extended to provide angle parking along Drummond Street, in front of the site. It is also considered that within the landscaped area, a suitable noise barrier should be erected as part of the future subdivision to shield the lots from the traffic noise along that part of Drummond Street and from the recreational noise in the opposite park.

Section 117 Directions

The proposal is partly inconsistent with G11-Industrial Zones Direction under Section 117 of the Act is so much as the draft local environmental plan proposes to reduce existing industrial land zoning however the proposal does not substantially reduce industrial land. The application contains an Industrial Land Study by Hirst Consulting Services Pty Ltd and the following is the summary and conclusion:-

Demand for employment or industrial land in the Sydney Region has remained at a reasonably low level since 1990, with the current stock of vacant zoned employment land generally equivalent to 12 years supply across the Sydney Region.

The statutory take-up rate for employment land has been affected in the last year by a few large development approvals in the more established areas of the city, reducing the relative contribution of the outer regions in terms of total demand. Nevertheless, the outer western region has been one of the strongest areas for take-up of employment land, particularly the local government areas of Blacktown, Fairfield and Penrith.

The take-up rate of employment land in Hawkesbury is minor when compared with Penrith and Blacktown, reflecting the area's relative isolation from the major cross-regional transport links and limited regional accessibility.

The City of Hawkesbury has 9-11 years' supply of vacant industrial land. The Employment Lands Development Program has concluded in its most recent (1994) publication that no new areas are required to be added to the Program for this year. The supply rate of 9-11 years in Hawkesbury remains beyond the five year horizon adopted by the Employment Lands Development Program.

The South Windsor area has ample supplies of land to satisfy anticipated future demand (compared with the average take-up rate between 1990 and 1993, South Windsor has sufficient vacant land to satisfy more than 30 years' demand).

There is evidence of increasing market interest in the Mulgrave area. Compared with South Windsor, Mulgrave is considered to be better located to road links, with a relatively greater proportion of vacant lots, larger in size, and located further away from sensitive adjoining land uses. These issues are considered to adversely affect demand for sites in the South Windsor area.

In terms of industrial development potential, the subject site at the corner of Mileham and Drummond Street in South Windsor is considered to be adversely affected by its location immediately adjacent to the established residential area of South Windsor. The proximity of residential uses would almost certainly affect the amount of intensity of industrial development that the site could yield. Further, the 4(b) Light Industrial zoning further constrains the types of activities that are permissible on the land.

Attempts in recent years to sell the subject land under its current zoning have proved unsuccessful. In view of the supply/take-up relationships observed in this report, it is our view that this situation will continue.

The site is located close to established residential areas, open space and community facilities. It is considered that this development for residential purposes, appropriately designed and set out with regard to adjacent land uses is the best solution for the site.

The site is 3.13 hectares. The conversion of this land from 4(b) Light Industrial to a Residential zone will have no significant impact upon the supply of industrial land in the City of Hawkesbury, now or in the future.

In view of the above report, the support of the preparation of the local environmental plan is justified in the circumstances.

Conclusion

In view of the work already undertaken by Airlite Windows Pty Ltd, their undertaking to undertake further works on the property site to reduce the noise readings in the subject site to an L90 of 50 dBA and an L10 of 55 dBA and to restrict working hours of machinery to 7.00am to 6.00pm Monday to Friday, Council can support the proposal to have the subject site rezoned from Light Industrial 4(b) to Residential 2(a).

In regard to future subdivision of the land, the applicant should prepare a development control plan as part of the subdivision process.

The applicant, owner and acoustic engineer, the EPA and objector have been advised of the committee meeting.

RECOMMENDATION:

1. That Council support the preparation of a local environmental plan to rezone Part Lot 1 DP831345 corner Drummond and Mileham Streets, South Windsor from Light Industrial 4(b) under Hawkesbury Local Environmental Plan 1989 to Residential 2(a) and the local environmental plan be forward to the Department of Urban Affairs and Planning for final gazettal.
2. That Council not exercise its delegation for the Section 69 Report to the Minister.
3. That Airlite Windows Pty Ltd enter into a memorandum of understanding with Council within 30 (thirty) days of the date of this decision on the following:-
 - (a) Noise generating processes on the Airlite Windows Pty Ltd site be restricted to between the hours 7.00am to 6.00pm Monday to Friday.
 - (b) That necessary works be undertaken to the Airlite Windows Pty Ltd factory buildings and operations on the site to ensure that, for the rezoning site, the maximum noise levels are L90 50 dBA and L10 55 dBA to preserve the residential amenity of the rezoning site.
4. That with the future subdivision and development of the land, a development control plan be prepared by the applicant incorporating at least the following:-
 - (a) no lots to have access to or front Drummond Street
 - (b) a suitable noise barrier and landscaping be provided along the Drummond Street frontage to the requirements of the Director of Environment and Development
 - (c) a landscaped buffer, a minimum 5.0m (five point zero) wide be provided within the lots along the common boundaries with the industrially zoned lands as part of the subdivision application
 - (d) solar orientation principles apply to the lot layout and siting and design of the residential buildings
 - (e) design of the residential buildings incorporate noise attenuation measures in view of the existing acoustic climate of the subdivision
 - (f) subdivision layout to be generally in accordance with Plan No 88772 dated 13 March 1996, prepared by McKinlay Morgan and Associates Pty Ltd except where amended by items (a) to (e) above.

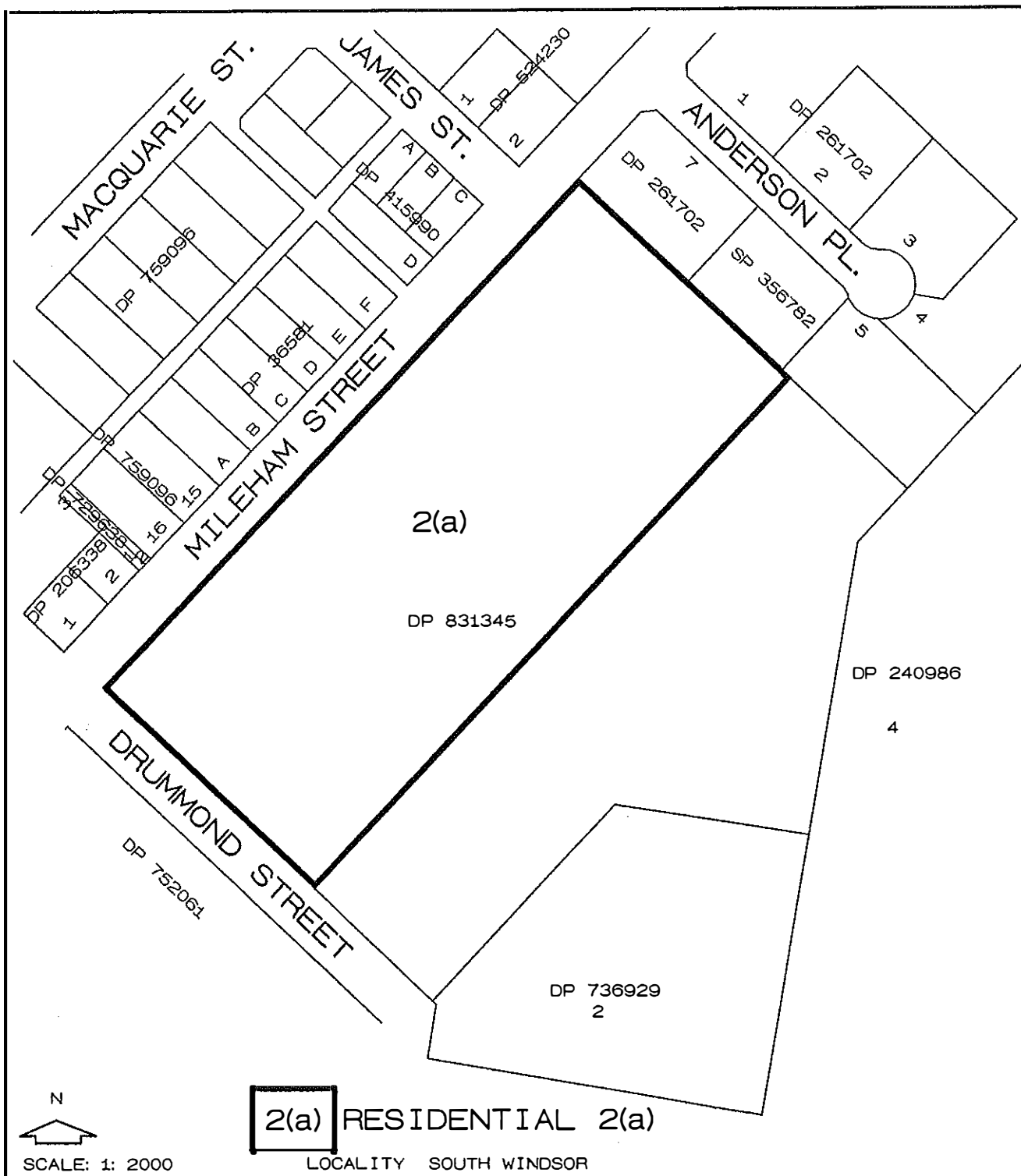
ATTACHMENTS:

AT-1 Plan

AT-2 Plan

FN:EN326NAX.V07

**** END OF ITEM 119 ****

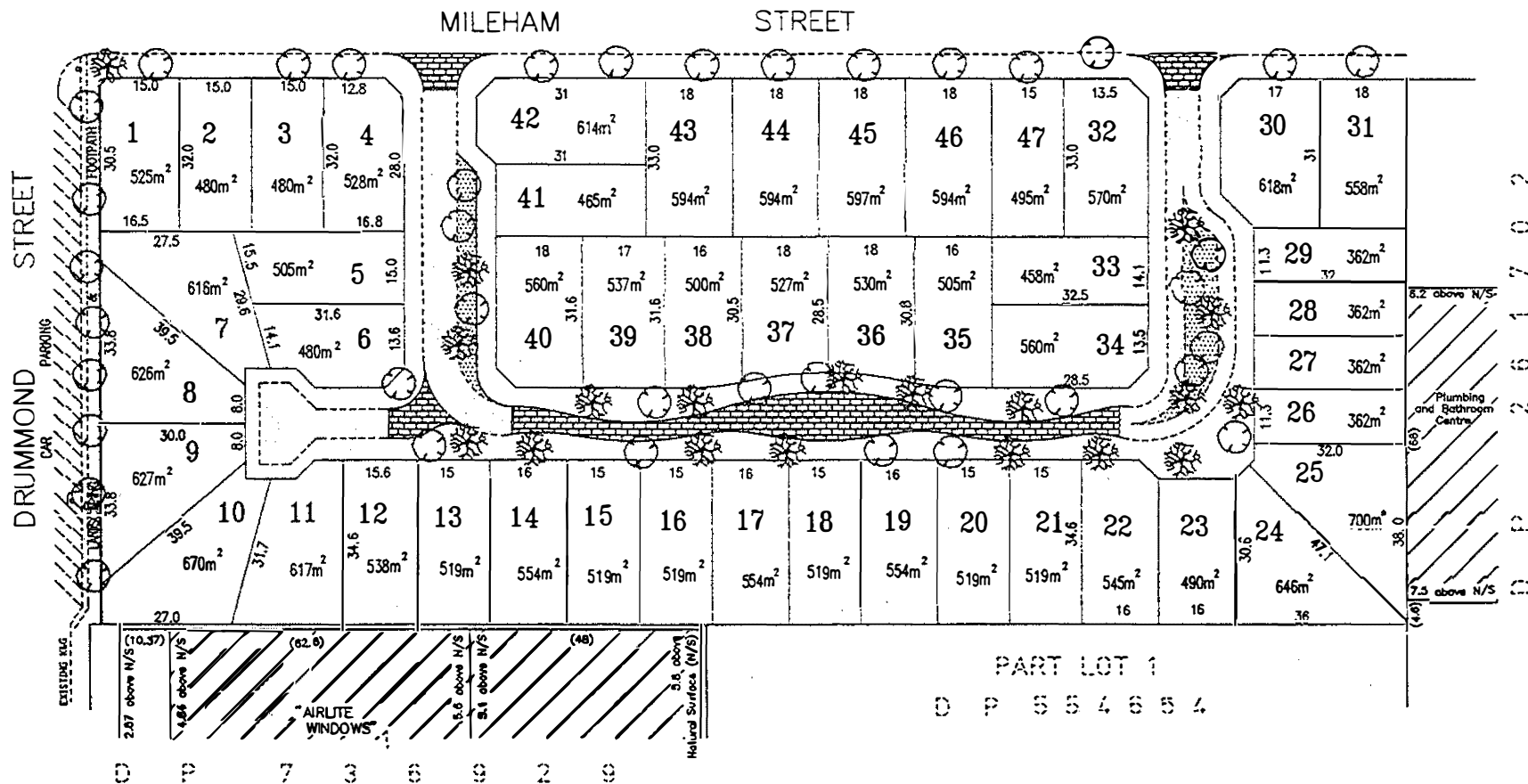


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF **HAWKESBURY**

DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY J.S.	DATE 22-5-95	STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989.
SUP. DRAFTSPERSON Jason Stuart		
PLAN. OFFICER		
CERTIFICATE PLAN NO.		
COUNCIL PLAN NO. LEP.11/94		
DEPT. FILE NO.		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT	DATE	
		TOWN CLERK
		DATE



NOTE
DIMENSIONS & AREAS ARE APPROXIMATE ONLY
AND SUBJECT TO FINAL SURVEY.

IGN BY: MSANTORO KEY BY: MSANTORO CS BY: MSANTORO WDN BY: MSANTORO DATED BY:	REDUCTION RATIO 1:1000 ORIGIN OF LEVELS DATUM	AMENDMENTS A B C D Date C.FILE: B8772dk2	McKINLAY MORGAN & ASSOCIATES PTY LTD CONSULTING SURVEYORS - PROJECT MANAGERS A.C.N. 003 730 925 122 MACQUARIE STREET, WINDSOR 2738, PHONE 045 778008, 045 778011 FAX 045 774810 P.O. BOX 217, WINDSOR N.S.W. 2738 008615 WINDSOR	DATE 13TH MARCH 1998 FILE No. B8772 COUNCIL REF	CLIENT NAME LOCALITY SOUTH WINDSOR LGA HARRISBURG PLAN No. B8772DK2 PROPOSED SUBDIVISION OF PART LOT 1 DP 554654	SHEET No. 1 OF 3
--	---	---	--	---	---	------------------

ITEM: 120

*Inspector*SUBDIVISION TO CREATE 3 LOTS - LOT 12 DP246945 - 81 ALA
MOANA ROAD, KURRAJONG

FILE NUMBER:

SA173/95/EVD

Applicant: Falson and Associates
Applicants Reps: G Falson
Owner: NT and MD Bowers
Stat. Provisions: HLEP 1989 and SEPP 1
Area: 11.33ha
Zone: Rural 1(c1)
Advertising: Yes - 1 submission - no objection
Date Received: 22 December 1995

Key Issues:

- ◆ Departure from minimum area
- ◆ Consistency of approach

Action:

Refusal

REPORT:**Proposal**

Creation of 3 rural lots of 3.33ha and 2 x 4ha. The smaller lot contains the existing dwelling and a nursery for propagation of orchids.

Statutory Situation

The site is zoned rural 1(c1) under HLEP 1989 which requires a minimum area for subdivision of 4ha per lot. Subdivisions are permissible with consent.

Planning Assessment - General

The matter is reported to Council as it is close to the minimum area standard. For consistency the view has been taken for some time that where the total site area is deficient by more than 10% of one minimum lot area under the zoning that support not be given to SEPP1 applications for subdivision. Therefore if the smaller lot had an area of 3.6ha instead of 3.33ha it would be approved under delegated authority.

It is difficult to set an absolute maximum departure from minimum lot areas as in most cases much smaller lots can be successfully developed for a least residential purposes. However this leads to fragmentation of rural lands and pressure for approval of smaller and smaller lots.

The figure of 10% has been utilised as this is the cut off point where Council has been given delegated authority by DUAP to approve applications. It should be noted that smaller lots are on occasions approved with concurrence of DUAP where development potential is for the submitted number of lots but environmental or topographical constraints indicate that a form of lot averaging is desirable.

Planning Assessment - Specific

The applicants proposal provides for one of the lots to comprise only 3.33ha ie 16.75% below the minimum area.

The application is supported by an SEPP1 objection which stated briefly is:-

- (i) The lot has been used for 14 years as a nursery propagating orchids and infers that the area required is contained within lot 1 (ie the 3.33ha lot)
- (ii) No intension to expand the business onto the balance of the lot ie proposed lots 2 and 3.
- (iii) Existing dams and cleaned areas on both proposed lots 2 and 3 suitable for erection of a dwelling.
- (iv) Ala Moana Road sealed past site.
- (v) Potential for agricultural use of lots 2 and 3 created whereas current owners will not utilize the land.

Comments on the above using the same paragraph numbers are

- (i) Similar arguments could be used for a large number of rural lots where small scale development is undertaken by owners which does not utilize the whole of the lot.
- (ii),(iv),(v) Again similar arguments could be used for a large number of rural lots in the city.
- (iii) There is no argument that lots 2 and 3 are suitable for erection of dwelling although considerable clearing would be required for any significant agricultural use of the lots. The concern is the creation of undersized lots and the subsequent increase in development potential of rural lands. In summary there is nothing inherently different about this lot which should lead to support of the SEPP1 objection.

If supported the subdivision will require the concurrence of DUAP.

RECOMMENDATION:

- A. The SEPP1 objection not be supported.
- B. The application to subdivide be refused for the following reasons.
 - 1. Proposed lot 1 does not comply with the minimum area of 4ha required by clause 11(2)(d) of HLEP 1989.
 - 2. Approval of the proposed subdivision would set an undesirable precedent and is not in the public interest.

ATTACHMENTS:

AT-1 Site plan.

FN:EN326NAX.V10

****** END OF ITEM 120 ******

- b) Occasional use by groups of our members of up to twenty people for weekend camping retreats for three or four day long-weekend retreats. Retreatants stay in tents and the existing cottage is used as a meditation room for a daily schedule of meditation. This would be on approximately six occasions per year.
- c) Occasional use for five or seven day camping retreats for up to forty members (average about thirty). The retreatants stay in tents and both levels of the existing cottage are used as a meditation room. This would be on approximately four occasions per year.

Proposed Usage: No change from the existing usage. The reason for constructing the meditation room is to allow for all the retreatants to sit in the same room so that they can more readily participate in the religious ceremonies and rituals that are an integral part of our Zen Buddhist tradition. These include chanting, talks from the teacher, tea ceremony, offerings at the altar, walking, meditation, etc.

We also wish to have a covered verandah space around the meditation room for walking meditation and to provide shade and shelter. At the moment we have to split the retreatants between the two floors of the cottage and this is most unsatisfactory for the purposes of our practice.

Increase in Size: It should be clearly stated and understood that the proposed meditation room does not represent an increase in the number of people using the retreat centre, it is merely an improvement to the existing facilities.

It should also be noted that because of the nature of our religious practice, where the zen student meets with the teacher on a one-to-one basis, there is a limit to the number of people who can attend a retreat. This limit is 40.

Use of the Land: Our use of the land will remain the way it is at the moment. We do not have cattle or other farm animals. We are maintaining our property as a wildlife refuge and allowing the natural vegetation to regenerate. We do not allow trail bikes or shooting on the property.

The Building: The building is to be constructed out of similar materials to the existing buildings and will be a very pleasing looking structure in a style that is very appropriate for an Australian rural setting. The cluster of buildings we are creating is similar to a typical farm house grouping. All the buildings have been located in an area that has already been cleared so that there is no requirements for any additional clearing.

Effect of the Proposal on the Neighbours, etc:

- a) Location: all our buildings are located on a flat paddock which is out of sight of both our neighbours and not even visible from the public road.
- b) Noise: the retreats that we hold are silent retreats. We use some ritual musical instruments and do chanting. These activities usually occur inside. We do not use trail bikes, a generator, or have other noisy farm equipment.
- c) Overshadowing: this is not a consideration.

- d) *Vehicular Traffic: we are almost at the end of the public road that is maintained by Council. Over the ten or so years that we have been using the retreat centre, the road has been gradually improved by Council. The river crossing has been recently rebuilt and the creek crossings along the route improved. Council has assured us that the last creek crossing prior to our place is also to be improved.*

We emphasise that the proposed new meditation room will not increase the number of vehicles using the retreat centre.

When we hold our 7-day retreats for up to 40 people, we carpool so that the maximum number of cars coming in would be about 15. Generally these cars will arrive on the first day of the retreat and apart from the occasional one or two trips per day, there would be no other vehicular movement for the next seven days.

All our retreatants are instructed to drive slowly and carefully along the road from the crossing and to be aware of cattle on the way, the shutting of gates, etc.

We are aware of the sensitivity of our neighbours' peace and quiet and try to do the best we can not to interfere with that.

Waste Disposal: We are very careful about the question of waste. Because our retreats are camping retreats, we work on the pack-in and pack-out principle. We compost all our vegetable waste and have designed our food planning to the point where, after a 7-day retreat for up to 40 people, the only waste generated is 2 garbage bags. This is taken back to Sydney and properly disposed of there.

Conclusion: We believe that our presence in the valley and our use of the land for silent religious practice helps bring a sense of peace and harmony to the place. We hope Council will look favourably on our building proposal."

Statutory Situation

Under the zoning of the land, the use is permissible with Council consent.

Development Consent No. 79/1985 and Building Permit No. 1493/84 approved, with conditions, the existing cottage and shower/toilet facilities for up to ten persons. The applicant was advised in 1987 that their proposal of providing a waterless composting toilet system was not satisfactory to the NSW Department of Health. As a consequence, approval for septic tanks was issued. However, this was never carried out.

As this proposal also increases the number of people using the site, a geotechnical report was requested to ascertain whether the use of pit toilets would have an impact on the watercourse system.

Community Response

Property owners on Gorricks Run were notified with four submissions being received. Three other submissions have also been received. The following comments were made:-

- proposed and existing method of effluent disposal is inappropriate and primitive;
- lack of readily available water during dry spells;
- increased traffic and deterioration of Gorricks Run;
- if approved vehicle numbers should be restricted;
- risks associated with any evacuation procedures (fires and flooding);
- intensification from original proposal (1984) of ten persons to forty (this proposal); and
- more in keeping with a commercial camping ground rather than 'retreat'.

Planning Assessment

The subject property is regular in shape having an area of 16ha and is located approximately 5km from the intersection of Upper Macdonald Road and a further 8.5km south to the St Albans village. The land is located within a small gully. Womerah Creek runs through the middle, generally parallel with the access track to which adjoins various properties (see map). Located within a high bushfire area, the land is covered with native vegetation except for a flat area measuring approximately 5,000m². This area contains the existing cottage and amenities. Due to the creek system, the soil type comprises a sandy loam.

Usage

In 1985, development consent was granted for the purpose of quiet religious retreat for small groups of people for short periods of time. At the time it was expected that not more than ten persons would be on the site at any one time. This application provides for up to forty persons as previously indicated. The use is permissible and is dependent upon other factors outlined below. Mr Coote has stated that not all 'retreats' are carried out during the year either because of inclement weather (which includes flooding), unavailability of transport and/or availability of participants.

Traffic/Access

Apart from the concrete crossing across the creek just after leaving Upper Macdonald Road, access to the site is of a low standard having recently been graded for 4.7km from the road intersection. Four unconstructed watercourse crossings with one piped crossing exist. The track is 'cut' during flood periods at a number of these locations. Five gates are located along the track. Vehicular access to the property is not always available by normal vehicles and Mr Coote has advised that four wheel drive vehicles will be used from the Macdonald River crossing. Plans submitted do not show the location of a pick up point. However, should access be upgraded, vehicles may be parked on the subject land.

Gorriks Run is a public road and is under the control of Council and will be maintained periodically. Mr Coote has indicated that, notwithstanding that an increase in patronage has occurred, he is not prepared to contribute to the upgrade of Gorriks Run.

However, it is considered appropriate that the last water course crossing on entering the subject property, be upgraded to that of a concrete causeway, benefiting the Sydney Zen Centre participants, at an approximate cost of \$5,000. Gorriks Run is contracted for periodic maintenance work for up to 4.7km. This proposal is located at 4.9km and in this respect the remaining section of access should be conditioned accordingly so as to provide satisfactory vehicular access to the site. This may include gravel or roadbase.

Waste Disposal

Three 'pit' toilets (one single and a double) exist on the land adjacent to the existing cottage at a distance of approximately 30m. As previously indicated a septic tank application was approved, however, this was never carried out.

A geotechnical report has been submitted as requested, which reads:-

"Located adjacent to the dwelling are two out-houses which have been constructed over disposal pits in accordance with recommendations by the Department of Environment and Planning (1981). Operation of the disposal pits is in accordance with those recommendations. The layout of the facility is represented on plan to scale as attached and indicates that the pits are located approximately 150m from a permanent water course and approximately 50m from an occasional creek. The surrounding terrain is flat towards the creek banks which are approximately 6.3m and 4.5m above the creek bed for the permanent and occasional creeks respectively.

Form of Investigation

In order to assist with the investigation a test pit had been excavated adjacent to the disposal pits. The depth of excavation was approximately as per the disposal pits (1.5m). Soil type was evaluated visually and assessed for density. Evaluation was then made in accordance with AS 1547 "Disposal systems for effluent from domestic premises".

Results and Recommendations

Soil Profile

The test-pit revealed approximately 600mm of loam topsoil overlying medium grained sand. Density was assessed as medium-dense. In accordance with AS1547, the soil would be expected to have a permeability of approximately 1.2m per day.

Water Table

The water table was not encountered within the excavation, nor would it be expected to be found in consideration of the soil profile.

The fact that inspection was carried out after an extremely wet period of weather indicates that the water table will not influence the pit disposal areas.

Assessment of the disposal facility must be made on the following basis:-

- *Pit toilets are not covered within the scope of AS 1547, however, clause 1.2.3 permits unusual installations to be authorised by the relevant authority.*
- *Precedents exist for similar facilities in the immediate area, eg. National Parks and Wildlife as shown on plan.*
- *The occasional use of the facility equates to an equivalence of one domestic premises (or ET).*
- *The medium-dense nature of the sandy strata indicates that the soil would be in the lower permeability range for sand.*
- *The surrounding creeks are not a drinking water source and are of a distance from the facility that would present an extremely low level of risk from pollution, given the soil conditions and frequency of use.*

In consideration of the above, the facility could be accepted in its existing form, on its merits.

References

1. *Low Cost Country Home Building
Department of Environment and Planning - May 1981.*
2. *AS 1547 Disposal systems for effluent from domestic premises."*

Mr Coote argues that the pit toilets are not always in use. However, it is considered that these are more frequently used than that identified within the National Park. In 1987, approval for a septic tank was conditioned for minor patronage (10 persons). This proposal increases that number and in this respect a septic tank system should be provided. This should be installed prior to the use commencing.

Visual Amenity

The property is rural in nature and due to the remoteness of the area is not to be visually obtrusive to the general public. The building style is considered to be sympathetic to the locality and existing buildings.

Water Supply

Other than the creek system, water is only provided during rain periods and is to be collected in tanks via the roof.

RECOMMENDATION:

1. The development shall be carried out generally in accordance with plans referenced 'Sheets 1-4' inclusive dated 6 June 1995, and supporting documentation and where modified by conditions.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
4. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
5. The proposed building shall have similar building materials to match those existing on site. Details to be to the satisfaction of the Director Environment and Development.
6. No excavation or site works shall be commenced prior to the issue of the building permit.
7. An on-site area for parking is to be provided that is commensurate with the development and is to be to the satisfaction of the Director Environment and Development. Details to be provided and considered concurrently with the building application.
8. As far as practicable all trees and shrubs on the site are to be preserved. No trees over 4m (four) in height shall be removed without the approval of the Director Environment and Development.
9. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.

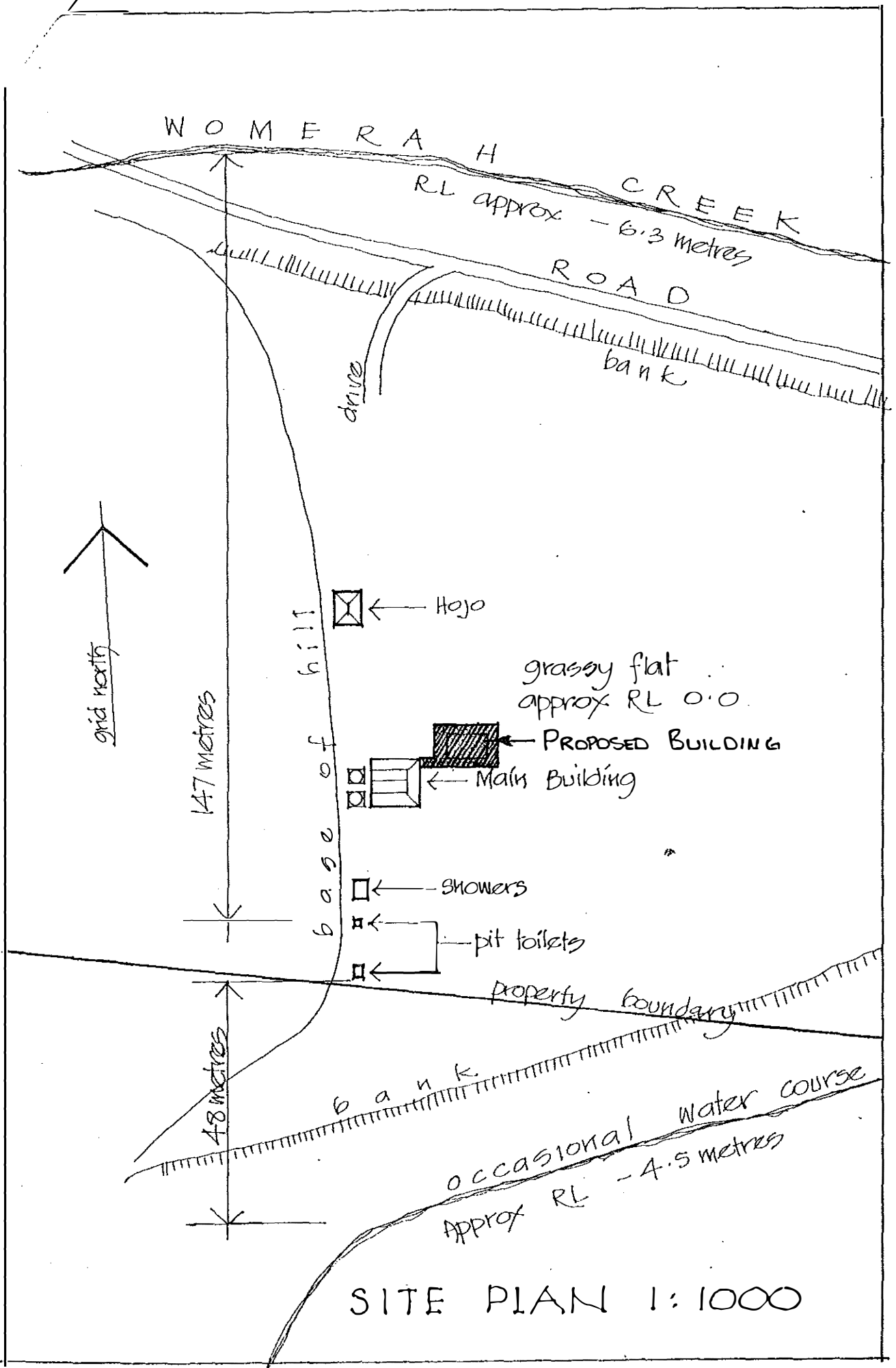
10. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
11. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.
12. The building shall be constructed in accordance with Council's Bush Fire Mitigation Policy.
13. Satisfactory water storage shall be provided to collect roofwater runoff. Details to be submitted concurrently with the building application.
14. The use shall only be used for the purpose of religious training and is restricted to a maximum of 40 (forty) persons generally in accordance with Condition No. 1.
15. The applicant submit a Compliance Certificate for the existing buildings.
16. A separate septic tank application shall be submitted for approval prior to installation. In this respect, if approved the septic tank shall be installed and be effective prior to the use commencing. Alternatively the applicant install two composting toilets of a type approved by the Department of Health.
17. A concrete watercourse crossing shall be provided adjacent to the subject property at the applicants expense. Details of plans are to be submitted for approval concurrently with the building application.
FIRST CROSSING FROM GORRICKS RD. (LESS THAN 1km)
18. Provision of satisfactory vehicular access to the building site including the watercourse crossing to be to the satisfaction of the Director Environment and Development.

ATTACHMENTS:

AT-1 Site Plan.

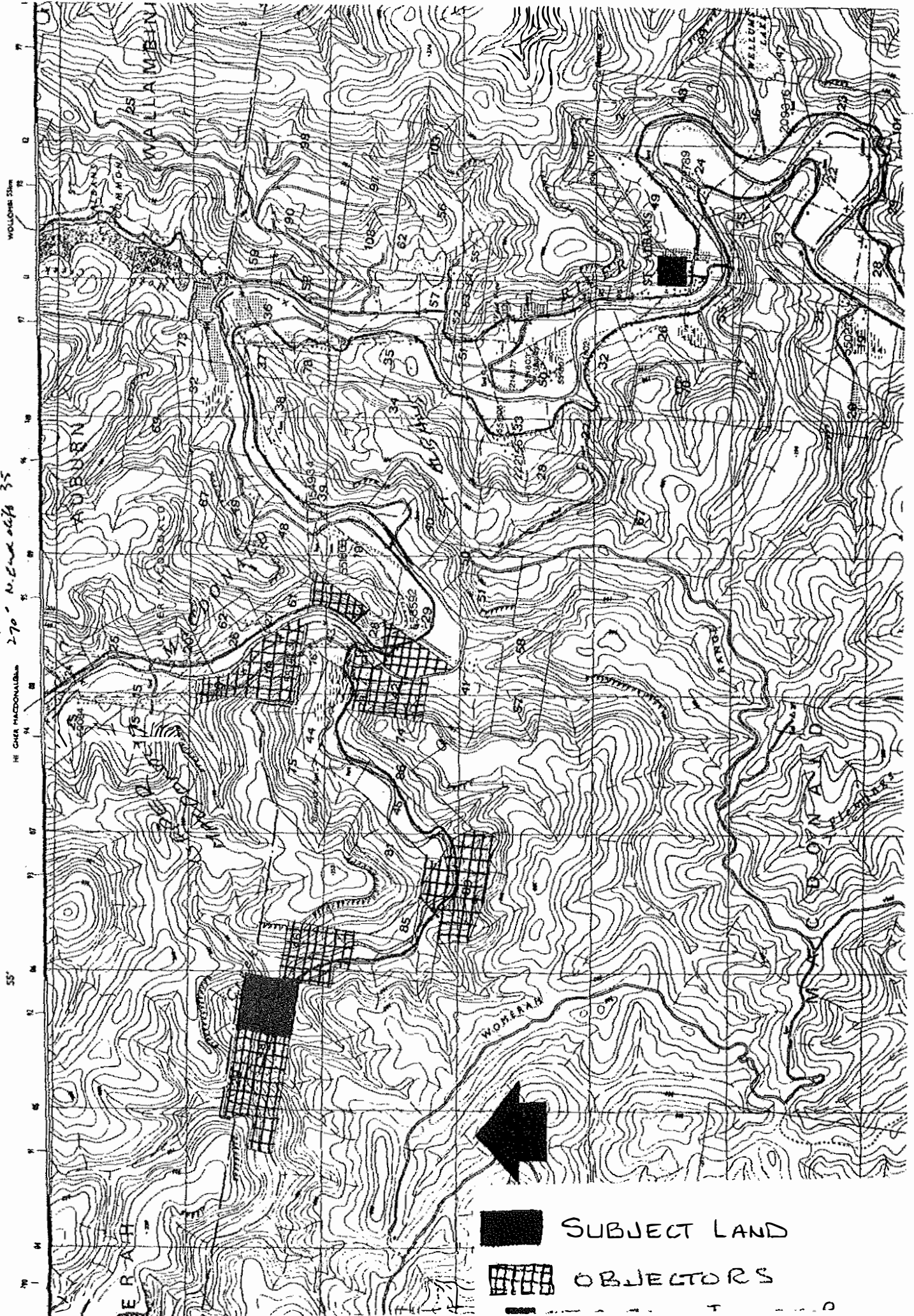
FN:EN326NAX.V12

**** END OF ITEM 121 ****



129 to 200 ft
244 to 260 ft
270 to 285 ft

HI CHIA MACDONALD



ITEM: 122

COMMUNITY TITLE SUBDIVISION TO CREATE 7 LOTS, 6
RESIDENTIAL AND 1 COMMUNITY LOT - LOT 1 DP838855 - 484
TERRACE ROAD, FREEMANS REACH

FILE NUMBER: SA10/96/EVD

SITE INSPECTION

Applicant: Falson and Associates
Applicants Reps: G Falson
Owner: F,R and F Smith, R Pattison and K Bishell
Stat. Provisions: HLEP 1989 and SEPP1
Area: 2.244ha
Zone: 7(d1)
Advertising: Yes - 1 objection and 1 verbal comment
Date Received: 7 February 1996

Key Issues:

- ◆ Non compliance with HLEP 1989
- ◆ Disposal of effluent
- ◆ Availability of water
- ◆ Stability of river escarpment

Action:

Deferred commencement approval.

REPORT:**Proposal**

Community Title Subdivision creating 6 residential lots of about 1300 to 1600m² and a large community lot comprising the steep river bank. The site is currently vacant except for a small pump shed and pipelines.

Statutory Situation

The site is zoned 7(d1) (Environmental Protection (Scenic)) which requires a minimum lot area of 10ha. Subdivision is permissible with consent.

Community Response

One objection from the adjoining owner to the east was received based on his understanding of no further development along the river, need to clear the site, amenity and concern on stability of escarpment. Also suggested that covenants be imposed on building size, materials etc to protect value of surrounding homes if subdivision approved. His concerns are basically covered in the assessment and the imposition of covenants on building type are unenforceable under

HLEP 1989 and considered unreasonable. Building type etc will however be looked at as part of assessment of any DA or BA.

A resident across the road from the site made verbal comments that old concrete water tanks which were sunk some 2½ metres into the ground were simply knocked in and backfilled with broken concrete and sand. Site inspection reveals fill areas towards the western end of the site apparently as a consequence of the above and other generally filling. A condition is to be imposed regarding this.

Planning Assessment

Zoning

The land is zoned 7(d1) which requires minimum lot areas of 10ha each. The applicant proposes 6 residential lots of 30m x 55m ie 1650 square metres each although site inspection reveals only 40-45m depth available ie approximately 1300 square metres. The balance of the land comprises the steel river bank which is proposed to be created as community property.

Subdivision of such small lots in this zoning would normally be refused however:-

1. Council recently supported a 3 lot community subdivision in Cliff Road (SA106/95) in fairly similar circumstances. DUAP has not yet issued its concurrence.
2. Council supported subdivision (SA118/94) of a similar lot located about half a kilometre to the west which had even smaller building areas subject to satisfactory geotechnical results. This was subsequently refused when the report indicated that on site disposal of effluent was not possible. Council did however indicate further support if a suitable arrangement could be made for disposal of effluent.
3. The majority of the area along this section of the escarpment is also zoned 7(d1) and has been virtually fully developed into medium to large residential holdings most of which have houses erected thereon.

The applicant has lodged a SEPP1 objection based on existing small lot sizes in the area, land being unsuitable for agricultural activity and proposed innovative design, titling and environmental management.

In light of all of the above comments the objection is supported in principal.

Water Supply

It is considered unlikely that the Board will provide separate supplies. The applicant proposes to have town water connected to a tank on the community lot which is then to be reticulated to each house supplemented by a rainwater tank at each house. The applicant has apparently not yet discussed this with Sydney Water and Deferred Commencement Condition is proposed.

Disposal of Effluent

The applicant proposes to provide for erection of dwellings at the rear of the lots overlooking the escarpment with separate onsite disposal of effluent at the front of each lot on landscaped areas between the house and the road. This is stated to have the advantage of separating the effluent disposal area from the Hawkesbury River to the rear and also allowing the use of the flattest area of the lots for disposal. The area available for effluent disposal on each lot is fairly restricted and will require a satisfactory water balance report which the applicant requests not be required at this time.

The same applicant has been involved in the two subdivisions mentioned previously located in the same general area. Reports have been submitted for both those sites. The most recent in Cliff Road indicated a disposal area required of approximately 500m² per dwelling while the other report indicated on site disposal was not possible. The second report however related to lots with virtually no area available. Although the area available on the new proposed lots is probably less than shown on the submitted plans it is still in excess of 500m² and likely to be satisfactory.

Slope Stability

The front 40m or so of the land is relatively flat and about 60m above the river. The balance of the land slopes steeply to the river. Again no geotechnical report has been submitted however reports for the previous two subdivisions referred to above advised moderate risk of slope instability and concluded that subject to conditions dwelling could be erected on the site.

Vegetation

The area has a relatively thin tree cover and will require removal of some trees to allow the erection of dwellings. A number of the trees will however be able to be retained and should not destroy the nature of the area.

Filling

Part of the site has been filled and as mentioned previously is probably unsatisfactory. Any unsatisfactory fill is to be removed, replaced and compacted.

General

The applicant has requested a deferred commencement approval to give his client some comfort before expending money to obtain the necessary consultant reports and to carry out negotiations with Sydney Water. Given the comments provided in this report the request is supported.

The concurrence of DUAP is required prior to issue of any consent.

RECOMMENDATION:

A. The applicants SEPP1 objection be supported in principal and the concurrence of DUAP be requested.

B. Subject to DUAP concurrence a "deferred commencement" consent be issued as follows:

(a) The applicant satisfying Council that:

1. Onsite disposal of effluent on each of the lots can be effected satisfactorily. In this regard a full water balance report is to be submitted.
2. That the proposed lots are suitable for the erection of dwellings thereon. In this regard a geotechnical report covering the stability of the site with particular reference to the escarpment and the existing fill on the site is to be submitted.
3. Reticulated water will be made available by Sydney Water to each lot in the subdivision either by separate connections or through a community system. In this regard written confirmation will be required from Sydney Water.

C. Upon the applicant satisfying the requirements above consent be granted subject to the following.

1. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the Linen Plan.
2. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
3. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of underground cables for telephones through the subdivision.
4. Payment of a cash contribution of \$17,913.00 (seventeen thousand nine hundred and thirteen) for recreational buildings, park improvements and community facilities as a consequence of the subdivision of land. This sum will remain fixed for a period of 3 (three) months after which it will be recalculated at the rate applicable at the time of payment.
5. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder over the frontage of proposed Lots 1 to 6 inclusive together with any such works as are necessary to make this construction effective.
6. The provision of interallotment drainage covering all lots with house sites not draining directly to a public road and the creation of necessary easements free of cost to Council.

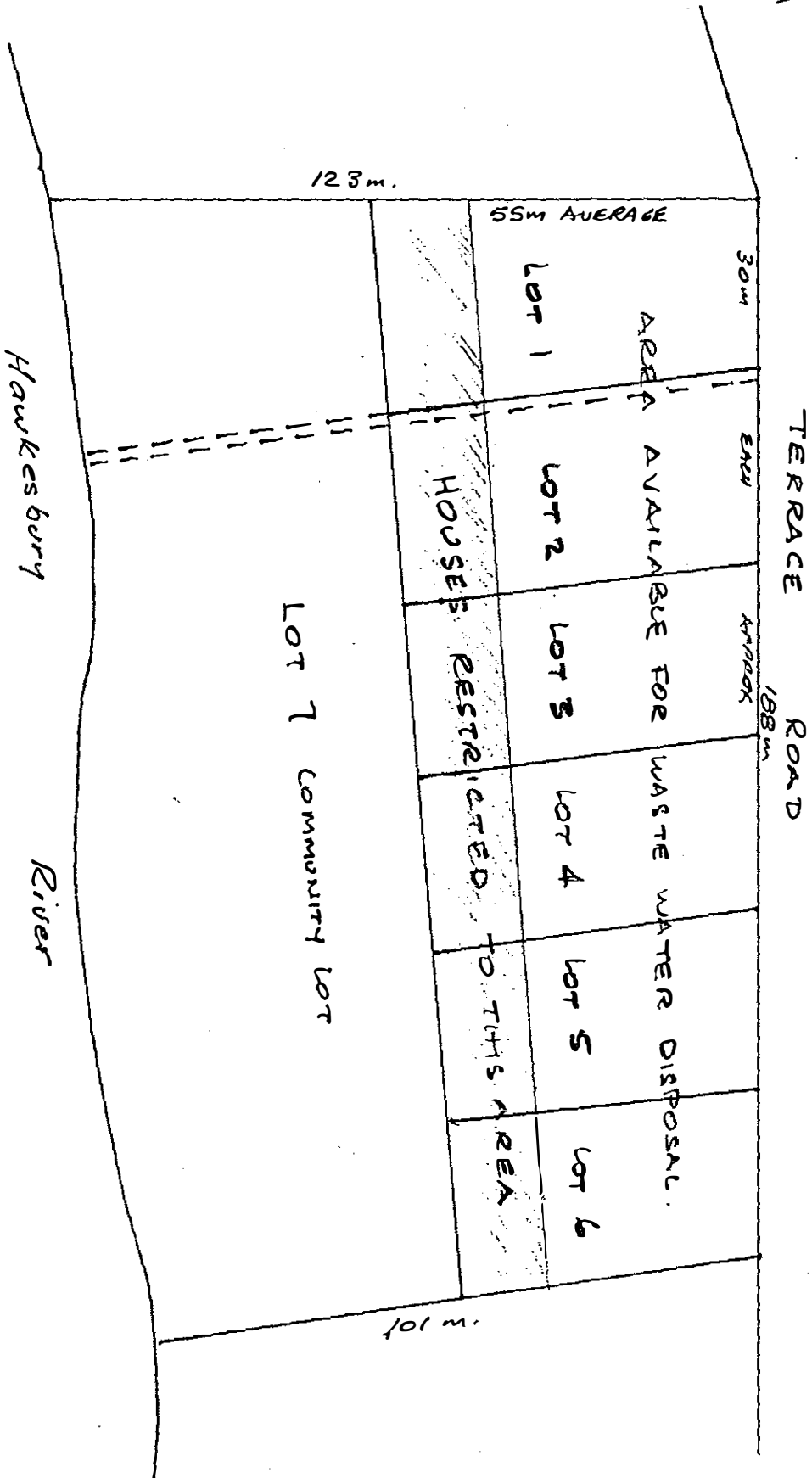
7. All existing fill must be compacted to 98% standard compaction and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan. Topsoil is to be stockpiled and respread over the finished surface.
8. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetative debris or other water borne pollutants. Details shall be submitted and approved prior to any works commencing.
9. Construction of road and drainage works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Engineering Operations.
10. A design checking and inspection fee of \$658.00 (six hundred and fifty eight), must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1996.
11. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
12. Payment of a linen release fee of \$380.00 (three hundred and eighty). This amount is valid until 30 June 1996.
13. The subdivision shall be in general accordance with the submitted plan except where varied by conditions of this consent.
14. The depth of lots 1 to 6 inclusive to be modified as necessary to ensure all lands below the top of the escarpment is contained within the community lot.
15. If a community water tank is to be provided on the community land the community lot is to be modified to provide a suitable site for the tank.
16. The creation of any covenants and restrictions necessary to implement any requirements of reports to be submitted as part of the three preconditions to the commencement of this consent.
17. The creation of a restriction prohibiting the use of cut and fill in the construction of any dwellings on the lot.
18. Submission of the Management Statement and any other documentation required by the Community Titles Legislation.
19. The common boundary of proposed lots 1 and 2 being located to contain the existing easement and pumping system wholly within one of the lots.

ATTACHMENTS:

AT-1 Subdivision Plan.

FN:EN326NAX.V15

****** END OF ITEM 122 ******



PROPOSED SUBDIVISION
 LOT 1 DP 838855
 TERRACE RD FREEMANS REACH
 MR. R. PATTERSON

ITEM: 123

EMPLOYMENT LANDS DEVELOPMENT PROGRAM 1995
SURVEY

FILE NUMBER: GT225/005/EVD

REPORT:INTRODUCTION

The Employment Lands Development Program (ELDP) is run by the Department of Urban Affairs and Planning. The program aims to ensure an adequate supply of appropriately located and serviced land for industry and employment by providing information on the amount and location of vacant land, the rate at which the land is developed and industrial land prices.

Below is a summary of the ELDP 1995 Survey Newsletter.

DEMAND

The program uses "statutory take-up" as a measure of demand for employment land. "Statutory take-up" refers to the area of vacant zoned employment land over which development consents were issued. It does not include redevelopment of sites or changes of use.

In 1994/95 the take-up of vacant employment land in the Hawkesbury Local Government Act was 1.86ha (162.02ha for the Sydney Region). The data indicates that take-up of vacant land has remained fairly constant over the past three (3) years.

The role of outer local government areas in satisfying demand has declined since the late 1980's/early 1990's when they contributed over 90% of total take-up in the Sydney Region. In 1993/94 and 1994/95, outer local government areas accounted for only 73% and 76% respectively of total take-up.

In 1994/95 the Sydney Region take-up by industry category constituted 55% general industry, 23% light industry, 13% high-tech, 8% special industry and 1% local and service industry.

SUPPLY**Land Zoned "Industrial"**

As at 30 June 1995, there was 164.19ha of zoned employment land in the Hawkesbury Local Government Area (14100.58ha in the Sydney Region). This consisted of 128.04ha zoned for general industry and 36.15ha zoned for light industry.

Vacant Industrial Land

At 30 June 1995, there was 47.01ha of vacant employment land (3478ha in the Sydney Region). This equates to 28.6% of all land zoned industrial and consists of 38.06ha for general industry and 8.94ha for light industry.

THE MARKET

The Valuer General's Office indicates that the industrial property market is stabilising after a five (5) year period of decline. Real estate analysis suggests that construction of industrial premises in 1994/95 was largely driven by demand for purpose built accommodation.

Modest growth is anticipated in the take-up of industrial land in 1995/96, followed by a possible downturn in 1996/97.

THE FUTURE

Recent rates of vacant land take-up in the Hawkesbury Local Government Area suggests that the present supply of employment land can satisfy demand for a long period. However it should be borne in mind that vacant industrial land does not necessarily mean that the land is available, as the land may not be for sale or if it is for sale it may be at an unrealistic price.

Given the low level of take-up across the Sydney Region, no new employment land releases are proposed by the ELDP.

RECOMMENDATION:

That this report concerning the Employment Lands Development Program be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V01

**** END OF ITEM 123 ****

ITEM: 124

**DRAFT LANDFILL DEVELOPMENT CONTROL PLAN -
LANDFILL POLICY**

FILE NUMBER: DCP1/92/EVD/EVD

REPORT:

Council at its Ordinary Meeting of 14 April 1992 adopted a Draft Landfill Development Control Plan and resolved the Draft Plan be placed on public exhibition.

The Draft Plan was exhibited and several submissions received.

In view of the proposed changes to the Environmental Planning and Assessment Regulations relating to waste management facilities, no further action was taken. The new Regulations were gazetted on 26 August, 1994.

The Draft Plan has now been amended to reflect Schedule 3 of the Regulations and updated to ensure any submitted development application contains sufficient information for the proper assessment. Also included are the results of the legal opinion from Council's solicitors on land filling and Schedule 3. It is now presented to Council for adoption as a draft and for advertising in accordance with the Act and Regulations.

RECOMMENDATION:

That:-

1. Council adopt the Draft Landfill Development Control Plan DCP1/92, ^{for the purpose of exhibition} and
2. Advertise the Draft Plan for 28 (twenty eight) days in accordance with Clause 17 of the Environmental Planning and Assessment Regulations, 1994.
3. Following the advertising period the Draft Plan and any submissions received be reported back to Council.

ATTACHMENTS:

AT-1 Copy of the Draft Plan is included.

FN:EN326NBX.V02

****** END OF ITEM 124 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 March 1996

Item: 125

ITEM: 125 ✓

DRAFT LOCAL ENVIRONMENT PLAN - LOT 11 DP803218
CORNER OF OAKVILLE AND SMITHS ROAD, OAKVILLE
APPLICANT: MR AND MRS JAMES

FILE NUMBER: LEP19/95/EVD

REPORT:

Council at its Ordinary meeting held on 12 December 1995, resolved to support the preparation of a draft local environmental plan to rezone the subject property from Special Uses 5(a) substation to Rural 1(c) under Hawkesbury Local Environmental Plan 1989. The property was sold to Mr and Mrs James as Prospect Electricity considered it surplus to their needs.

Pursuant to Section 62 of the Act, the draft plan was referred to Telstra Australia and Sydney Water.

Comment was received from Sydney Water:-

"Sydney Water has no objection to the proposed rezoning, however the applicant should be advised that due to the poor water supply conditions in the area only a restricted 20mm (3 litres/min) connection will be permitted to this property. The applicant will be required to install at his cost a 20 kilolitre tank."

No reply was received from Telstra Australia.

The Section 65 Certificate was issued by the Director of Environment and Development as the delegate of the Director of Urban Affairs and Planning and the draft plan was exhibited from 31 January 1996, to 1 March 1996. No submissions have been received under Section 67 of the Act.

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

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:EN326NBX.V05

**** END OF ITEM 125 ****

ITEM: 126

COMPOSTING IN THE HAWKESBURY - GUIDELINES FOR
COMPOSTING OPERATIONS - STRATEGIC DIRECTION

FILE NUMBER: GA025/001PT04/EVD

REPORT:

At Council's meeting on 13 June 1995, it was resolved that:-

"Council establish a formal consultative committee comprising, initially, representatives from the Mushroom Industry, University, Department of Agriculture, the EPA and the Council, with the objective of establishing under what guidelines/performance criteria the industry could operate within the Hawkesbury Local Government area. This is to include possible site locations. The committee later be extended to include community representatives from any area that may be deemed suitable for their location. Also that there be a sunset clause for a period of 6 (six) months."

The Consultative Committee comprises Chairperson, Councillor R Stubbs (Mayor), Councillor C Paine, Councillor H J M Books, Ms J Davis (Mushroom Growers Association), Dr D Russell (University of Western Sydney Hawkesbury), Mr J Wilson (NSW Agriculture), Council's General Manager.

At Council's meeting on 8 August 1995, it was resolved to adopt a consultants brief and vote approximately \$30,000 to have a study undertaken.

The environmental consulting firm, RUST PPK, was appointed to undertake the study.

The purpose of the study is to:-

- outline the criteria under which new composting facilities would be permitted to establish in the Hawkesbury area;
- consider the potential of the Hawkesbury area as a centre for the development of currently unscheduled composting industries;
- prepare a comprehensive list of matters that are to be taken into consideration by Hawkesbury City Council in the determination of development applications for Mushroom Composting and similar enterprises, with special reference being given to the recently released industry guidelines for mushroom composting;
- make recommendations as to the criteria against which those issues should be assessed with specific attention being paid to the issue of odour and, in particular, of the assessment of odour units; and
- indicate those areas within the Hawkesbury City Local Government area where these criteria are likely to be met, with consideration given to the integration of significant site specific criteria into the development process.

Annual mushroom compost production in the Hawkesbury is estimated by the Australian Mushroom Growers Association to be approximately 83,200 tonnes of saleable product and is purchased for \$110 per tonne by mushroom producers. Therefore, the total value of the mushroom composting industry turnover in the Hawkesbury is approximately \$9,152,000.

Whilst the total local mushroom composting industry employment is some 25 people, the mushroom industry in the Hawkesbury employs 650 people, with an average income of approximately \$20,000 per employee.

The study includes a draft development control plan which identifies fundamental design principles in site planning and design and sets out performance based operational guidelines. These include the following:-

- establish prevailing (air) drainage flows and avoid the siting of a substantial composting development (with known offensive emissions) within 2km upwind of a known sensitive receiver not associated with the proposed development as measured from the point source unless it can be demonstrated that emissions can be effectively eliminated;
- avoid siting of a development within a valley where there are poor dispersion conditions and there are sensitive receptors within the valley which are likely to be impacted frequently;
- quality of downstream watercourses shall not be adversely affected and all composting facilities are expected to satisfy the Australian National Water Quality Guidelines (ANZECC 1992);
- consider the proximity of the composting operation to, and number of, sensitive receptors, such as houses, schools and hospitals;
- ensure the proposal is permissible under the relevant zoning by undertaking an assessment of whether the development is considered offensive under guidelines published by the Department of Urban Affairs and Planning;
- each application is to be accompanied by an AUSPLUME dispersion modelling study comprising the following elements:-
 - source emission data from composting operations having similar volume and process characteristics;
 - site specific meteorological data over a minimum period of 12 months. Where 12 months data is not available a minimum of 3 months site specific data should be collected, supplemented by the nearest available and comparable data; and
 - terrain information sourced from topographical maps,

- a design criteria of 2 odour units is to be adopted using the detection threshold for the 99.5th percentile concentrations of 3 minutes averages from non-scheduled premises. The design criterion is to apply as a line source or ground level area measured from the point source to the nearest sensitive receptor; and
- a draft site environmental management plan is to accompany all development applications for composting facilities, specifying all known details regarding the following:-
 - meteorology;
 - water quality and hydrology;
 - noise;
 - odour management;
 - hazard and risk management;
 - traffic;
 - material storage and monitoring;
 - landscaping and maintenance; and
 - compliance and auditing procedures,

As a consequence of a strategic analysis workshop conducted on 25 January 1996, there was a need identified by the Mushroom Composting Industry for a commitment from Hawkesbury City Council to undertake positive steps to:-

- establish a strategic planning framework clarifying Council's position for operators and which provides some incentive for the composting industry to remain in the Hawkesbury;
- adopt a clear set of guidelines to assist the industry in identifying commercial opportunities; and
- development a partnership between the Council and agricultural industries to educate the community about the appropriate management and the value of composting industries in the Hawkesbury.

The recommended process for achieving these outcomes has been recommended by RUST PPK in a strategic directions statement.

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 March 1996

Item: 126

Process	Action	Indicative Timing
1. Demonstration of Council commitment to maintenance of mushroom industry in the Hawkesbury	Endorse report and adoption of guidelines for the purpose of a draft Development Control Plan upon which the industry may base with some certainty site specific investigations. Council to convene a meeting with DUAP, EPA and other interested parties (such as NSW Agriculture and AMGA) to examine approaches to amending the LEP to permit composting facilities and preventing the subsequent encroachment of urban development once such facilities were established.	February/March 1996 March/August 1996
2. Site specific investigations	Carrying out of site specific investigations by the mushroom industry in order to identify suitable sites for the location of the mushroom composting facilities by the mushroom industry.	April/June 1996
3. Site selection	Council establishes a working party, with representatives of NSW Agriculture, the EPA and the AMGA, to review site specific investigations with the aim of identifying and agreeing on a suitable site for the long term establishment of mushroom composting facility/facilities. Council establish a second joint working party with the EPA to review Council's and the EPA's environmental guidelines for establishing composting facilities, with particular reference to the issue odour.	July/August 1996 April/August 1996
4. Composting Steering Committee	The Composting Steering Committee reconvene after the completion of Stage 3 to review progress and report to Council.	September 1996
5. Local Environmental Study/Detailed Feasibility Study	Council prepares a Local Environmental Study to establish the appropriate strategic and statutory planning framework in the area surrounding the selected site to ensure the long term security of the composting facility and protection of the environmental amenity of surrounding uses. Industry prepares detailed feasibility study to accompany Local Environmental Study which demonstrates that environmental guidelines can be satisfied.	Completed by mid 1997
6. Community Education	Develop and implement a program of community information and education regarding the economic and environmental costs and benefits of agriculture activities in the Hawkesbury. Seek assistance and involvement of other peak industry bodies and NSW Agriculture.	On-going

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 26 March 1996

Item: 126

7. Centre of Excellence	Encourage partnerships between the University of Western Sydney, Hawkesbury City Council and the composting industry with the aim of developing and promoting Hawkesbury as a Centre for Excellence for composting building upon existing technological developments in the area.	On-going
-------------------------	---	----------

Council is now considering Item 1 by considering the report and adoption of guidelines for the purpose of the Draft DCP.

The strategic direction statement proposes a number of activities in 1996 including site specific investigations by the Mushroom Industry to identify suitable sites for the location of mushroom composting and the establishment by Council of a working party with representatives of NSW Agriculture, the EPA and the Australian Mushroom Growers Association, to review site specific investigations.

It is proposed that Council establish a second joint working party with the Environment Protection Authority to review Council's and the EPA's environmental guidelines for establishing composting facilities, with particular reference to the issue of odour.

It is then proposed that the composting steering committee which supervised the RUST PPK report reconvene to review the process and report to Council.

All necessary statutory planning is to be completed by mid-1997.

Rather than create additional working parties plus the existing Steering Committee, it is proposed that the Steering Committee review the site specific investigations, meet with the EPA and report to Council. The Steering Committee now has some expertise with the issue and it is desirable that this be utilised.

In accordance with Council's resolution of 13 June 1995, the Committee would be expanded to include community representatives from any area that may be deemed suitable for composting.

RECOMMENDATION:

1. That Council endorse the final background report prepared by RUST PPK.
2. That Council adopt the draft development control plan (Appendix D) for the purpose of public exhibition for a period of not less than 28 (twenty eight) days in accordance with clause 17 of the Environmental Planning and Assessment Regulation, 1994.
3. That Council utilise the existing Steering Committee to review the site specific investigations and to consult with the Environment Protection Authority prior to incorporating community representatives from any area that may be deemed suitable for composting.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V08

****** END OF ITEM 126 ******

ITEM: 127 ✓

WASTE MINIMISATION AND MANAGEMENT ACT

FILE NUMBER: GW010/022 PT02/EVD

REPORT:

Council was advised on 12 December 1995 (Item 131) of the Waste Minimisation and Management Bill.

The Act has since been proclaimed and includes a number of amendments of the Bill, including:-

- 1) regional waste boards will appoint their general manager
- 2) the maximum number of directors on each waste board has been increased from eight to thirteen (including the general manager).

The Local Government Association and each Sydney Regional Organisation of Councils has cooperatively hosted forums to determine the preferred option for formation of the waste boards. All ROCs have adopted the following position:-

"that there be multiple waste boards existing in Sydney, based on existing ROCs, or other configurations of councils, coordinated by a metropolitan-wide policy body with local government representation from each regional board".

Waste management practices will likely change significantly in the next few years, and new practices such as treatment and reuse, as well as existing recycling markets need to be coordinated Sydney-wide, therefore the policy body is seen as an essential element.

A direction has been issued by the Minister for the Environment and Minister for Local Government that nominations for inclusion in waste boards, and applications for exemptions, must be made prior to 29 April 1996. The exemption may be given if both Ministers are satisfied:-

- (a) that the council has a comprehensive scheme for reducing waste in its area consistent with the government's waste reduction targets, and
- (b) that such a scheme does not rely on money allocated out of the Fund for regional initiatives, and
- (c) that the Council has long-term waste disposal arrangements and recycling programs in operation, and
- (d) that the council's waste collection system is operating efficiently, and
- (e) that the council's waste programs are in accordance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*, and

- (f) that the council has consulted broadly with its local community in developing its waste programs.

The matter of exemptions has been discussed with policy staff of the Environment Protection Authority, who advise that exemptions will be difficult to obtain. Although waste management practices such as improved recycling service, 140 litre waste cart option, sorting station at South Windsor Waste Depot and acceptance of only sorted waste are progressively being implemented, they may not be considered as sufficiently advanced to be included in a comprehensive scheme for reducing waste. In addition the current lease of the Waste Depot expires in 2005 although a time extension is currently being negotiated.

The advantages of obtaining an exemption include:-

- self sufficiency in waste disposal
- not compelled to comply with a regional waste plan
- not contributing financially to a waste board
- lease to South Windsor Waste Depot is in Council's name
- services can be tailored to meet local needs
- access to bargaining power of Local Government Recycling Cooperative

Similarly the disadvantages of an exemption include:-

- no guaranteed access to state funds
- future waste management facility must be financed by Council
- no economy of scale for future collection services
- decreased bargaining power for sale prices for recyclables/reusables
- it is unlikely that changes in waste management technology (eg incineration) could be financed
- approval must be obtained for future waste depots
- Council would have no influence over siting of future regional waste disposal facilities, as they will be approved by Minister for the Urban Affairs and Planning
- financial savings may be achieved by sharing the cost of regional initiatives.

It will be a decision of the waste board as to how financial contributions will be determined, however the NSW Government has allocated \$60 million over 5 years for their establishment and operation.

On balance, the advantages to Council, residents and the region to be achieved from joining a waste board, are greater than the disadvantages, especially in the medium to long term.

WSROC will prepare the submission for formation of a Western Sydney regional waste board. It is proposed to invite MACROC councils to join such a board.

It is necessary for Council to nominate Councillors or staff as directors and also a maximum of 2 other persons, having relevant expertise, but who are not Councillors or staff. However, a constituent Council cannot have more than one representative (being a councillor or employee).

The objectives of a waste board are:-

- (a) to coordinate the waste services provided in and for the waste board's waste management region,
- (b) to ensure that the constituent councils adopt efficient waste management practices and policies,
- (c) to operate in accordance with the principles of ecologically sustainable development.

Mrs Elspeth Murphy has had a long involvement in waste issues and ecologically sustainable development, within the region. She was a member of the working party which formulated Council's Waste Management Strategy and also a member of the Castlereagh Regional Waste Depot Community Monitoring Committee. Mrs Murphy is a resident of the City and will accept nomination as a director.

Mr Hugh Williams is a former Councillor and was Council's delegate to the Waste Recycling Cooperative. He was also a member of the WSROC Environment Advisory Committee and participated on the REP20 review. Mr Williams is a resident of the City and will accept nomination as a director.

RECOMMENDATION:

- 1. Council nominate for inclusion in the regional waste board as proposed by WSROC.
- 2. A Councillor be nominated as a director of the Waste Board.
- 3. Mrs Elspeth Murphy and Mr Hugh Williams be nominated as directors of the Waste Board.
- 4. The Branch Manager Environment and Waste, Mr Garry Baldry be nominated as a Director of the Waste Board.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V09

**** END OF ITEM 127 ****

ITEM: 128

GRAHAM PRICE PTY LTD - COURT ORDER NOT TO
INTERFERE WITH THE AMENITY OF THE NEIGHBOURHOOD -
CONTEMPT OF COURT

FILE NUMBER: P1641/700PT09/EVD

REPORT:

At Council's meeting on 13 February 1996 it was resolved that Council and Graham Price Pty Ltd enter into a Deed of Agreement by 25 March 1996 to the effect that all composting will cease on the property by 3 February 1997, with a security of \$40,000 to be paid by 30 September 1996 which would be forfeited in the event that there is not cessation of composting by 3 February 1997.

This resolution arose from discussions with Mr Price, who proposed to sign a deed binding himself to cease producing compost by 3 February 1997, providing there was a side agreement that the deed would not come into effect until gazettal of a local environmental plan rezoning part of the property from Rural 1(c) to Residential 2(a). Council was not in agreeance with the deed being linked in any way to the rezoning of the land. Mr Price's position is that the rezoning of the land is essential to raise capital to relocate his business and, accordingly, he could not commit himself to the deed to relocate unless the land is rezoned.

In subsequent discussions with Mr Price he maintains that he will sign the deed provided the land is rezoned.

In order to have the land rezoned at the earliest possible opportunity and avoid significant legal costs, a meeting was convened with the Regional Manager of the Department of Urban Affairs and Planning Western Sydney office on 21 February 1996. At that meeting the urgency of the rezoning was impressed upon the Department who undertook to exercise their best endeavours to achieve the rezoning either just before the 25 March 1996 deadline or, at worst, soon after.

At the date of preparing the business paper the local environmental plan had not been gazetted, however, it is expected that the LEP will be made and published in the Government Gazette on Friday 22 March 1996.

In the event that the deed is not signed, Council must consider alternate action to ensure compliance with the Orders of the Court.

Justice Bannon in his Judgement of 18 June 1992, made the following Order:

- "1. *The respondent (Graham Price Pty Ltd) by itself, its servants and agents be restrained from using or suffering or permitting to be used the premises Lot 5 RP2166, 100 Pitt Town Road, McGraths Hill for the purpose of the preparation of mushroom compost in such a manner as interferes with the amenity of the neighbourhood in respect of smell.*

2. *The operation of Order 1 is suspended for a period of three years from the date of this Order.*
3. *The respondent pay half of the applicant's costs as agreed or taxed. In default of agreement within fourteen days from the date of this Order, such costs to be taxed before the Registrar and paid to the Solicitors for the applicant upon presentation of a certificate of taxation.*
4. *The exhibits be returned."*

Given that Justice Bannon suspended the operation of Order 1 for a period of three years and that a further nine months have elapsed, a generous period has been provided to Graham Price Pty Ltd to comply with the Order.

The Order itself imposes a reasonably strict burden in requiring mushroom compost production not to interfere with the amenity of the neighbourhood. For example, if it is established that it produces odour on a regular basis which constitutes a nuisance to surrounding houses, the Order would have been breached.

Following continuing complaints about odour after 18 June 1995, an odour survey was conducted for a period of two months from August 1995 to early October 1995. There were 11 participants in the survey being nearby residents, previous objectors and Council staff who live in the area.

Following checking of wind direction, there were reported 648 instances of offensive odour, most of which could not be attributed to another source. It may be some of these instances related to other odour sources, although their numerical weight suggests that there is likely a continuing odour nuisance occurring from Graham Price Pty Ltd. In addition, a number of residents in the area have maintained diaries of instances of odour nuisance.

On this basis there would seem sufficient evidence to demonstrate non-compliance with the Order of Justice Bannon and justify a motion for contempt of Court.

The matter has been discussed with Council's Solicitors who advise that from the date of instruction, it would likely be 2-4 months before a contempt motion could be heard by the Land and Environment Court.

RECOMMENDATION:

That the information concerning Graham Price Pty Ltd and the Order of Justice Bannon be received and, in the event that the Deed of Agreement is not signed, a further report be prepared for the Ordinary meeting on 9 April 1996 recommending appropriate legal action.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V11

**** END OF ITEM 128 ****

ITEM: 129**CSR READYMIX QUARRY - BULL RIDGE ROAD, EAST KURRAJONG****FILE NUMBER:** 68/297/76/EVD**REPORT:**

Enquiries have been received with respect to the period of operation of Readymix Quarry.

On the 23 November 1976 at Colo Shire Councils Ordinary Meeting, it was resolved to permit the establishment of a quarry for the extraction and processing of sandstone at properties now known as Lots 221, 222 and 223 DP623304 - Bulbridge Road, East Kurrajong (Readymix CSR).

At that particular time numerous conditions were placed on the consent and the conditions relate mainly to the completion of quarrying and the rehabilitation of the site. A staged site plan outlining the stages of quarrying, was included with the application and mentioned in the conditions of consent. This staged plan may therefore be used to determine the extent of quarrying and subsequently the life expectancy.

On the 12 April, 1988 it was reported to Council that whilst there are no conditions of the consent that specifically relate to a period of operation, it was however implied in the original application that the time required for approval was 20 years and therefore the consent expires on 22 November, 1996.

Legal opinion has been sought through Abott Tout with respect to the period of operation and advice received suggests that the Development Consent does not provide for a fixed term of 20 years.

Accordingly other measures would be required in order to determine a life expectancy of the quarry site.

RECOMMENDATION:

1. A survey be conducted of the site to establish the area of extraction to scale.
2. The survey superimposed over the staged plan as supplied in the original application be used and read in conjunction with the conditions of consent relating to areas of extraction i.e. contour depths, areas from boundaries, water courses etc.
3. The area of extraction and estimated life expectancy, calculated on material removed over the period since commencement be reported back to Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V13

****** END OF ITEM 129 ******

ITEM: 130

WARRAGAMBA DAM - PROPOSED AUXILIARY SPILLWAY -
ISSUES TO BE TAKEN INTO ACCOUNT IN THE PREPARATION
OF THE ENVIRONMENTAL IMPACT STATEMENT.

FILE NUMBER: GC180/006PT02/EVD

REPORT:

Australian Water Technologies Pty Ltd (a subsidiary of Sydney Water) is managing the preparation of the environmental impact statement for the proposed spillway on behalf of Sydney Water. They have requested that Council advise in writing of any issues it considers should be taken into account in the preparation of the environmental impact statement. The deadline for provision of advice is 5 April 1996.

They advise that the proposal is likely to create a range of significant impacts on both the natural and built environments, particularly in the areas of:

- . vulnerable fauna
- . traffic impacts on local roads
- . construction noise
- . construction dust, and
- . increased chance of flooding for parts of the Hawkesbury/Nepean Valley, (but only in floods beyond those experienced since European settlement)

The proposed spillway would be located on the right bank (looking downstream) of the Warragamba gorge with the upstream end located adjacent to the right abutment of the dam. The spillway chute would sweep approximately 750m downstream of the dam, dropping some 60m in elevation.

At its upstream end the spillway chute would have a maximum width of 220m and a floor level of RL 112m. A weir would be located across the entrance of the chute as a fixed hydraulic control. A number of fuse-plugs (embankments that erode away on overtopping) with varying top levels would prevent the auxiliary spillway from operating in all but the largest floods.

Australian Water Technologies advise that the new auxiliary chute spillway would only operate in floods greater than the 1867 flood-on-record, at which stage the fuse plugs would be overtopped and wash away systematically and sequentially to allow the auxiliary spillway to operate. Up to this point floodwaters would pass through the dam's central spillway with the current gate rules in operation.

They estimate that downstream valley flooding would increase slightly for floods greater than the flood which occurred in 1867 up to the present dambreak flood which is estimated as having a 1:1500 chance per year of occurrence.

It is recommended that AWT be advised that the following matters should be addressed in the EIS.

- Detailed flood height modelling for the Hawkesbury/Nepean Valley with and without the side spillway over a wide range of probable floods at a number of locations, including Penrith and Windsor.
- Estimates of property damage and potential loss of life with and without the side spillway.
- The rationale for the proposed fuse plugs, including the selected level and whether alternative levels (either higher or lower) would assist with flood mitigation.
- The potential environmental damage in the Hawkesbury/Nepean Valley downstream of the dam wall in flood events of varying probabilities with and without the side spillway.
- Details of the current gate rules and their impact on flood levels.
- Whether the design of the side spillway will prevent or inhibit possible flood mitigation works at a later date, including the raising of the dam wall as proposed in the 1995 (EIS).
- Alternatives to the side spillway which will make the dam safe and provide flood mitigation.
- Whether Sydney Water has any potential liability for floods which exacerbate damage downstream of the dam wall compared to the current dam, i.e., when the spillway operates.

Australian Water Technologies Pty Ltd have been requested to provide a briefing to Council, however, it is unlikely that this will be before the deadline for submissions on 5 April 1996.

RECOMMENDATION:

That Australian Water Technologies Pty Ltd be advised to address the issues raised in this report in the preparation of the Environmental Impact Statement.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V14

**** END OF ITEM 130 ****

ITEM: 131
✓REZONING APPLICATION - LOT 202 DP801553 AND LOT 1 DP 574043, CORNER ARGYLE STREET AND FAIREY ROAD, SOUTH WINDSOR (OLD SPEEDWAY SITE)

FILE NUMBER: DA270/95Pt01;LEP002/91/EVD

REPORT:

An application has been received to rezone the old Speedway site off Argyle Street, South Windsor, from Rural 1(b) to General Industrial 4(a). The application has been lodged by the consulting firm Bowdens & Co on behalf of the Schaffer Corporation Limited.

The purpose of the rezoning is to enable the following development:

- a. sawing and breaking up of bulk sandstone into finished stone blocks and pavers of various sizes;
- b. manufacturing of the concrete and stone based product called "Urbanstone"; and
- c. long term general industrial uses such as factory units.

The following detailed description has been submitted with the application:

"i. Sandstone blocks and pavers

- *This involves the initial production of standard lines of sandstone blocks (200x100x600 and 200x150x600) and sandstone pavers (400x400x40). Additional products will be made to order and as the product develops.*
- *The finished goods are to be sawn from bulk sandstone, itself a product of an existing approved quarry at East Kurrajong.*
- *Sawing is to be undertaken using segmented diamond blades with water as the lubricant. Water will be recycled from onsite sedimentation ponds with some use or reticulated water as required.*
- *The sawing operation is to be encased within a sound mitigating enclosure inside the factory building which will reduce noise to acceptable design levels.*

Full details of this operation will be submitted with the subsequent development application for the manufacture of sandstone blocks and pavers.

ii. Urbanstone

This is a manufactured product of attractive durable paving. It is formed from a wet-poured precast concrete paver incorporating exposed natural aggregate. The process employs mechanical vibration and controlled curing in batches to produce a range of items for paving, bullnoses, furniture and other landscape accessories.

Full details of this operation will be submitted with the subsequent development application for the manufacture of Urbanstone products.

- iii. *Current approved land contour alterations and raising of land levels in association with a proposed dam on site will accommodate future general industrial uses consistent with zone 4(a) objectives.*

Analysis of the foregoing products and activities indicates that none of the products or activities are classified as designate development but instead comply with the definitions of "industry" in compliance with zone 4(a) objectives.

- *The Urbanstone process works can be located beyond the 250m limit of dwellings and residential zones.*
- *The initial projected annual production levels of 23,000 tonnes for sandstone and 16,000 tonnes for Urbanstone are well below the scheduled production levels for the designated development for each of the proposed activities.*
- *The drainage channel on the property is not a natural watercourse and will be extensively altered by easements and piped systems as a result of the approved am and land remodelling activity.*

It is therefore concluded that the proposed activities fall well within the ambit of the necessary determinations for justification as Industrial 4(a) uses and this submission respectfully requests that rezoning proceed."

At Council's meeting on 12 March 1996 a proposal to excavate a dam and undertake landfill was approved as a precursor to the development outlined above.

Council has previously supported rezoning of the land to General Industrial 4(a), however, this did not proceed due to an objection from Sydney Water on the basis of inadequate bulk water.

Given the proposed range of uses for the site, a General Industrial rezoning is the preferred zoning. However, given the previous objection from Sydney Water, it may be necessary in the first instance to seek a limited rezoning to allow the proposed sandstone sawing and Urbanstone manufacture, both of which may be able to operate with a restricted water supply.

In the first instance, it is proposed to discuss the rezoning of the site with Sydney Water to ascertain a form of a rezoning with which they would be satisfied.

RECOMMENDATION:

That Council resolve to rezone the land General Industrial 4(a) or some other zoning which would permit at least the proposed sandstone sawing and Urbandstone manufacture. The precise form of the rezoning to be determined following discussions with Sydney Water.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN326NBX.V17

**** **END OF ITEM 131** ****

GENERAL PURPOSE COMMITTEE



SECTION 2 INFRASTRUCTURE

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

Meeting Date: 26 March 1996

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 2 - INFRASTRUCTURE.	
18:	WEBBS CREEK FERRY GT240/007 PT02/ENG	3
19:	EXTEND IRRIGATION PIPELINE 1908/R PT03, P1908/1985 PT01, P2312/478 PT02/ENG/ENG	4

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

ITEM: 18**WEBBS CREEK FERRY****FILE NUMBER:****GT240/007 PT02/ENG****REPORT:**

For a considerable time tourist buses have been experiencing difficulty in accessing the Webb's Creek Ferry due to a combination of the configuration of the approach ramps and also the minimal height distance provided in the coaches.

Representations were made by the Wisemans Ferry and District Chamber of Commerce to have alterations undertaken to the ferry flaps to facilitate the use by tourist coaches however this action while improving the situation marginally has not been successful. Mr Bill McNamara, the proprietor of Del Rio Resort at Webbs Creeks has developed a proposal to alter the grade on the approach ramps to enable access by tourist coaches. He has discussed the matter with the Roads and Traffic Authority and it has been indicated to him that they will support the proposal and provide funds to undertake the works subject to Councils support of the proposal also.

Mr McNamara has also offered to fund the engineering design of the proposal.

RECOMMENDATION:

It is recommended that the proposal developed by Mr McNamara to alter the grades on the approach ramps to Webbs Creek Ferry be supported.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN326NBX.E01

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

ITEM: 19**EXTEND IRRIGATION PIPELINE****FILE NUMBER:** 1908/R PT03, P1908/1985 PT01, P2312/478 PT02/ENG/ENG**REPORT:**

Mr and Mrs Vella of 336 Spinks Road (Lot 10 DP582877) currently have an irrigation main which extends from Hawkesbury River via Wire Lane and Kurmond Road to serves No 720 Kurmond Road, (Lot 101 DP633202) Freemans Reach. The applicant wishes to extend this main from the intersection of Wire Lane and Kurmond Road via Spinks Road to also serve No 366 Spinks Road, Glossodia.

Permission is currently being sought from the Department of Land and Water Conservation to partly transfer approximately 3ha of the current license from 720 Kurmond Road to 366 Spinks Road.

RECOMMENDATION:

The application by Mr and Mrs Vella to extend their existing irrigation be approved.

ATTACHMENTS:

There are no supporting documents for this report.

FN:IN326NBX.E02

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

GENERAL PURPOSE COMMITTEE



SECTION 3 ORGANISATION & RESOURCES

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

Meeting Date: 26 March 1996

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 3 - ORGANISATION & RESOURCES.	
31:	REQUIRED ACQUISITION BY COUNCIL - 16 RIFLE RANGE ROAD, SOUTH WINDSOR P1833/1170/CSV	3
32:	WILBERFORCE SHOPPING CENTRE GC283/66 PT02, GC283/018 PT02/CSV	5
33:	MONTHLY FINANCIAL STATEMENTS - FEBRUARY 1996 GF011/005 PT04/FNC	7
34:	YOUTH WEEK 1996 GG021/079 PT05/ENG/ENG	11

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

ITEM: 31**REQUIRED ACQUISITION BY COUNCIL - 16 RIFLE RANGE ROAD, SOUTH WINDSOR****FILE NUMBER:** P1833/1170/CSV**REPORT:**

Reference is made to the property 16 Rifle Range Road, South Windsor, being Lot 61 in Deposited Plan 32260, which is owned by Liberty Investments Pty Limited and is located opposite the Windsor Rugby League Complex. This property comprising 575m² is rectangular in shape, level and unfenced with no structural improvements, and is recognised as being flood liable. A plan of the site shall be displayed at the meeting.

Under the Hawkesbury Local Environment Plan 1989 the property is zoned 6(b) Open Space (Proposed Recreation). The objectives of this zone are:-

- (a) to identify land which is suitable for future public recreation use and which can be brought into public ownership generally as a consequence of development contributions from residential development;
- (b) to provide additional land to meet the objectives specified in respect of land within Zone No. 6(a);
- (c) to ensure that there is provision for adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of the City of Hawkesbury;
- (d) to set aside certain lands (being lands that the Council proposes to acquire) for the purposes of active and passive recreation; and
- (e) to restrict development on lands which will be required for future open space purposes.

Section 31 of the Hawkesbury LEP provides that the owner of land zoned 6(b) Open Space (Proposed Recreation) may require the public authority, being Council, to acquire such land. Liberty Investments Pty Ltd have formally requested that Council proceed to compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991. Previous attempts to negotiate a reasonable purchase price and acquire the property by agreement have been unsuccessful.

The Local Government Act 1991 provides that Council is authorised to compulsorily acquire land, that is to be made available for any public purpose for which it is zoned under an environmental planning instrument, in accordance with the Land Acquisition (Just Terms Compensation) Act with the approval of the Minister for Local Government.

Under the Land Acquisition (Just Terms Compensation) Act, the amount of compensation payable to the previous owner shall be determined by the Valuer General. Accordingly it is suggested that application be made to the Minister to compulsorily acquire the property with compensation to be determined by the Valuer General. When acquired the subject land shall be classified as Community Land.

RECOMMENDATION:

1. Council compulsorily acquire 16 Rifle Range Road, South Windsor, being Lot 61 in Deposited Plan 32260, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Liberty Investments Pty Limited.
2. Application be made to the Minister for Local Government for approval to proceed with compulsory acquisition of Lot 61 in Deposited Plan 32260.
3. All relevant documents be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG326NBX.C04

**** END OF ITEM 31 ****

ITEM: 32

WILBERFORCE SHOPPING CENTRE

FILE NUMBER: GC283/66 PT02, GC283/018 PT02/CSV

REPORT:

Council at its February meeting considered a report in relation to applications to lease shops within the extensions to Wilberforce Shopping Centre and resolved to reject the application from Mr RJ McCarthy of Wilberforce for the establishment of a Liquor Shop outlet within Shop 3.

Mr McCarthy has subsequently requested that Council review its decision to reject his application on the basis of the following:-

- i. A liquor shop compliments the existing businesses within Wilberforce Shopping Centre and is consistent with the convenience shopping theme of the centre.
- ii. Many residents of the area are uncomfortable with visiting the Tropicanna Hotel or other Hotels in the area for the purchase of liquor supplies and are subsequently disadvantaged by the decision.

It is noted that Mr McCarthy as the licensee of Tropicanna Hotel-Motel, is likely to be the only person at this stage to secure a licence to operate a liquor outlet within the Wilberforce area and he was subsequently approached in the first instance with a view to opening an outlet within the Wilberforce Shopping Centre. The approach was made on the basis that a liquor outlet would compliment the existing shops and convenience nature of the centre. It is considered that many residents and in particular women, are not comfortable with purchasing liquor from hotel outlets and prefer to make liquor purchases in conjunction with their other convenience shopping or supermarket shopping, hence the success of operations such as Liquorland and their association with Coles in Windsor and Richmond and the liquor outlet within the Clancys Supermarket at Bligh Park.

It is pointed out that the Management Committee of the Wilberforce Preschool have raised an objection to a liquor shop being established in Wilberforce due to the close proximity of the childcare centre and preschool and they suggest it would only aggravate the existing problem of under age drinking, littering and vandalism that occurs outside and at times inside the fences for the centres. It is suggested that these concerns may be overcome by establishing an alcohol free zone for the Wilberforce Shopping Centre area and the reserve located on the corner of King and Singleton Roads. Also, restricted trading hours could be applied for the liquor outlet.

RECOMMENDATION:

That Council lease shop 3 (three) of Wilberforce Shopping Centre to Mr RJ McCarthy of No 54 Edlan Pty Ltd, as a liquor shop subject to the following terms and conditions:-

- i. Lease period is to be 5 (five) years
 - ii. Commencing annual rental of \$13,520.00 (thirteen thousand five hundred and twenty), which is to be reviewed annually in accordance with the CPI for Sydney.
 - iii. The lessees to pay 6.7% (six point seven) of Council rates and 8.3% (eight point three) of outgoings in respect of the centre.
 - iv. Trading hours be restricted to 10.00am to 7.00pm daily.
2. All necessary documentation be completed under Seal of Council.
 3. Council establish an alcohol free zone for the grounds, walkways and roadways within the Wilberforce Shopping Centre site and the adjoining reserve bounded by King Road and, Singleton Road and the Wilberforce Childcare and Preschool Centres.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG326NBX.C05

**** END OF ITEM 32 ****

ITEM: 33

MONTHLY FINANCIAL STATEMENTS - FEBRUARY 1996

FILE NUMBER: GF011/005 PT04/FNC

REPORT:

A. CASH EXPENDITURE WARRANT No. 2/1996

SUMMARY - Accounts Paid

General Fund Nos.	41141 -	41904	12,431,997.59
Trust Fund Nos.	4541 -	4552	489,205.59
FID General Fund	469200		980,793.38
			13,901,996.56

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
Director Community Management and Finance

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE**STATEMENT OF BANK BALANCES AS AT 29 FEBRUARY 1996**

GENERAL FUND	CR. 335,174.15
TRUST FUND	CR. 42,588.59

CR. 377,762.74

FORM 2

GENERAL

Balance - Cash Account as at 1 February 1996	CR. 702,540.39
Receipts for period ended 29 February 1996	DR. 20,522,380.41

DR. 19,819,840.02

Payments for period ended 29 February 1996	CR. 19,935,054.63
--	-------------------

CR. 115,214.61

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

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Statements have been reconciled in all funds as at 29 February 1996.

L M Weatherstone
Director Community Management and Finance

C. INVESTMENTS

Hereunder is the list of amounts invested:

Bank BillsInterest

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

Term Deposits

185 Days	04.03.96	7.71%	General Fund	780,000.00
185 Days	04.03.96	7.71%	General Fund	300,000.00
32 Days	11.03.96	7.53%	General Fund	3,000,000.00
91 Days	15.04.96	7.52%	General Fund	1,140,000.00
91 Days	15.04.96	7.52%	General Fund	660,000.00
94 Days	23.05.96	7.52%	Sewerage Fund	1,000,000.00
120 Days	26.06.96	7.58%	Sewerage Fund	2,000,000.00
365 Days	15.08.96	8.05%	General Fund	850,000.00
181 Days	26.08.96	7.63%	Sewerage Fund	2,000,000.00
190 Days	04.09.96	7.63%	Sewerage Fund	206,319.84
190 Days	04.09.96	7.63%	General Fund	2,293,680.16
225 Days	11.10.96	7.72%	General Fund	1,000,000.00
371 Days	05.03.97	8.00%	General Fund	2,000,000.00
547 Days	09.05.97	8.00%	General Fund	800,000.00
547 Days	09.05.97	8.00%	General Fund	200,000.00
594 Days	25.06.97	8.00%	General Fund	1,000,000.00

Australian Treasury Corporation

04.08.97	8.45%	Workers Comp Board	950,000.00
----------	-------	--------------------	------------

<u>Short Term Investments</u>	General Fund	4,345,000.00
-------------------------------	--------------	--------------

\$24,525,000.00

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
Director Community Management and Finance

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG326NBX.F03

**** END OF ITEM 33 ****

ITEM: 34 ✓

YOUTH WEEK 1996

FILE NUMBER: GG021/079 PT05/ENG/ENG

REPORT:

Funding of \$1,500 has been received once again to hold youth week activities in the Hawkesbury. A range of activities have been organised in consultation with young people and youth workers from HAGYA.

Youth workers will be present at every activity and the police have been requested to ensure a high profile over the weekend.

It has also been requested that this information be brought to the attention of all licensees and to ask them to be extremely vigilant over the weekend of activities.

The activities will be targeted at young people but families and adults wishing to participate will not be excluded. The activities planned are outlined below:

Information Stalls

This activity has been held for the last three years and is a standard feature of our Youth Week program. It involves groups such as DSS, CES, Western Sydney Drug and Alcohol Resource Centre, Colo Wilderness Mobile Resource Unit and other youth services. A drama skit is also presented. The stalls are held in all local high schools leading up to and during Youth Week.

Jam Session and BBQ

Friday 26 April 1996 6.00-10.00pm Richmond Park. This activity was suggested at the recent Youth Forums and involves the provision of basic equipment such as small stage, drum kit and amplifiers to allow young musicians to experiment with their music. Young people who wish to participate bring their own instrument and play with whoever turns up. The sound system will be relatively small and the activity will be situated outside the oval under the trees adjacent to Windsor Street. This will be a free activity.

All Night Movie Marathon

Friday 26 - Saturday 27 April 1996 11.30pm-5.30am Regent Theatre. Negotiations are still underway with the Regent Theatre to hold an all night movie marathon. This would consist of three movies between 11.30pm and 5.30am. Young people would be charged \$10.00 for the three movies.

CHECK VIDEO
& PLAY.

POLICE INFORMED?

Flat Out Jam II - Battle of the Bands

Saturday 27 April 1996 11.00am-5.00pm Richmond Park. This activity was extremely popular last year and many requests were received for it to be an annual event. Several of the bands who participated last year have since received paid work and last year's winner recorded a song with their prize money.

Dance Party

Saturday 27 - Sunday 28 April 8.00pm-1.00am UWS Hawkesbury. The dance party is another activity for which many requests are received. It will be held in the Recreation Hall on the University Campus and professional security will be arranged for this event.

Song Competition

This has been organised with the Road Safety Officer. The competition is to design a song (music and lyrics) around the theme of speeding, drink driving and the consequences. There is one prize of a \$500.00 voucher and a guest performance at Flat Out Jam (Battle of the Bands).

Mural

A mural will be painted by young people at the Bligh Park Youth Centre with the assistance of an artist. The theme of the mural is "Youth - A Precious Resource".

All youth week activities are drug and alcohol free.

RECOMMENDATION:

1. That the information be received.
2. Approval be granted for use of Richmond Park on those dates listed below for activities scheduled:

TIME/DATE	ACTIVITY
6.00pm - 10.00pm, 26 April 1996	Jam Session and BBQ
11.00am - 5.00pm, 27 April 1996	Battle of the Bands

ATTACHMENTS:

There are no supporting documents for this report.

