

HAWKESBURY CITY COUNCIL ORDINARY MEETING

Where People Make the Difference!

BUSINESS PAPER

DATE OF MEETING: 7 May 1996

LOCATION: Council Chambers

TIME: 7.30pm

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Mayoral Minutes

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No Mayoral Minutes Were Submitted

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

ORDINARY

Section 2 **Notices of Motion**

ORDINARY MEETING
Notices of Motion

Notices of Motion

Ordinary Meeting - 7 May 1996

By Councillor C A Paine :

That the horse trough located at the intersection of Terrace Road and Bells Line of Road, North Richmond be relocated to Heritage Park and placed in a suitable location with an inscription indicating its history.

The other horse troughs of a similar nature throughout the City be assessed for upgrading in their current location or suitably relocated, again with an inscription as to their history.

Note : From my investigation, the troughs involved are some of over 1,000 donated by Annis and George Bills. Apparently they donated them for placement around Australia and in other countries because of their concern for the welfare of animals. I think it would be fitting that they be placed in a suitable location with a brief history of their origin placed nearby.

By Councillor C A Paine :

That Council demand from the Wentworth Area Health Service the provision of all services promised to the people of the Hawkesbury, particularly in the area of reproductive health services such as termination of pregnancy, vasectomy and tubal ligation.

Further that Council request copies of the minutes of the meetings providing for the undertakings including the statistical data that was available at the time enabling the decision to be made. That the Service indicate why information has now come to hand that makes a change in this decision.

Note : I think it is an absolute disgrace that the people of the Hawkesbury are again seen as being second class citizens with broken promises. In 1994 there was an absolutely clear undertaking given that the Wentworth Area Health Service would provide an unconditional irrevocable guarantee that it would provide a full range of services. In less than two years the promise is broken on the basis of statistics. Surely that data was available to the Service at the time and in the first step in taking action in this matter, I consider we should obtain all the facts from the Service, consider them and decide on a continuing course of action so that the Hawkesbury can start to achieve the level of quality services that are provided elsewhere.

***** END OF NOTICES OF MOTION *****

ORDINARY

Notices of Motion of Rescission

ORDINARY MEETING
Notices of Motion of Rescission

Notices of motion of Rescission

ORDINARY MEETING - 7 May 1996

No Rescission Notices Were Submitted

******* END OF NOTICES OF MOTION OF RESCISSION *******

ORDINARY

Section 3

Report of the General Purpose Committee

Report of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 23 April 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.

Councillor Allan arrived at 9.45 am.

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

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

RESOLVED on the motion of Councillor Books and seconded by Councillor Sheather that the Minutes of the General Purpose Committee Meeting held on the 26 March 1996, be confirmed.

The following recommendations were passed as resolutions of the Committee:

MAYORAL MINUTE

1. RURAL LANDS ASSESSMENT GT225/013 PT02

COMMITTEE'S RECOMMENDATION

THAT COUNCILLOR BOOKS be nominated to the Rural Lands Study Committee.

SECTION 1 - ENVIRONMENT

134: LOCAL ENVIRONMENTAL PLAN - ERECTION OF A DWELLING - LOT 1 DP824014 - OFF COROMANDEL ROAD, EBENEZER - FALSON AND ASSOCIATES (LEP1/96/EVD)

COMMITTEE'S RECOMMENDATION

1. COUNCIL EXERCISE ITS delegation under Section 69 of the Environmental Planning and Assessment Act, 1979 for the report to the Minister.
2. The local environmental plan as exhibited be forwarded to the Department of Urban Affairs and Planning for gazettal.

135: DRAFT LOCAL ENVIRONMENTAL PLAN 10/95 - ADDITIONAL HERITAGE ITEMS, LOWER PORTLAND (LEP10/95/EVD)

COMMITTEE'S RECOMMENDATION

1. COUNCIL EXERCISE ITS delegation to submit a report pursuant to Section 68 and 69 of the Environmental Planning and Assessment Act 1979 to the Department of Urban Affairs and Planning.
2. The plan be forwarded to the Minister of Urban Affairs and Planning requesting gazettal.
3. The inventory sheet for Stone Cottage be reviewed by Council's Heritage Advisor taking into consideration the comments made by Graham Edds and Associates.

136: DRAFT LOCAL ENVIRONMENTAL PLAN 4/95 - AMENDMENT 41 - REZONING OF THE RESIDUE ALLOTMENT IN THE SUBDIVISION OF LOTS 4 AND 5 DP786671, LOT 7 DP738354, LOTS 80 AND 90 IN DP834019 AND LOTS 22, 24, 26-29, 32-41 INCLUSIVE DP17870 - "KEMSLEY DOWNS", GROSE VALE ROAD, NORTH RICHMOND (LEP 4/95, LEP4/96/EVD)

COMMITTEE'S RECOMMENDATION

1. COUNCIL EXERCISE ITS delegation in respect to Section 68 and 69 of the Environmental Planning and Assessment Act 1979 and prepare a submission to be forwarded to the Department of Urban Affairs and Planning.
2. The plan be forwarded to the Minister of Urban Affairs and Planning requesting gazettal.

137: MINUTES OF "THE ISLANDS" COMMUNITY CONSULTATIVE COMMITTEE MEETING - HELD ON 28 FEBRUARY 1996, 7.30PM IN THE COUNCIL CHAMBERS GEORGE STREET, WINDSOR. (LEP2/96; LEP3/96; LEP4/96; SA65/94, DA65/95/EVD)

Items 138 and 143 were dealt with in conjunction with Item 137.

COMMITTEE'S RECOMMENDATION

See Item 143.

138: MINUTES OF THE "THE ISLANDS" COMMUNITY CONSULTATIVE COMMITTEE - HELD ON TUESDAY 19 MARCH 1996 IN THE COUNCIL CHAMBERS, GEORGE STREET, WINDSOR COMMENCING AT 7.30 PM. (LEP2/96; LEP3/96; LEP4/96; SA65/94, DA65/95/EVD)

COMMITTEE'S RECOMMENDATION

See Item 143.

139: DEVELOPMENT CONSENT - LANDFILL - LOT 1 DP814363 NO 103 FRANCIS STREET, RICHMOND (DA218/93 P613.309/EVD)

COMMITTEE'S RECOMMENDATION

THAT THE INFORMATION be received.

140: PORTLAND COUNTRY CLUB - CARAVAN PARK (P717.60;GL061/017/EVD)

COMMITTEE'S RECOMMENDATION

Council institute legal action to require the existing caravan park to be upgraded in accordance with the Regulations, including the provision of a reticulated sewerage system to the "ensuites" or alternatively close the caravan park.

141: HAWKESBURY HOSPITAL, WINDSOR - CONSERVATION PLAN AND ASSESSMENT - DRAFT SUBMISSION (P731/3005/EVD)

COMMITTEE'S RECOMMENDATION

- A. THAT THIS REPORT be received and noted.
- B. That the Council resolve to recommend that the building be restored to its 1820's presentation.
- C. That Council nominate the building for the Register of the National Estate with the registration noting the significance of restoration back to 1820.

142: FORTNIGHTLY GARBAGE COLLECTION AND RECYCLING SERVICE PROPOSAL FOR THE MACDONALD VALLEY AND COLO HEIGHTS (GW010/017PT05/EVD)

COMMITTEE'S RECOMMENDATION

THAT COUNCIL PROCEED to implement a fortnightly garbage collection and recycling service for the Macdonald Valley and Colo Heights in 1996/97 for 50% of the applicable 240 (two hundred and forty) litre garbage charge with residents being provided with the opportunity of having a second bin at no cost for 100% of the applicable 240 (two hundred and forty) litre garbage charge.

Further that a weekly garbage collection service be rendered for the Settlers Arms, the Court House guesthouse, the Fickle Wombat and the Macdonald Valley School for 100% of the applicable garbage charge. The vacant land charge would accordingly be reduced by 50%.

143: EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLANS - "THE ISLANDS", HERMITAGE ROAD, KURRAJONG - PROPOSED 32 LOT COMMUNITY TITLE SUBDIVISION ON LITTLE ISLAND - PROPOSED LIMITS ON DEVELOPMENT OF MIDDLE ISLAND AND BIG ISLAND (LEP002/96;LEP003/96;LEP004/96;SA065/94;DA65/95/EVD)

Mr Don Fox, Consultant for Howard Harris, the property owner, addressed the Committee.

COMMITTEE'S RECOMMENDATION

- A. THAT DRAFT Local Environmental Plan 2/96 to permit a 32 [thirty two] lot community title subdivision (30 [thirty] lots with building entitlement) on part of Lot 182 DP 701978 (Little Island), Hermitage Road, Kurrajong, be referred to the Department of Urban Affairs and Planning for final gazettal.
- B. That Draft Local Environmental Plan 3/96 be amended to retain the existing Environmental Protection Scenic 7(d1) zone on that part of Little Island proposed to be subdivided and that part of Middle Island below the escarpment. Otherwise, the provisions of Draft Local Environmental Plan 3/96, including the prohibition on the felling of trees be retained. Further, that Draft Local Environmental Plan 3/96 as amended be referred to the Department of Urban Affairs and Planning for final gazettal.

144: GUIDED HORSE TRAIL RIDES ALONG EXISTING FIRE TRAILS - LOT 202, 203 DP206301 - NO 380-382 LIEUTENANT BOWEN DRIVE - BOWEN MOUNTAIN (DA288/95/EVD)

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

Key Issues:

High Bush Fire Risk Area, Restricted Access

Action:

Approval subject to conditions.

The Mayor advised that the applicant had requested that this application be withdrawn.

COMMITTEE'S RECOMMENDATION:

THAT THE application be withdrawn.

145: RECYCLING CONTRACT - IMPENDING TENDERING FOR RECYCLING CONTRACT - SEPTEMBER 1996 (GC270/043 PT02/EVD)

COMMITTEE'S RECOMMENDATION

THAT COUNCIL SUPPORTS the investigation and preparation of a tender for kerbside collection of recyclable materials to commence on the 5 September 1996.

SECTION 2 - INFRASTRUCTURE

20: EXEMPTION FROM RATING (P360/290/FNC)

COMMITTEE'S RECOMMENDATION

THAT THE CHISHOLM Catholic Primary School situated at 30 Collith Avenue, South Windsor be granted exemption from rating from the 1 March 1996 and furthermore that an amount of \$407.65 (four hundred and seven dollars and sixty five cents) be written off in respect of the rates for 1 March 1996 to 30 June 1996.

21: FRIENDSHIP PARK - CAR PARK (PK/214 PT02/ENG)

COMMITTEE'S RECOMMENDATION

THAT AN APPROPRIATE car parking area, adjacent to Friendship Park be fenced off from the remainder of the Bicentennial Park.

SECTION 3 - ORGANISATION AND RESOURCES

35: AUSTRALIAN PIONEER VILLAGE (GC283/107 PT04/CSV)

Mr Ken McManus, Consultant and Mr Brian McKinlay, Chairman of the Australian Pioneer Village Management Committee, addressed the Committee.

COMMITTEE'S RECOMMENDATION

THAT COUNCIL ASSIST Australian Pioneer Village in funding its deficit to the extent of \$27,000 (twenty seven thousand).

36: MONTHLY FINANCIAL STATEMENTS - MARCH 1996 (GF011/005 PT04/FNC)

COMMITTEE'S RECOMMENDATION

THAT THE INFORMATION be received.

QUESTIONS WITHOUT NOTICE:

1. Councillor Searle stated that he had received an enquiry from a Miss Pickford about an Illawarra Flame Tree in Paget Street in the new Woolworths development and sought clarification as to the reason for its removal.

The Director Environment & Development advised that the tree is located on the site of the loading dock, and because of its size it would not be practicable to relocate it.

2. Councillor Searle advised that he has had representations from Mrs Marks about broken glass on the netball courts at South Windsor.

The Director Asset Services & Recreation advised that he has referred it to the Sports Council as it is their responsibility.

3. Councillor Searle tabled a letter from Mr John Christie of Hobartville for further action to the appropriate authority referring to problems with the park relating to hooliganism and asked if this and the issue of broken glass at South Windsor could be incorporated in the report to the Community Policing Committee or to the Police direct.
4. Councillor Searle tabled a letter from Mr & Mrs McFadden in reply to Council's decision on the report on rural dual occupancies. There are some points in the letter that Council needs to address in its LEP.
5. Councillor Minturn stated that he was having a bit of a hassle getting the General Manager to ring him back. He stated that he had rung him about three times in the last week.

The General Manager advised that the only message that he had had from Councillor Minturn was yesterday afternoon and he not got around to replying as yet.

6. Councillor Lawson asked if some more bins could be supplied in Thompson Square at the weekends.

The Director Asset Services & Recreation stated that it may be more appropriate to look at providing an extra service at the weekends.

7. Councillor Sheather referred to Council's decision at the last Ordinary Meeting to delegate authority to "rangers", and asked if it would be appropriate for the Sports Council's staff to be similarly appointed for the recreation areas for which the Sports Council is responsible.
8. Councillor Books asked if the Chairman of the Local Traffic Committee could take up with the Committee the problem with the Westbus buses double parking in the double lines in front of the Freemans Reach Primary School.
9. Councillor Allan stated that during the week Mrs Donnelly rang her about some signage for exit and entry to the Sports Stadium, speed humps and the blocking out of the lights from the cars.

The Director Asset Services & Recreation advised that there is a sign indicating the Sports Stadium and that it would be not be appropriate to instal speed humps as this would exacerbate the problem.

The Director Community Management & Finance stated that the question had been asked by the Donnellys regarding a brick fence adjacent to the carpark. There is no plan for any fencing along the carpark. Advanced trees had been provided to try and minimise the effect of the lights in the carpark. Attempts are being made to

contact the original suppliers of the lights to see what measures can be taken to stop light spillage.

10. Councillor Paine stated that there are no bins in the park on the wharf side of Thompson Square.

The General Manager stated that the provision of a garbage service through the town on Saturday and Sunday afternoons would be investigated.

11. Councillor Paine stated that she had heard this morning that Tim Geyer is leaving.

The General Manager stated that he has accepted a position, similar to what he has at Council, with Goulburn City Council.

12. Councillor Calvert sought advice on the current position with the raising of the building levels and asked if a Section 65 had been issued as yet.

The Divisional Manager Environment & Development advised that the statutory notification to the Department has been completed, a Section 65 has not been issued as yet but this can be issued under delegated authority, the exhibition will be advertised within the next 2 (two) or 3(three) weeks. It is not proposed to require the 17.3 metre level until the plan has been gazetted which would allow a period of growth for six months.

Councillor Calvert asked if, when the plan does go on display, it could be advertised in a full page advertisement in the Gazette, and the consultation period be for a period of 2 (two) months rather than 30 (thirty) days.

13. Councillor Calvert asked if there is any progress with the traffic lights at Rifle Range Road.

The Director Asset Services & Recreation advised that further representations are being made. Applications have been invited for the 1996/97 Black Spot Program and it would appear that these intersections meet the requirements and an application would be made in this program. Also a report would be submitted to Council seeking assistance from the Local Member.

Councillor Calvert asked if this could be assessed to go into this year's estimates budget for Council to fund that intersection.

The Director Asset Services & Recreation advised that there are already funds available to part fund both intersections.

14. Councillor Calvert referred to the traffic problems created by the "Stop" sign in Collith Avenue since the closure of the intersection of Collith Avenue and Rifle Range Road and the need for the traffic lights to be installed to resolve the problem.

INSPECTIONS

The Committee then adjourned for an inspection of the Hawkesbury Oasis Aquatic Centre and 143 Francis Street, Richmond - the time being 11.10am.

MEETING WITH REPRESENTATIVES OF TOURISM HAWKESBURY INC

Mr Ross Miller, Chairperson, Mr Peter Auld and Mr Chris Wells, members of Tourism Hawkesbury Board, outlined a number of projects proposed for the promotion of tourism in the Hawkesbury, including the introduction of Hawkesbury ambassadors, fauna park proposal, historic buildings in the Hawkesbury and historic plaques on historic buildings, return to the Hawkesbury weekend as a regular tourist event, bed and breakfast accommodation, and a review of the office systems at Tourism Hawkesbury.

The meeting terminated at 3.05 pm.

Submitted to and confirmed at the meeting of the General Purpose Committee held on 28 May 1996.

.....
Mayor

ORDINARY

Section 4 **Reports for Determination**

ITEM: 208**ORGANISATIONAL STRUCTURE****FILE NUMBER:**

GO040/006 PT02, GO040/008 PT02/GMA

REPORT:

Under the provisions of the Local Government Act, a Council is required to redetermine its organisational structure within twelve months following an Ordinary Election. To ensure focus and accountability it should be completed prior to adoption of the Management Plan for 1996/97. Reviews of the structure have been undertaken on a regular basis focussing in on the functions that the Council undertakes together with appropriate service delivery.

The reason for reviewing the structure is to ensure continuing relevance of activities and priorities. There is also the need to be aware of likely changes that will impact on the structure during its lifetime and to put in place mechanisms to deal with these. One of the major likely changes is the introduction into NSW of compulsory competitive tendering. It has become a popular tool over recent years for reforming the Australian public sector. It has been widely implemented at all levels of Government and this has been possible by support in varying degrees from both sides of the political spectrum. Its introduction into Victoria appears to have been successful with almost all of the state's new councils exceeding their targets. The Victorian Legislation required their councils to put at least 20% of expenditure to competitive tender by the end of 1994/95 Financial Year. Many of the councils achieved well above this goal with three passing the forty percent mark. A large percentage of this Council's works and services are already the subject of contract, this being the reason for the lower staff levels. There is a systematic approach to looking at competitiveness of services that includes quality. This last issue of quality combined with level of service is important in considering tendering.

Local Government is typified by the extensive range of services it delivers and the diversity of occupational categories which come together to provide these. Hawkesbury City is a microcosm of Local Government operating such varied services as child care, sewerage treatment plant and systems, vehicular ferries, bush fire services, health and building services, waste management and many more.

The last change in structure saw significant breakdown in the professional alignment within Departments, with staff organised into areas of functionality and service delivery.

Issues external to the Council that need to be considered in looking at management practices and community demands are:

- * continuing lessening of resources to Government, placing fiscal stress on public sectors causing continued substantial restructuring and the need to be ready for this to occur
- * considerable emphasis from the community on a variety of environmental issues and demands that the environment be improved and maintained
- * people seeking less Government control and influence

- * continuing rapid technological advancement
- * continuing shift to an ageing society.

To address these, the focus needs to be on measures of outputs rather than inputs; while inputs cannot be ignored as they are an important part of the productivity equation, it is more important to think about outputs that have elements of vision, mission, strategic plans with objectives, goals and tasks and measurable outcomes.

There has been a need to develop an employee relations focus where emphasis was on a continuing development of relationship between people and the organisation to:

- * ensure efficiency, productivity and commitment
- * ensure employees are properly rewarded and
- * see that work is satisfying and challenging.

The Council at its Planning Workshop this year indicated major priorities in; future planning, maintaining the district's amenity, economic development, pro active asset management, recreation and sport and arts and culture. At the same time, it identified budgetary priorities in the order of; roads and asset management, infrastructure, recreation, entrepreneurial activities, arts and culture, libraries, emergency services, community services and tourism.

There is no perfect, nor permanent organisational structure. In a current climate of continual change and improvement any structure will be transitional and continually modified. To do otherwise would be to ignore internal and external issues that are taking place. The Council has established its priorities which are indicated in the outcomes from its Planning Workshop and in major policy documents such as its Planning Scheme and Management Plan, and set resource limits. The organisational structure should address these and be a vehicle to ensure efficient and productive service delivery from the Council's position. It is the Council, in its governing role that has the responsibility for structure to ensure efficiency and productivity based on its priorities with the external customer providing input into those range of services and their level of provision.

Based on these matters, the current structure and workloads require some modification. This is not substantial given that there was a major change within the last two years. Proposed changes are to move Youth Planning and Co-ordination together with the Western Sydney Area Assistance Scheme planning to the Community Relations Branch and to make full time the current interim technical position in the Parks Branch. As with a number of other areas, planning and accountability has increased substantially in the Parks and Recreation function with the requirement for preparation and continual review of management plans for all parks and reserves (that number 270) asset and risk management and increased technical planning for parks projects. The People for Parks program has been very successful and this can be expanded to include a very desirable bush care program. Key result areas of the position would be: timely and accurate completion and review of management plans, establishment of the Bush Care Program, completion and monitoring of bushland inventory, continuing and expanding People for Parks volunteer groups and technical support for parks projects. The changes would

involve the addition of two staff that would be catered for within the existing budget as five staff have not been replaced over the past year.

The recommended groupings of functions are as follows:

1. planning, development and building control and environment, health and waste management
2. community services and relations and information technology and corporate services and information services
3. community management and childrens services and financial services
4. operations (construction & maintenance) and building services, parks and recreation, survey design and waste water management.

This leaves the human resource management and emergency services directly with the General Manager. There are a number of matters where working teams are established to prepare, review and implement/co-ordinate matters such as strategic planning, community services planning, information technology planning, Section 94 planning, various elements of social planning (eg youth, cultural, recreation, housing, etc.) as well as representatives on such matters as economic development and tourism.

Part of this report is a diagram that shows the inter-relationship between the various elements of strategic planning and management plans.

The structure as proposed would see the organisation well placed to move to the purchaser/provider split with the introduction of compulsory, competitive tendering. There will also be an increasing emphasis as staff move through the training plan to increase the number of work teams, further reducing lines of communication and increasing delegation to have work undertaken with a strong emphasis on customer service.

RECOMMENDATION:

That the report on the staff structure be adopted and implemented with the General Manager reporting on its implementation and effectiveness in his Annual Report to the Council.

ATTACHMENTS:

AT-1 Structure for Management Plans.

FN:OR507NAX.G18

****** END OF ITEM 208 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 209

ITEM: 209 STATE EMERGENCY SERVICE - HEADQUARTERS

FILE NUMBER: GC305/009 Pt01,F010/033 Pt02/GMA

REPORT:

Council, in May last year, voted funds to provide a storage building at Wilberforce. This building has been completed and occupied. To enable the Service to be fully operational there is a need to complete the mezzanine floor and the ground floor amenities.

This involves relocation of the telephone system to Wilberforce, the completion of the ground floor amenities and first floor mezzanine. In addition, there is a need to complete the driveway and landscaping of the facility and install the second stage of a security system. The total estimated cost of these works is in the order of \$90,200. In addition, the Service's Auxiliary has undertaken to provide the air conditioning which would cost around \$15,000.

The Service on the completion of the works would vacate the Windsor premises that could be rented for a minimum of \$200 per week. There would be some work required to upgrade the premises, due to the age of the building.

Relocation of the Service to Wilberforce will greatly enhance its operational capabilities and be cost effective in the long term. Funds for the works can be taken from the property reserve and repaid by income from lease of the Windsor premises.

RECOMMENDATION:

That funds of \$90,200 (ninety thousand two hundred dollars) be provided to complete the State Emergency Service Headquarters at Wilberforce, with these funds coming from the property reserve and being repaid by lease of Windsor premises.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NAX.G24

**** END OF ITEM 209 ****

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 210

ITEM: 210 DEVELOPMENT APPLICATION FOR PART CLEARING OF "THE ISLANDS" TOGETHER WITH A SUBDIVISION APPLICATION TO CREATE 18 LOTS - EACH WITH A MINIMUM AREA OF 40 HECTARES TOGETHER WITH ASSOCIATED INFRASTRUCTURE - LOTS 181 & 182 DP 701978, LOT 1 DP 184741, HERMITAGE ROAD, KURRAJONG.

FILE NUMBER: SA0052/96PT01/EVD

Applicant: Don Fox Planning Pty Ltd
Applicants Reps: As above
Owner: J H Harris
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 845 hectares
Zone: Environmental Protection 7(d)
Advertising: No notification of adjoining owners or advertising
Date Received: 23 April 1996

Key Issues:

- , Contrary to exhibited draft local environmental plans
- , Bushfire risk
- , Effect on protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act, 1974
- , Assessment under State Environmental Planning Policy No.44 - Koala Habitat Protection.

Action:

Inspection

REPORT:

A development application has been received for part clearing of The Islands and its subdivision into 18 lots with areas varying between 40 hectares and 72.5 hectares. The proposed subdivision is provided with a cul-de-sac road access traversing Middle Island and Big Island.

It is proposed to clear an area exceeding 3 hectares on each lot whereby a dwelling and outbuildings could be located. The total area of clearing is in the vicinity of 90-100 hectares. It is generally the plateau area of Big Island with a relatively small extension to the existing cleared area on Middle Island. No further clearing is proposed on Little Island.

The applicant has supplied supporting information in relation to the zoning and Heads of Consideration under Section 90 of the Environmental Planning and Assessment Act. A report from the District Agronomist has also been submitted confirming the plateau areas of the property being Class 4 agricultural land which is suitable for pastures, the quality of which being dependent upon the fertilising programme and the pasture species sown.

Statutory Situation

The application is a permissible use of the land with Council's consent.

Council must be satisfied in relation to the Section 90 Heads of Consideration and relevant State Environmental Planning Policies.

Planning Assessment

Draft Local Environmental Plans No.3/96 and No.4/96

Council has exhibited draft local environmental plans to permit a 32 lot community title subdivision on Little Island and to rezone the residue to prohibit further subdivision and to restrict land uses on Big Island. The development application is contrary to these draft local environmental plans.

By submitting the development application, it is presumed that the applicant is not satisfied with the proposed trade-offs in the draft local environmental plans and is seeking as an alternative, a development approval which will optimise the subdivision of the property under the existing zoning.

Council may still proceed with the draft local environmental plans in which case the subdivision application, being contrary to those plans, should be refused. Alternatively, Council may consider that the proposed 18 lot subdivision is preferable to the draft local environmental plans and, accordingly, could elect to discontinue the draft local environmental plans and consider the subdivision application.

Landscape and Scenic Quality

As indicated, it is proposed to clear in the vicinity of 90-100 hectares on Big Island and Middle Island to provide suitable building sites and grazing areas. The proposed cleared areas are below the main escarpment but there will be some limited visual impacts from local vantage points.

Impact on Flora and Fauna

Since consideration of previous proposals for development on The Islands, legislation in relation to flora and fauna has changed.

Section 90 of the Environmental Planning and Assessment Act now requires that Council consider the effect of the development on critical habitat, whether there is likely to be a significant effect on threatened species, population or ecological communities or their habitats; any relevant recovery plan or threat abatement plan; and the effect of the development on any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974. In relation to the proposed development on Big Island, the previous assessments may no longer satisfy these considerations.

In addition, State Environmental Planning Policy No.44 requires that a determination be made as to whether the land is a potential koala habitat or a core koala habitat. There is no detail concerning an assessment of Big Island under SEPP No.44.

Social and Economic Effect

The applicant states that the subdivision will provide an opportunity for further rural allotments in the area and will develop the land to its highest and best use under present zonings having regard to topographical constraints and the need to preserve vegetated and steeply sloping areas.

Whilst the proposed subdivision may achieve "highest and best use" in terms of financial return or profit, it is not considered that this equates to the best environmental outcome.

Whilst the land is suitable for grazing, the agricultural yield is limited. The economic gains of the proposed subdivision must be weighed against the impact on flora and fauna and the loss of habitat.

Bushfire Risk

The land is subject to bushfire risk. The proposed cul-de-sac roads in providing only a single exit are not desirable although, with satisfactory hazard reduction, the risk may be mitigated to the extent that they are acceptable.

Other Issues

There are a number of issues in relation to the provision of access, erosion and sediment control and the provision of services.

The applicant is seeking Council's endorsement of the subdivision application or, alternatively, advice as to any further information which should be provided with the application to satisfy Council's concerns.

Summary

Council has a number of options in considering the application and the local environmental plans. These are as follows:-

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1. Council support the draft local environmental plans as the preferred form of development for the property, in which case the subdivision application should be refused.
2. Council may decide to amend the draft local environmental plans as requested by the applicant to retain the existing land use provisions on Big Island which would facilitate clearing with consent. Presumably the subject application would then be withdrawn.
3. Council may consider that the subdivision application is acceptable, in principle, with further supporting information in the form of flora and fauna studies to be provided.
4. Council may decide not to proceed with the draft local environmental plans and also refuse the subdivision application.

The proposed 18 lot subdivision is not supported for the reasons outlined in the report on the local environmental plans. However, given that Big Island and its appropriate use was an issue with the draft local environmental plans and also this application, it is recommended that it be inspected.

RECOMMENDATION:

That Council defer consideration of the draft local environmental plans and this subdivision application until after an inspection of Big Island.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NAX.V22

**** END OF ITEM 210 ****

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: **211**

ITEM: 211

CONTRACTS FOR EXECUTION UNDER SEAL

FILE NUMBER:

GC283/144 PT01, GC283/093 PT02, /CSV

REPORT:

Residential Tenancy Agreement

Lease of 15 George Street Windsor, being a two bedroom cottage, to Mr C Veigei and Mrs D Cotter for a fixed term of six months at a weekly rental of \$100.00

Residential Tenancy Agreement

Lease of 141 March Street Richmond, being a three bedroom home, to Mr R and Mrs K Smith for a fixed term of three months at a weekly rental of \$150.00.

Sub-Lease

Sub-lease of part of shop 6 Wilberforce Shopping Centre from Mr M McAuliffe to Hakami Holdings (Dr Azmir) at a commencing weekly rental of \$135.00 including outgoings. Area of shop (pharmacy) to be sub-let is approximately 50m² and the term is five (5) years.

RECOMMENDATION:

That the Council Seal be affixed to the abovementioned documents.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.C07

****** END OF ITEM 211 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 212

ITEM: 212 BUSH FIRE ESTIMATES 1996/97

FILE NUMBER: GF004/001 PT01/CSV

REPORT:

At the Ordinary Meeting of Council on March 12 1996 a report on the 1996/97 Bush Fire Estimates was resolved. It was resolved that:

1. *Proposal C be adopted including the request for additional funding from the Department of Bush Fire Services for personal safety and wet weather gear. The cost to Council for inclusion with 1996/97 Estimates be noted at \$476,432.00 and;*
2. *That the additional information be received.*

Further to this report information has been received from the Department of Bush Fire Services indicating the priority to include the replacement of all fire ground radios in the 1996/97 estimates. The Department has recommended that \$81,000.00 (eighty-one thousand dollars) be included in the 1996/97 estimates. It is put forward from the Department that there is a need to vacate the current frequency for fire ground communications and in the majority of cases this will necessitate the purchase of new units due to the high cost or inability to program old sets.

Based on the information provided from the Department of Bush Fire Services discussions have been held with Council's Fire Control Officer and it was agreed that the items identified in Proposal C of the previous report including \$54,348.00 (fifty four thousand three hundred and forty eight) for boots, turnout coats and wet weather clothing be omitted from the 1996/97 estimates and replaced with an amount of \$81,000.00 (eighty one thousand) to provide for the purchase of the new VHF fire ground radios.

The items in Proposal C for boots, turnout coats and wet weather clothing will be considered with the estimate process for 1997/98 and the additional cost to Council in replacing these items with the fire ground radios is \$3,278.00 (three thousand two hundred and seventy eight).

RECOMMENDATION:

That the adjustment of \$3,278.00 (three thousand two hundred and seventy eight dollars) be made in the 1996/97 estimates.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.C08

**** END OF ITEM 212 ****

ITEM: 213 GRANTING OF EASEMENT OVER COUNCIL OWNED LAND**FILE NUMBER:** P602/770/CSV**REPORT:**

An application has been received from Messrs. J, F & J Dimech owners of 203 Freemans Reach Road Freemans Reach and the intended purchasers of this property, Mr J and Mrs T Vella, for an easement over Council owned land adjoining the Freemans Reach Cricket Grounds. A plan of the proposal shall be displayed at the meeting.

The easement 3m (three metres) wide shall be for the purposes of running irrigation lines from a pump sited on the Hawkesbury River and services from Freemans Reach Road to Messrs. Dimech's property, which is identified as Lot 1 in Deposited Plan 782810.

The land owned by Council over which the easement may be granted is vacant land identified as Lot 8 in Deposited Plan 231633 and Lot 2 in Deposited Plan 165153. These lots adjoin the cricket ground, traverse Freemans Reach Road and include the land on the bank of the River. A right of carriageway currently exists over Lot 8 (owned by Council) for the provision of access to the applicants' property.

The easement location and conditions for the underboring of the road shall be carried out in consultation with and approval from the Branch Manager of Design and Waste Water Operations. The matter of siting an irrigation pump on the river and associated licence for irrigation are dealt with by the applicants directly with the Department for Land and Water Conservation.

It is noted that the applicants shall be responsible for the preparation of the necessary easement plans, detail survey plan and associated documentation as well as all costs including Council's costs incurred with the registration of the easement. Additionally, it is considered that compensation in the amount of \$2,000.00 is fair and reasonable for the granting of the easement.

RECOMMENDATION:

1. That Council grant an easement 3m (three metres) wide over Lot 8 in Deposited Plan 231633 and Lot 2 in Deposited Plan 165153 to the owners of Lot 1 in Deposited Plan 782810 for the purposes of irrigation and provision of services.
2. That compensation in the amount of \$2,000.00 (two thousand) be payable to Council for the granting of the easement.
3. That all costs associated with the granting of the easement, including all costs incurred by Council, shall be borne by the applicants (the owners of Lot 1 in Deposited Plan 782810).

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4. That all relevant documents be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.C11

****** END OF ITEM 213 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 214

ITEM: 214 LEASE OF UNNECESSARY ROAD PAGET STREET CORNER
MARCH STREET, RICHMOND

FILE NUMBER: P134/183 PT01/CSV

REPORT:

An application has been received from the New South Wales Fire Brigades for the lease of a section of Paget Street Richmond for the provision of additional car parking for fire brigade staff. A plan of the proposal shall be displayed at the meeting.

An area of 325m², being 10.61m in width and 30.6m in length, is required adjoining the new Richmond Fire Station at 43 March Street (Lot 1 in Deposited Plan 854642). This area of road is considered to be unnecessary

The proposal has been publicly advertised and adjoining owners notified with no objections received. A submission was received from Rail Estate the property branch of State Rail noting that as access is still made available to the railway track via Paget Street, they have no objection to the proposal in the short term. Access from Paget Street to the adjacent property owner's garage (41 March Street) shall not be affected by the lease proposal.

It is proposed that the term of lease shall be for a period of 5 (five) years, being the maximum term available under the Roads Act, at an annual rental of \$3,000 (three thousand dollars) with annual reviews in accordance with the Consumer Price Index for Sydney. The Lessee shall be required to indemnify Council against any claim in the sum of \$10m (ten million dollars).

Additional terms shall include unrestricted access by Council or Council contractors to the drainage line and it's associated works located under the surface of the leased road. If such access takes place all reinstatement and restoration of the road pavement and improvements, except Paget Street's existing flush seal, shall be the responsibility of the Lessee's.

The NSW Fire Brigades propose to erect a 6ft high chain wire fence along the leased boundary for security purposes, mark diagonal yellow lines for each car space and erect signage indicating that the area is for fire brigade staff parking only.

Consideration has been given to proposed traffic control measures which may be required at the intersection of March and Paget Streets in the future. It is deemed that the lease proposal shall have no affect on such measures.

RECOMMENDATION:

1. That Council lease an area, 10.61m in width and 30.6m in length, of unnecessary road on Paget Street Richmond adjoining Lot 1 in Deposited Plan 854642 to NSW Fire Brigades for the provision of car parking for fire brigade staff.

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Item: **214**

2. That the lease of such road be for a term of 5 (five) years at a commencement rental of \$3,000 (three thousand dollars) per annum, to be reviewed in accordance with the Consumer Price Index for Sydney on an annual basis.
3. That all costs associated with the preparation of the Lease Agreement be borne by the NSW Fire Brigades.
4. That all relevant documents be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.C17

****** END OF ITEM 214 ******

ITEM: 215 LOCAL GOVERNMENT & SHIRES ASSOCIATION NSW - REQUEST FOR ASSISTANCE WITH LEGAL COSTS - KU-RING-GAI MUNICIPAL COUNCIL AND BANKSTOWN, CANTERBURY & HOLROYD CITY COUNCILS

FILE NUMBER: GL001/005 PT02/FNC

REPORT:

Correspondence has been received from the Local Government & Shires Association of NSW requesting assistance with legal costs for Ku-ring-gai Municipal Council and Bankstown, Canterbury and Holroyd City Councils, as follows:-

Ku-ring-gai Municipal Council

In March, 1994, the Ombudsman wrote to the Council, advising his intention to investigate the Council's handling of a dual occupancy application in respect of a property within the Council's area. The Council took legal advice on the matter, which was shortly that, whilst section 13(5) of the Ombudsman Act, 1974, prevented the Ombudsman from investigating the conduct of a council where there was a right of appeal under some other legislation, unless the Ombudsman considered there were special circumstances which made it unreasonable to expect that right to be or to have been exercised, there were no court decisions to indicate how far the restrictions placed by the section on the Ombudsman might go. Particularly at this issue was whether the fact that the complainants had a right of appeal to the Land and Environment Court from any decisions the Council might make on the matter enough to deprive the Ombudsman of jurisdiction to investigate.

The Council decided to challenge the Ombudsman's right to investigate given the provisions of section 13(5). The Council's concern was not with what might be revealed by the Ombudsman's investigation but with the time and resources which would be diverted from other Council work. The Court of Appeal has now ruled that the Ombudsman did have power to investigate the matter despite the fact that the complainants had not exercised their right of appeal to the Land and Environment Court.

The Council considers the matter as being of significance to local government generally, because it sought to define the Ombudsman's power to investigate in circumstances where a complainant had not exercised a right of appeal available under other legislation. The Associations request a contribution of \$551.00 from Council in this matter. Information has been provided by the instructing Solicitors in the matter that would indicate there were more significant issues relating to the specific Council and it is therefore felt that the request for assistance be not provided and the Local Government Association be advised accordingly.

Bankstown, Canterbury and Holroyd City Councils

This case involved the rating of that part of the M5 Motorway which passes through the Councils' areas. The Motorway was constructed, and is now operated by a private company, Interlink Roads Pty Ltd., on land resumed by the Crown for road purposes and leased to the

company. The Councils sought to rate the company for that land on the basis that the land was not "land held under lease from the Crown, not being a lease for private purposes" and so not eligible for exemption from rating under section 555(1)(a) of the Local Government Act, 1993. The company maintained it was entitled to exemption under that section. In the Land and Environment Court, Bannon J initially held that the land was not rateable, but subsequently re-opened the case on the basis of other points of law not available to him at the time of making his decision. On reconsideration Bannon J disallowed the company's claim and held that the exemption under section 555(1)(a) was not available and that the land was therefore rateable. From that decision, the company has now appealed.

The matter is seen as one of considerable significance to Local Government generally, and not confined to the councils immediately affected by the Motorway or others already built or in the course of building. The process under which Interlink acquired the lease in this instance is becoming an increasingly common one in the use of the private sector to provide infrastructure which in other times would have been provided by Government authorities, and the principle which this case lays down is one which could substantially increase the rate income of many councils.

The Associations are seeking contributions for the costs incurred by the Councils in this matter and in this regard a contribution of \$689.00 is requested from Hawkesbury City Council.

RECOMMENDATION:

That the Local Government & Shires Association be advised that:-

1. The principles relating to the legal action taken by Ku-ring-gai Municipal Council are more related to issues with the Council than Local Government generally.
2. Financial assistance, in the amount of \$689.00 (six hundred eighty nine) will be contributed to the legal costs for the action taken by Bankstown City Council, Canterbury City Council and Holroyd City Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.F06

**** END OF ITEM 215 ****

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 216

ITEM: 216 EXEMPTION FROM RATING

FILE NUMBER: P1501/775/FNC

REPORT:

An application has been received from the Parkland Cottages Trust requesting exemption from rating at its premises situated at 32 Old Bells Line of Road, Kurrajong. The property is described as Lots 323-324 DP751649 and Lot 2 DP818045 and has an area of 4.128 hectares.

The objects of the Trust are "to provide and administer suitable homes so that aged and/or invalid persons may reside in conditions approaching as nearly as possible ordinary domestic life". These objects are met by providing 14 units, which are fully occupied, to the residents at a cost of \$22.00 per week. Each resident also pays an entry contribution (currently \$6,000.00) which is non-refundable after a probation period. Further, the Trust is a public charity registered under the provisions of the Charitable Collections Act, 1934-41 and the Charitable Fundraising Act, 1991. The Trust also meets the requirements of the term "public charity" as defined in the Local Government Act, 1993.

Accordingly, it is proposed that exemption for rating under Section 556(h) of the Act be granted to the Trust for the period 1 July 1995 to 30 June 1996, and rates of \$1,811.32 be abandoned for the exempt period. Annual charges for the provision of domestic waste services, should, however continue to be paid.

RECOMMENDATION:

It is recommended that the Parklands Cottages Trust, situated at 32 Old Bells Line of Road, Kurrajong be granted exemption from rating from 1 July 1995, and furthermore that an amount of \$1,811.32 (one thousand eight hundred and eleven dollars and thirty two cents) be written off in respect of rates for 1 July 1995 to 30 June 1996.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.F09

**** END OF ITEM 216 ****

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 217

ITEM: 217 QUARTERLY REVIEW AS AT 31 MARCH 1996

FILE NUMBER: GF4/3 PT1, A1-6/FNC

REPORT:

The quarterly review of the Management Plan for 1995/96 Financial Year is reported to Council in accordance with the requirements of the Local Government Act 1993. Each of the 'Targets' of the 'Principal Activities' have been reviewed and the 'Current Position' is now reported in the attachment to this Business Paper. In addition, the Quarterly Financial Statement, that forms part of the Management Plan, is included in the document.

RECOMMENDATION:

That the quarterly review of the 1995/96 Management Plan and Financial Statement for period to 31 March 1996 be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.F10

****** END OF ITEM 217 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 218

ITEM: 218 RICHMOND TRAFFIC STUDY, (1) WINDSOR STREET - RAISED PEDESTRIAN PLATFORMS, (2) WEST MARKET STREET - PROPOSED CLOSURE

FILE NUMBER: GT230/019 PT03, 2343/R PT04, 2338/R PT02/ENG

REPORT:

Public comment was recently sort in respect of the following proposals adopted from the Richmond Traffic Study:-

1. Windsor Street Richmond - Raised pedestrian platforms to be installed in the vicinity of the entrance to Richmond Mall Shopping Centre (Coles) and the existing pedestrian crossing between East Market Street and West Market Street; and
2. West Market Street Richmond - Construction of raised pedestrian platform on Windsor Street, Richmond at the intersection of West Market Street and incorporating closure of West Market Street at it's northern intersection of Windsor Street.

Twenty six (26) submissions were received with the following result:-

1. Raised pedestrian platforms, Windsor Street: No comment: 19, Support: 5, Objection: 2
2. Closure of West Market Street: Objection: 24, Support: 2

Generally the bases of objection to the closure of West Market Street devolved to the detrimental economic impact on businesses within close proximity to the proposed closure. Loss of residential amenity on Francis Street between Toxana and Bosworth Streets due to increased volume of traffic, and increased volume of traffic directed past schools located on Francis Street.

Alternative suggestions to the closure included installation of traffic signals, construction of a roundabout, relocation of the existing pedestrian crossing approximately 2 car lengths north along West Market Street, construction of a raised pedestrian platform similar to that constructed at Fitzgerald/George Streets Windsor and imposition of a 40 KPH speed restriction.

A recurring theme within the comments objecting to the closure of West Market Street was altered traffic flow patterns which will result from the discount department store development and suggesting deferral of this issue pending assessment of the impact of that development upon its completion.

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RECOMMENDATION:

1. That construction of a raised pedestrian platform at the intersection of West Market and Windsor Streets Richmond including closure of West Market Street be deferred pending the completion of the discount department store development and subsequent analysis of traffic flows;
2. That installation of a raised pedestrian platform on Windsor Street Richmond at the existing marked pedestrian crossing between East Market Street and West Market Street and in proximity to the entrance to Richmond Mall shopping Centre proceed.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.E14

****** END OF ITEM 218 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 219

ITEM: 219 MR K REEKS - ST ALBANS ROAD

FILE NUMBER: P1929/265/ENG

REPORT:

A complaint was received regarding a number of matters in relation to a property on St Albans Road, approximately 1 kilometre from Webbs Creek Ferry including an allegation that the fence line had been changed with a new fence erected along the edge of the road.

The property owner, Mr K Reeks, was approached in relation to all matters and has responded in particular in relation to the fenceline. Mr Reeks has advised that the temporary fencing was erected in order to allow cattle to strip graze between the property boundary and the road batter in order to provide additional feed in the time of drought, prevent serious fire hazard in the event in of bush fire and clean up weeds in the area. He states that he is not only a farmer but also a landscape gardener and is very aware of the impact on the environment of anything that he does on the property. He has requested that he be given permission to graze cattle on the area of land in question in order to maintain the area.

It is felt that Mr Reeks request is reasonable and the area should be leased to him for a nominal rental.

A requirement of the Roads Act is that public consultation and notification of adjoining owners be undertaken and the maximum lease period be 5 (five) years.

RECOMMENDATION:

It is recommended that subject to the requirements of the Roads Act, the area of land between the fenceline and bottom of the batter for the full frontage of lot 54 and 55 in DP829116 be leased to Mr K Reeks for \$1 (one dollar) per annum for a maximum period of 5 (five) years and the agreement rest on correspondence.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.E15

****** END OF ITEM 219 ******

ITEM: 220 ERECTION OF NON-HABITABLE BUILDINGS ON FLOOD AFFECTED LAND**FILE NUMBER:** LEP13/95/EVD**REPORT:**

Council, at its Ordinary Meetings of 14 March and 12 December 1995, resolved to prepare a local environmental plan to include the word habitable in Clause 25(2) so that non-habitable buildings can be erected on flood liable land.

The Department of Urban Affairs and Planning have concerns that the plan will allow industrial and commercial non-habitable buildings on flood liable land and have replied as follows:-

"The aim of the above draft plan is to allow better use of properties affected by flooding, by permitting the erection of non-habitable buildings on such properties. It is understood from the report to Council dated 28 February 1995, that the draft plan intends to overcome recent concern over the effective prohibition of outbuildings such as sheds and garages on flood affected properties which are considered a necessary part of activities conducted on those properties, and was initiated after discussions with farmers and other residents.

Since receiving the draft plan, the Department has received enquiries which anticipate that the draft LEP will not prohibit industrial and commercial buildings from being erected on land lower than 3 metres below the floor height standard for the area in which they are to be built.

It would be appreciated if Council could consider the above situation and advise whether it was intended that the draft plan make industrial and commercial development on such flood affected land permissible, given the likely costs of flood damage involved. Council might also consider amending the draft plan to specifically define non-habitable buildings. Depending on any amendments made to the draft plan, Council may need to consider the necessity of re-exhibiting the draft plan."

Since Council has resolved to amend Clause 25 of Hawkesbury Local Environmental Plan 1989, to change the habitable floor height standard back to the 1 in 100 year flood frequency levels for developments on flood liable land, the proposal in this local environmental plan can be now amalgamated with the current changes proposed to Clause 25.

It is proposed that the floor height standard for industrial and commercial development remain at 13m for existing zoned land.

RECOMMENDATION:

That no further action be taken with this local environmental plan and the amendment proposed be incorporated in the proposed changes to Clause 25 of Hawkesbury LEP 1989.

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: **220**

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.V02

****** END OF ITEM 220 ******

ITEM: 221 MORATORIUM ON LICENCES TO EXTRACT WATER - IMPACT ON AGRICULTURE**FILE NUMBER:** GE020/012PT02/EVD**REPORT:**

Council recently received an application for the construction of a dam in Glossodia with a capacity of approximately 12 megalitres to provide a source of irrigation for an extension to an existing small market garden. The land proposed for the market garden extension is already cleared and has a reasonable buffer to the closest adjoining dwellings. In general terms, the land is well suited to market gardening.

An approval was issued for the construction of the dam subject to compliance with any requirements of the Department of Land and Water Conservation. The Department of Land and Water Conservation has now advised they cannot approve the dam as it is contrary to the moratorium on new applications for licences to extract water.

The moratorium is derived from an order under the Water Act 1912 issued by the Minister on 28 July 1995. The moratorium applies to all the rivers and lakes within the Hawkesbury River Catchment. The Water Act defines rivers as including a stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream. This is an extremely broad definition of a "river" and would include most natural drainage depressions which would be used to site dams.

The moratorium was introduced "in response to growing community concern that there may no longer be enough water to meet the needs of all users and maintain the health of the rivers in the catchment".

There are a number of exemptions to the requirement to obtain a licence which are not covered by the moratorium. These exemptions are as follows:

- (a) *to take and use the water then being in the river or lake:*
 - (i) *for domestic purposes;*
 - (ii) *for the purpose of watering stock;*
 - (iii) *for the purpose of irrigating gardens not exceeding two hectares in area in the aggregate, which are cultivated in connection with the use of not more than one dwelling house and of which the produce is not sold, bartered or exchanged ... and*
 - (iv) *for the purpose of irrigating land, not exceeding two hectares in area, which is used for the growing of crops or pastures to produce fodder for animals kept solely in connection with the use of not more than one dwelling house;*

- (b) *to construct or use for the purpose of taking or using water for any of the purposes specified in paragraph (a) a work to which this part extends, but only if the capacity of the work does not exceed 50 litres per second or, if a lesser capacity is prescribed ... that lesser capacity; and*
- (c) *to construct or use a dam or an excavation in the river or lake or a work which obstructs the flow of water in the river, but only if:*
 - (i) *the storage capacity of the dam does not exceed seven megalitres or, if a lesser capacity is described ... that lesser capacity;*
 - (ii) *the dam will not, in the opinion of the Ministerial Corporation, detrimentally affect the interests of any person; and*
 - (iii) *... the Ministerial Corporation has directed that a means of passing a flow of water through or past the dam ... has been provided.*

Section 1A which follows states that a person cannot construct a dam in a "river" without a licence unless the storage capacity does not exceed seven megalitres and the occupier only uses the dam for the domestic purposes outlined in (a).

Therefore, the Department of Land and Water Conservation will refuse any application for licence for a dam on a "river", irrespective of its size, where the water is to be used for commercial agriculture.

The legislation has some inherent anomalies including the fact that it permits any number of dams for hobby farm purposes up to seven megalitres but prohibits dams for, arguably, more productive agricultural uses.

The legislation does not control dams constructed off defined "rivers" which in a total catchment management approach also affects river flows.

Finally, from discussions with Department representatives, it seems that relatively minuscule resources have been applied to the introduction of a scheme to enable the temporary and permanent transfer of surface water licences. It seems that over the whole catchment, only some 3,000 licence holders have been identified.

In summary, the effect of the moratorium is to stifle new agricultural development in the area which cannot rely on an existing licence to extract water. This will have significant implications for any rural land study as Council will not legally be in a position to encourage agriculture if a licence to extract water cannot be issued. Indeed, there may even be potential liability if a person acted on the rural land study to develop some agricultural enterprise and was subsequently refused a licence.

The moratorium has been announced for an "initial" period of up to two years. The advice of the Department of Land and Water Conservation is that prospective agricultural producers should wait until the moratorium is lifted which would be July 1995 at the earliest. This is not acceptable and particularly where the Department of Urban Affairs and Planning is encouraging

Council to retain its rural area without further fragmentation as a means of retaining and enhancing agricultural production.

RECOMMENDATION:

1. That the Minister for Land and Water Conservation be requested to review the current moratorium so as to permit commercial agriculture.
2. The Hawkesbury Nepean Catchment Management Trust and the Department of Urban Affairs and Planning be requested to provide support for a review of the moratorium so as to facilitate commercial agriculture.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.V16

****** END OF ITEM 221 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 222

ITEM: 222 PROPOSED HOTEL/RESTAURANT, SHOPS AND SERVICE STATION - LOT 1 DP 730903, CORNER RICHMOND ROAD AND RACECOURSE ROAD, CLARENDON - AMENDED PLANS

FILE NUMBER: DA0341/91PT02/EVD

REPORT:

Amendment No.21 to Hawkesbury Local Environmental Plan 1989 altered the zoning of this land to permit:

"service station and convenience store only in conjunction with a tourist facility located on the same property, if the Council has, before granting consent, taken into consideration:

- (a) the visual aesthetics of the development; and*
- (b) the extent to which the carrying out of the development would affect the local traffic network."*

A development application was subsequently submitted for a "tourist facility and service station/convenience store" in 1991. The application comprised the following:

- . a two storey hotel with bar, lounge and dining facilities designed with a distinct lean (Ettamogah Pub style);
- . a single storey building comprising a cafe, souvenir shop and tourist information centre;
- . outdoor courtyard area;
- . a service station and convenience store with carwash;
- . onsite parking for 110 vehicles and 2 buses.

The application was considered by Council at its meeting on 11 May 1993 and it was resolved to approve the application subject to 32 conditions.

The consent for the development remains valid as it was provided with a five year life as a consequence of amendments to the Environmental Planning and Assessment Act in 1993.

The consent now lapses on 13 May 1998.

The applicant now proposes the following amendments to the approved plans: -

1. Re-configuration of the service station and carwash with a stand alone car wash facility similar to Car Lovers and an increased area for convenience sales. The alignment of the bowsters has been re-configured for improved access. The proposed amendments reflect the changes to the design of service stations and carwashes which have occurred in recent years.
2. As a consequence of requirements for masonry walls for premises making food, it is now proposed that the hotel be of conventional appearance, i.e., not an Ettamogah theme with walls out of square. In addition the overall height of the hotel has been reduced from 18 metres to approximately 12 metres. Both of these design changes are a substantial improvement on the approved application which was for a relatively large crass structure which may have elevated the City's tourist profile but for all the wrong reasons. The floor area of the proposed hotel has been increased marginally.
3. The floor area of the proposed three shops has been reduced by approximately one third. The configuration of the shops has also been altered marginally.
4. The layout of the car park has been varied slightly with a reduction in spaces from 105 to 93.

In terms of the permissibility of the original application and the proposed amendment, Council can only approve a service station and convenience store in conjunction with a tourist facility. It seems the elements of the original application identified as a tourist facility were the hotel and the three shops. The original development application plan labelled use of these shops as a cafe, souvenir shop and tourist information centre.

The amended application simply lists three shops and a hotel. In order to comply with the requirements of the local environmental plan it is considered necessary that the use of these shops be restricted to the definition in Hawkesbury Local Environmental Plan 1989, which is for buildings used to provide refreshment, accommodation, recreational amusement facilities for the travelling or holidaying public and includes craft shops and the like.

The relatively small reduction in off-street parking from 105 to 93 spaces is marginally less than Council's Development Control Plan requirement for 96 spaces. However, the variance is not considered significant.

As the amended plans indicate a superior development to that approved, it is recommended that the amended plans be approved subject to conditions.

RECOMMENDATION:

It is recommended that the amended plans dated 24 March 1996 be approved subject to the following conditions:

1. The development shall be carried out generally in accordance with the amended plans dated 24 March 1996, except where modified by the following conditions.

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2. Submission of a building application, plans and specification in accordance with the Local Government Act and Building Code of Australia.
3. Separate development consent to be obtained for any advertising structures to be erected, displayed or affixed on any building or land.
4. All waste materials to be stored and disposed of at regular intervals.
5. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the Building Application.
6. All solid and liquid wastes arising from the premises shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the Building Application.
7. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
8. Submission of a schedule of proposed external finishes including sample materials for Council's consideration and approval in conjunction with the submission of a Building Application.
9. A detailed plan of landscaping shall be submitted and approved prior to the approval of the Building Application. Such landscaping is to be completed prior to the occupation of the building.
10. Landscaping shall be maintained during the life of the development.
11. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
12. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
13. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021. Details prepared by an accredited acoustical consultant to be submitted for approval with the building application.
14. Payment of a sewer headworks contribution to Council to be indexed from the \$24,673 (twenty four thousand six hundred and seventy three dollars) applicable in 1993. This contribution shall be paid prior to release of the building approval.
15. Construction of Council's standard heavy duty footways and layback vehicular crossings to suit the access to the site.

16. Removal of the existing redundant and footway layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
17. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. In addition onsite detention is to be provided to maintain the developed discharge at the predeveloped discharge rate for all storms up to the 1:100 year event. Full details of works shall be submitted for approval with the building application.
18. Where the construction required by this development affects existing drainage, full details of any necessary modifications are to be submitted for consideration and approval prior to construction.
19. All service relocations to be carried out at no cost to Council.
20. The creation of an easement to drain water 2.5 metres (two point five) wide and variable over the existing pipeline at the southern boundary free of cost to Council.
21. Full details of site illumination being submitted with the Building Application. Such illumination shall be to the satisfaction of both the Director Environment and Development and the relevant Officer of the Richmond RAAF Base.
22. Compliance with any requirements of Sydney Water. Particular attention being given to the onsite collection and storage of stormwater to augment Sydney Water's service. Details to be submitted with the Building Application.
23. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
24. Off street parking to be provided for 93 (ninety three) vehicles generally in accordance with the amended plans. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
25. Road widening and improvements to the intersection of Richmond and Racecourse Roads shall be undertaken at the applicant's expenses. Such works shall be in accordance with the report prepared by Rhodes Thompson and Associates dated March 1992, except that the raised median east of the intersection shall be unbroken centre line marking. Full details shall be submitted for consideration and approval. Such works to be to the satisfaction of the Roads and Traffic Authority.
26. All liquid wastes arising from the service station forecourt being disposed of and to the satisfaction of the Director of Environment and Development, Sydney Water and the Environment Protection Authority. Details to be submitted with the Building Application.

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27. Disabled access and facilities shall be provided. Details to be submitted with the Building Application.
28. Operating hours of the tourist facility being limited to 9.00am to 10.00pm daily. Any alteration of these hours will require further approval.
29. Adequate manoeuvrability being provided to enable buses to enter and exit the site in a forward direction.
30. The use of the proposed shops to be restricted to tourist facilities meaning places which provide refreshment, recreation or amusement facilities for the travelling or holidaying public and including craft shops and the like.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.V19

****** END OF ITEM 222 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 223

ITEM: 223

DRAFT LOCAL ENVIRONMENTAL PLAN TO INCORPORATE
LAND RECENTLY ACQUIRED FROM THE NSW GOVERNMENT
DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT
WITHIN THE AIRFIELD'S OPERATION AREA

FILE NUMBER: P2343/11PT01/EVD

REPORT:

The following correspondence has been received from the Royal Australian Air Force, Headquarters, RAAF Base, Richmond.

"The Air Force has had land at the South Western corner of the base transferred to its control from the State following negotiation on land exchange with the NSW Government Department of Conservation and Land Management.

I understand under the provisions of the Local Environmental Planning Instrument the land was zoned residential. The purpose of the Air Force obtaining the land was to have it included within the airfield's operation area. In this regard it is intended to relocate the existing fences so the area is fenced in accordance with the rest of the airfield.

It is requested that the Council institute the appropriate action to have the land rezoned similar to the rest of the Base, which I understand is 5(a) Aerodrome.

The subject land is Part Portions 84, 85 and 86, as shown on the attached plan. As stated in the correspondence, the land is zoned Residential 2(a). This zoning is inappropriate as the land is within an ANEF (Australian Noise Exposure Forecast) zone of 35. An ANEF in excess of 25 is considered unacceptable for residential purposes. In addition, the land has poor drainage.

It is not considered that alternative land uses are appropriate given the noise exposure and the location of the land at the entry to Richmond. Accordingly, given the acquisition of land by the RAAF it is appropriate for the land to be incorporated within the Special Uses 5(a) Aerodrome zoning which applies to RAAF Richmond.

RECOMMENDATION:

A draft local environmental plan be prepared to rezone Part Portions 84, 85, and 86 Windsor Street, Richmond, from Residential 2(a) to Special Uses 5(a) Aerodrome.

ATTACHMENTS:

Site Plan

FN:OR507NBX.V20

**** END OF ITEM 223 ****

ITEM: 224 PROPOSED ALLOTMENT AVERAGING**FILE NUMBER:** GT225/013PT03/EVD**REPORT:**

At Council's meeting of 7 November 1995 which considered the Our City Our Future report and recommendations, it was resolved that a draft local environmental plan be prepared to alter the minimum requirements for subdivision in Hawkesbury Local Environmental Plan 1989 to average requirements with an absolute minimum requirement sufficient to contain onsite effluent disposal. It was also resolved that a clause be added prohibiting any further subdivision of the residue lot if all subdivision entitlement is exhausted.

This draft local environmental plan was referred to the Department of Urban Affairs and Planning for a Section 65 Certificate. Subsequently, the Department advised that it had some difficulty with the averaging proposal and also the concessional bonus. The letter stated, in part, as follows:

"The Department recognises the great importance of agriculture to the economic base of Western Sydney and Hawkesbury City in particular and, accordingly, supports Council's decision to encourage and maintain land for agricultural purposes. However, to assist the Department with its consideration of the strategy, Council is requested to provide further information on a number of issues, particularly in regard to the policies on subdivision. In regard to recommendations two (lot averaging as opposed to minimum lot size) and three (concessional lot entitlement) on subdivision, Council needs to address the concern that these policies will provide both the incentive and mechanism for the subdivision of land where it is not presently viable. The Department also needs to understand how it is proposed to ensure that the resulting rural residential development will not create conflicts with the residue agricultural land and its use (further isolating rural industry within the LGA). The Department also believes that it is important to consider the associated demand and costs for servicing (such as schools, physical infrastructure etc) resulting from the rural residential subdivision and evaluation of this should be undertaken.

The economic rationale for the lot averaging proposal requires further examination, for example, what is the break-even point or point of acceptable marginal gain for subdivision proposals of one hectare lots rather than 10 hectare lots for holdings of various sizes and how was the 50% bonus figure decided upon in recommendation three?

The Department would appreciate supporting mapping and information to illustrate the likely areas that Council envisages subdivision will occur. The Department is interested to know if cluster development is expected (that is, additions of more than 5 lots for a single proposal), and if so, where this is expected to occur, that is, isolated clustered development or increased concentrations adjacent to/next to existing development ..."

In considering the Department's request for information, it was apparent that a large majority of potential subdivisions are for a relatively small number of lots and the requirement that all of these be indicated on mapping for the whole of the City proved to be a major mapping exercise. It also seemed that the Department had not appreciated that the large majority of subdivision applications are for a relatively small number of lots where there has been, to date, a regular use of State Environmental Planning Policy No.1 with the Department's concurrence to effectively achieve lot averaging.

The issue was discussed at a meeting with the Department on 18 April 1996 and a revised proposal to achieve lot averaging was submitted for the Department's consideration.

The revised proposal is as follows:

1. The Department increase Council's delegated authority under State Environmental Planning Policy No.1 to approve subdivisions where the lot yield is in accordance with the applicable zoning but where there has been an averaging of lot sizes for that yield provided the area of any residue lot is such that it is not capable of further subdivision. With such a proposal Council would need to be satisfied that the lot averaging arrangement as opposed to the minimum standard would achieve an environmentally enhanced subdivision.
2. For those subdivision proposals for lot averaging where the residue lot/lots would be capable of further subdivision, such proposals only proceed by a draft local environmental plan. This means that the larger and often more contentious subdivision proposals involving lot averaging will be processed via a local environmental plan and, if necessary, Council or the Department can require an environmental study.
3. In relation to the proposed 50% concessional bonus, this be considered only in the context of 2. above, i.e., with a local environmental plan.

The use of a concessional bonus was not proposed to be a right but rather a discretionary provision to apply to some subdivisions where lot averaging would not be a sufficient financial inducement to retain a large residue. As it was only proposed to apply to lots with areas in excess of 40 hectares, consideration of a concessional bonus can be included within 2. and justification be provided as part of a supporting study.

The above arrangements should satisfy the concerns of the Department but also provide Council with the necessary flexibility to deal with the majority of applications for averaging where enhanced environmental outcomes are not disputed.

RECOMMENDATION:

1. That the Department of Urban Affairs and Planning be requested to increase Council's delegated authority under State Environmental Planning Policy No.1 to approve subdivisions where the lot yield is in accordance with the applicable zoning but where there has been an averaging of lot sizes for that yield provided the area of any residue lot is such that it is not capable of further subdivision. With such a proposal Council would need to be satisfied that the lot averaging arrangement would achieve an environmentally enhanced subdivision.
2. That subdivision proposals for lot averaging where the residue lot/lots would be capable of further subdivision, such proposals only proceed by a draft local environmental plan. This means that the larger and often more contentious subdivision proposals involving lot averaging will be processed via a local environmental plan and, if necessary, Council or the Department can require an environmental study.
3. That subdivision applications proposing a 50% (fifty percent) concessional bonus be considered under 2 above.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NBX.V21

****** END OF ITEM 224 ******

ORDINARY

Section 5 **Reports for Information**

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 225

ITEM: 225 BLUE MOUNTAINS CITY COUNCIL - NOTICE OF MOTION

FILE NUMBER: GC280/004 PT3/GMA

REPORT:

Correspondence has been received from Blue Mountains City Council advising that the following Notice of Motion was passed at that Council's recent meeting:

"That Council support Mr Paul Gibson, MP, in his role as Chairman of the Stay Safe Committee and seek confirmation of support from all Councils in New South Wales."

There is no supporting documentation indicating the reason for the Notice of Motion.

RECOMMENDATION:

That this information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.G01

****** END OF ITEM 225 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 226

ITEM: 226 REPORTS REQUESTED BY COUNCIL - STATUS AS AT 7 MAY 1996**FILE NUMBER:** GC280/005 PT03/GMA**REPORT:**

File Rep Date	Referred To	Subject	Comment
25 May 95	By-pass Road DAS&R	Feasibility of by-pass road from McGraths Hill to North Richmond together with a comparison with The Driftway proposal.	Awaiting response from RTA
8 Aug 95	Ham Common DAS&R	Provision of suitable lighting in the Ham Common general area for the enhanced use.	Report May GPC
5 Sep 95	Agricultural Study DED	Program & schedule of works.	Report following establish- ment of Committee
7 Nov 95	Our City Our Future DED	Work currently being undertaken by HNCMT to determine effects of agriculture on Hawkesbury River.	Report May GPC
13 Feb 96	DLEP DED	Further report on extension of adjoining areas from Fernadell Orchard to Cleary's Property in Hall Street.	Report May GPC
12 Mar 96	Richmond Pool DCS&CS	Redevelopment of pool site.	Report June GPC

RECOMMENDATION:

That the information be received.

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: **226**

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.G12

****** END OF ITEM 226 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 227

ITEM: 227 HAWKESBURY SPORTS STADIUM

FILE NUMBER: P1950/213 PT08, DA0233/94/FNC

REPORT:

Council resolved, as part of the consideration of the relocating the driveway to the Hawkesbury Indoor Stadium, the following;

12 February, 1996; "That the Council seeks the Management Committee to consider a change in hours on Sunday from 9am to 7pm."

12 March, 1996; "That there be further consultation with the Management of the Sports Stadium to bring back a report to Council as to how the outside area can be better managed."

Legal action has been initiated, by a resident in Stewart Street, in relation to the noise emanating from the car park and as a consequence the matters will not be reported until the action is determined.

RECOMMENDATION:

The report be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.F23

****** END OF ITEM 227 ******

ITEM: 228 HORNSBY RURAL LANDS STUDY**FILE NUMBER:** T070/008/EVD

REPORT:Introduction

Hornsby Shire Council have recently completed their Rural Lands Study. The Study is quite a comprehensive and lengthy document that consists of a planning report, planning strategy, draft Local Environmental Plan, draft Development Control Plan and a draft financial plan. The Study is currently on exhibition up until 28 June.

Following is a summary of the objectives, methodology and outcomes contained in the Study:-

Objectives and Methodology

The Study adopted the following objectives:-

1. **To investigate the role of rural lands within the catchment of the Hawkesbury River.**

In order to address this objective the Study adopted Total Catchment Management (TCM) and Ecologically Sustainable Development (ESD) principles;

2. **To identify the natural and built resources which warrant protection and enhance the environment.**

3. **To investigate the role of agriculture and other pursuits.**

The study quantified the value of Agriculture to Hornsby Shire area, as well as identifying the main agricultural pursuits.

The study sought to achieve sustainable agriculture by preserving areas suitable for agriculture production and encouraging agricultural production through planning mechanisms.

The Planning Study gave consideration to the protection and enhancement of natural and built resources within the rural lands. These qualities, particularly those associated with the natural environment were recognised as key elements in promoting ESD.

4. **To provide direction for population growth, housing opportunities and commercial activities.**

In respect to population growth, the Study analysed the population profile of the area, as well as constraints and opportunities for future growth. The Study also investigated the housing needs of the area as they exist now and what housing needs will be in demand in the future. In consultation with service providers, the Study also reviewed the extent and adequacy of infrastructure to supply the existing and future needs of the rural and village communities.

5. **To identify and respond to the needs of the community.**

In order to address this objective the Study carried out in analysis of the community and recreational facilities servicing the rural area as well as the transport infrastructure.

6. **Review the existing planning controls applying to the rural areas.**

This objective was achieved through the analysis of all the other issues. This resulted in recommended changes to the Planning Instrument (LEP).

7. **To provide controls and guidelines for development to improve the environment.**

The response to this objective was to prepare a proposed Rural Lands Development Control Plan.

Outcomes

The Study identified the need to restrain population growth within the rural areas. In order to achieve this it proposes to retain the existing subdivision density standards. The Study also proposes the replacement of two of the existing rural zones with five new zones which more accurately reflect the agricultural capability of the area as well as its landscape character and the recognition of its regionally significant extraction resources.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.V03

**** END OF ITEM 228 ****

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: **229**

ITEM: 229 HAWKESBURY RIVER - RECREATIONAL WATER QUALITY

FILE NUMBER: GR060/011 PT05/EVD

REPORT:

The water quality of the river at Macquarie Park has shown no change, neither deterioration or improvement.

The EPA has commenced the development of a Plan of Management. Council staff will be responsible for sampling and other types of field work under the Plan of Management while the EPA will be responsible for analysis and reporting.

RECOMMENDATION:

That the information concerning the status of water quality investigations for Macquarie Park be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.V04

****** END OF ITEM 229 ******

ORDINARY MEETING

Meeting Date: 7 May 1996

Item: 230

ITEM: 230 ELLENWAY ENTERPRISES PTY LTD - FORMERLY ERIC'S MUSHROOMS - SARGENTS ROAD, EBENEZER

FILE NUMBER: P1920/20 PT02/EVD

REPORT:

The following is a response to a Question without Notice by Councillor Mackay at Councils Ordinary Meeting of 12 March 1996.

The property lies within a Rural 1(b) zone and Agriculture in this zone does not require consent.

The production of mushrooms at this property commenced in 1971 and has continued over the past 25 years with only a short period where the farm was closed in 1995. From the outset, compost has been produced on the farm for the production of mushrooms in preference to importing pre-manufactured compost from another site.

The farm consists of (14) fourteen growing sheds and (3) three peak heat rooms (used to sterilize the compost material). There is a small area of concrete slab available for the mixing of compost ingredients and there is no other area suitable on the site to manufacture compost.

Compost manufacture occurs at the site once per week and on each occasion approximately 60 tonnes of compost material is produced for the exclusive use of the farm.

The property was placed at auction late in 1995 and subsequently purchased by Ellenway Enterprises Pty Ltd. The production of mushrooms and compost recommenced in December 1995.

On the 28 February 1996, correspondence was forwarded to the new owners requesting information as to the manufacture of compost on the site. The reply received advises that the manufacture of compost is for the production of mushrooms on the property only and is not sold. The new owners are also aware that they are required to submit suitable applications for any expansion of the compost manufacture or shed constructions.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR507NCX.V05

**** END OF ITEM 230 ****

ORDINARY

Section 6

Reports of Committees

Tourism Hawkesbury Incorporated - 25 March 1996

Minutes of the Board Meeting of Tourism Hawkesbury Inc on 25 March 1996 at Tourism Office.

PRESENT: Ross Miller, Peter Auld, Paul Rasmussen, Geoff Riley, Chris Wells, Garry McCully, Councillor Lorna Allan, Councillor Ron Searle, David Crust, Andrea Chandler-Joyce.

APOLOGIES: Alex Hendrikson

The meeting commenced at 6.25pm.

Items Discussed

1. The appointment of Paul Rasmussen to the Board as Special Projects Representative Moved by Ron Searle seconded by Geoff Riley.
2. Changes to the Constitution
Amendments to be made:-
 1. The appointment of a Special Projects Representative
 2. The appointment of RAAF Representative
 3. Amendments to the application form for membership

Mr Garry McCully agreed to have the several amendments made to the Constitution. The amended Constitution would then be available for members to view at;

- The Council Chambers
- Through Sector Directors
Ross Miller, Millers Garden Centre, McGraths Hill
Peter Auld, Tizzana Winery, Ebenezer
Geoff Riley, Colonial Motel, Richmond
Alex Hendrikson, Windsor Antique Market, Windsor
Chris Wells, Tebbutts Observatory, Windsor
David Crust, National Parks and Wildlife Office, Richmond
Lorna Allan, Glory B, Richmond
The Office of Tourism Hawkesbury

Moved by Geoff Riley and seconded by Peter Auld.

3. Matters arising to new staff and resignation of the Tourism Manager.
 1. Motion from the floor that Brian Hardiman's resignation be accepted with regret. The Board formally move a vote of thanks for all that Brian has contributed for the past six years. It was agreed that a farewell and presentation to Brian be arranged for the 11 April. Ian and Carol Clayton have offered their boat at the Windsor Wharf and will supply the food and beverage. Tourism Hawkesbury are to contribute towards the cost of the function. Moved by Ross Miller Seconded by Geoff Riley.

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2. Due to the resignation of Brian Hardiman from the Board the position of Secretary has become vacant. Geoff Riley moved that Chris Wells be asked to take the position seconded by Ross Miller. Chris Wells accepted with thanks. It was agreed that Andrea Chandler-Joyce would take the minutes at future Board meetings.
3. Work Place Agreement for the two new employees was tabled for discussion by Peter Auld. Lorna Allan asked that the Executive fine tune the agreement and have it in place as soon as possible. Chris Wells agreed to have information on promo dollars available to the members of the Board as soon as possible.

There being no further business to discuss the meeting closed at 9.15pm.

******* END OF REPORT *******

Friends of the Hawkesbury Art Collection Ordinary Meeting - 4 April 1996

Minutes of the Friends of the Hawkesbury Art Collection Ordinary Committee Meeting held in the Committee Room, Council Chambers, Windsor, on 4 April 1996.

PRESENT: Cllr R Stubbs (Chair), Ms P Charlton, Ms R Aldrich, Ms Y West, Ms E Colquhoun, Mr B Jones, Mr G Hansell, Ms M Rea, Mr S Neave, Ms L Wood, Mr A Aldrich, Ms C Luland

APOLOGIES: Ms J Brownlie

RESOLVED on the motion of Ms Aldrich seconded by Ms Rea that the apologies be accepted.

PREVIOUS MINUTES:

RESOLVED on the motion of Ms West seconded by Ms Colquhoun that the previous minutes be adopted.

BUSINESS ARISING:

1. **Bridges & Byways**

Cllr Stubbs declared the exhibition “outstanding” and praised members for the high quality of work displayed. There was some discussion about the definition of a “byway”, and whether all of the entries conformed with the theme. It was agreed that themes can pose problems for the organisers. Ms Colquhoun argued for the need for integrity and moral courage in these matters; Mr Hansell put the case for freedom of artistic expression.

A vote of thanks to all concerned was moved by Ms Charlton, seconded Ms Wood, and carried unanimously.

2. **The Windsor Group (book)**

Ms Colquhoun reported that she is continuing enquiries with printers and has an appointment with a printer in Alexandria. The committee supported her efforts in this matter.

3. **Ken Done raffle**

Ms Charlton reported that there is an opportunity for the Friends to promote the group and sell raffle tickets at Council’s stand at the Hawkesbury Show. Ms Colquhoun, Mr Neave and Mr Jones expressed interest in staffing a stall. Ms Charlton undertook to ask about parking. Ms Wood suggested that prints also be sold.

CORRESPONDENCE:

Out

1. Mr G M McCully, inviting him to join the selection panel for Bridges & Byways.

In

1. Ms R Keegan of Friends Art Group, Eastwood, enquiring about a Masters tour.

RESOLVED on the motion of Mr Jones seconded by Ms Wood that the correspondence be received.

TREASURER'S REPORT:

DONATIONS: \$284.87 WORKING A/C: \$7061.99

RESOLVED on the motion of Ms Rea seconded by Mr Hansell that the Treasurer's report be received.

GENERAL BUSINESS:

1. **Sponsorship proposal**

Ms Charlton reported that there has been an approach from a firm of marketing consultants who want to sponsor an art exhibition in Hobartville as a means of promoting the sale of (DHA) houses in the area. Mr Hansell and Ms Luland expressed enthusiasm; the rest of the committee were concerned about the time frame (they want to do this in May) and about benefits to the Committee. Ms Charlton undertook to get more information.

2. **Streeton Centenary**

MTAS have made other arrangements for 24 May. It was resolved on the motion of Mr Jones, seconded Ms Luland that other plans be made. Mr Jones undertook to make enquiries and to draft an alternative program, including tour of sites, cocktail party and guest speaker.

3. **Fitzgerald Arts & Crafts Centre**

Ms Rea reported that the project is coming to fruition, and that she has been asked to

represent the Friends on the committee. There was some discussion about this - Ms Charlton urged members to support the initiative, and to make the most of the opportunities it presents. It is proposed that individuals and groups will have the opportunity to stage exhibitions there for \$150.00 per week rental, with a different exhibition every month. It was resolved on the motion of Ms Luland, seconded Mr Hansell that a representative be sent. It was resolved on the motion of Mr Hansell, seconded Mr Jones, that Ms Rea be our representative.

4. Membership

Mr Hansell resigned as Membership Secretary. It was resolved on the motion of Ms Charlton, seconded Ms West that a new one be elected. Ms Colquhoun accepted and was elected unanimously. Ms Charlton undertook to produce certificates for all Life Members.

5. Historic Engravings

Mr Hansell reported that information has come via Nigel Tully (antiquarian print dealer) that a Lycett of Wilberforce as viewed from Pitt Town is available at a cost of c. \$1,575.00. It was resolved on the motion of Mr Hansell, seconded Ms Luland that an expression of intent to purchase be made, confirmation being subject to condition, price and the agreement of the committee.

6. Turner trip, National Gallery

Ms West reported that MTAS has organised a bus trip for 1 June, and that FOTHAC members are welcome to attend.

NEXT MEETING:

Thursday 2 May 1996 at 7.30pm, Council Chambers, Windsor

The meeting closed at: 9.30pm.

******* END OF REPORT *******

Hawkesbury Local Economic Development Board Committee - 12 April 1996

Minutes of the Hawkesbury Local Economic Development Board Committee Meeting held in the Committee Room, Council Offices, Windsor, on Friday 12 April 1996, commencing at 8.15am.

PRESENT: Councillor R Calvert (Chairperson), Councillor L Allan, Mr B Lindsay, Mr R Tolson, Group Captain M Smith, Mr P Rasmussen, Mr G McCully and Mr C Dalli

APOLOGIES: Mr C Hanna

CONFIRMATION OF MINUTES:

The Minutes of the Meeting held on Friday 1 March 1996, were confirmed.

GENERAL BUSINESS:

1. Meeting with the New Member for Macquarie

The purpose of the meeting with Mr Kerry Bartlett, the new Member for Macquarie was for the Board to seek from Mr Bartlett advice on the Government's direction particularly in terms of regional development, and for the Board to seek his support for issues he is currently pursuing.

Issues raised and discussed include:-

- ! Commonwealth funding for the proposed Glossodia/Freemans Reach Sewage Scheme;
- ! the new Government's commitment to the Regional Development Program and the funding of Regional Development Organisations and their various projects;
- ! the proposal to establish the National Defence Headquarters at Richmond (Mr Bartlett agreed to arrange a meeting with the Minister for Defence);
- ! joint use of Richmond RAAF Base;
- ! future of RAAF Richmond and the potential impact on the local economy if it is closed or scaled down;
- ! business incubators and the establishment of the Hawkesbury Business Enterprise Centre; and
- ! concerns of the agriculture/horticulture industry in regard to the water problem, ie. too much or too little, and it was agreed to pursue the project involving the re-use on local farming land for treated sewage from the Blue Mountains Scheme.

It was recommended that Mr Bartlett be forwarded a letter thanking him for his attendance at the meeting and that he be provided on a monthly basis, a report from the Board's Chairman on its activities and issues addressed at each Board meeting. It was also resolved to invite the State Member for Hawkesbury, Mr Kevin Rozzoli, to a future meeting of the Board and at this stage it is proposed to invite him to the June meeting of the Board, due to the Special meeting proposed for next month.

2. Sponsorship of the Board and the Proposed Business Enterprise Centre

Discussion took place in regard to whether sponsorship be sought for the Board itself or for individual projects such as the Hawkesbury Business Enterprise Centre and campaigns such as DAMIT. It was agreed that projects such as the BEC and individual campaigns provide potential sponsors, exposure and a physical product and subsequently, it was decided to seek sponsorship on this basis. Funds would be initially channelled through the Board and referred to the specific projects.

It was noted that the Board, University of Western Sydney and Richmond Chamber of Commerce are the initial sponsors of the Hawkesbury Business Enterprise Centre and that the local newspaper is providing in kind sponsorship through publicity. The matter of obtaining further sponsors and network advisers for the BEC is to be referred to the Local Business Development Committee and suggested organisations to seek sponsorship from include large businesses from the area, banks, the other Chambers of Commerce and professionals including real estate agents.

3. Review of Mission Statement and Aims and Objectives of the Board

It was agreed that the next scheduled meeting of the Board on Friday 3 May 1996, be a special half day meeting to be conducted solely for the purpose of reviewing its Mission Statement, Aims and Objectives and Strategies. The meeting is to commence at 7.00am and further details will be forwarded with the agenda in regards to the location of the meeting.

It was also agreed to invite the Chairpersons of the respective Advisory Committees to the meeting.

4. Hawkesbury City Business Enterprise Centre

The information concerning the establishment of the Hawkesbury Business Enterprise Centre was received and noted and the official opening/launch of the Centre was tentatively scheduled for Wednesday 1 May 1996, at 5.30pm. THE OFFICIAL OPENING WILL BE HELD ON TUESDAY 7 MAY AT SHOP 11 ORANGE GROVE MALL AND COMMENCING AT 5.30PM. Invitations are being sent out shortly.

5. The Coalition's Regional Development Policy

The report and document outlining the Coalition Government's Regional Development Policy was received and noted.

6. Floodplain Planning

The report regarding Council's decision to prepare a Draft Local Environmental Plan to amend Hawkesbury Local Environmental Plan 1989 to revert to the estimated 1 in 100 year Flood Frequency Level as the floor level requirement, ie. 17.3m for any habitable rooms, was received and noted.

7. Greater Western Sydney Marketing Plan

The report summarising the Greater Western Sydney Marketing Plan as prepared by the Greater Western Sydney Economic Development Board, was received and noted.

In regard to the GWSEDB proposal for holding a Greater Western Sydney Games in October of this year, it was resolved to write to the Chairman of the Board, Mr Bill McNamara, to invite him to the area to view facilities which could be utilised in conjunction with the games, ie. Indoor Basketball Centre, Richmond Tennis Complex, Oasis Swimming Centre and Equestrian facilities at Clarendon.

8. Monthly Status Report

The information in the monthly status report was received and noted.

9. National Defence Headquarters

Discussion took place in regards to the campaign to seek the Commonwealth's support for the establishment of the proposed National Defence Headquarters at Richmond.

It was noted that criteria will be available by the end of 1996 for regions expressing an interest in the facility and a decision is to be made by about July 1997. To ensure the Board is in a position to put forward the Hawkesbury Region for consideration, it was agreed that up to \$5,000 be made available for the preparation of a multi-purpose slide video which promotes the Hawkesbury area as a suitable destination for the facility and which could be utilised for future promotional campaigns. Also, an economic profile is to be prepared for the area which supplements the slide video and both of these materials are to be completed by 30 June 1996. In regard to the video, Paul Rasmussen is to consult with Group Captain Monty Smith in regard to Richmond RAAF facilities and personnel being involved in this project.

It was also agreed that once the criteria is available, a submission would be prepared for the Department of Defence, promoting Richmond as the most appropriate location for a National Defence Headquarters. Mr Bartlett is also assisting by arranging for the Minister to visit the area and meet with representatives of the Board.

10. Meeting with Councillors

It was agreed that as a follow up to the recent meeting with Councillors in which the aims and objectives and projects of the Board were outlined and concerns raised regarding potential conflicts between these aims and objectives and those of the Council, correspondence should be forwarded to Council.

The correspondence should address the Board's ongoing support and commitment to the raising of the Warragamba Mitigation Wall and to seek the Council's ongoing commitment to same. Also, the letter should address the issue of floodplain planning and request the Council to give an undertaking to review the proposed 17.3m level should the dam wall be raised. Cooperation should also be sought from the Council with the landuse study and the feasibility study for the agriculture/horticulture export centre.

NEXT MEETING:

The next meeting of the Board will be a Special Meeting on Friday 3 May 1996, and commencing at 7.00am.

There being no further business the meeting concluded at 11.30am.

******* END OF REPORT *******

Hawkesbury Cultural Committee - 15 April 1996

Minutes of the Hawkesbury Cultural Committee Meeting held at the Council Chambers, Windsor, on 15 April 1996.

PRESENT: Ms M Ferns, Ms B Wrigley, Mr G Hansell, Ms J Malfroy, Ms P Gray, Ms B Doran, Mr H McKinnon, Ms P Charlton.

APOLOGIES: Ms A Sledge, Clr Sahasrabuddhe, Ms J Hibbert, Ms R Taylor, Ms J Domars.

REPORTS:

1. DANCE AFFAIR

Ms Gray reported that she is looking at having guest teachers come to the Hawkesbury to give classes, and suggested as an event that a concert be staged, showcasing the abilities of the winners of the various classes of the Eisteddfod, such concert to be held in the Windsor Function Centre.

2. WRITERS' AFFAIR

Ms Ferns reported that the writers' groups are on board, information following.

3. FILM AFFAIR

Ms Doran expressed interest, will talk to Ms Hibbert.

4. ART AFFAIR

It was confirmed that the Art Show will take place from Friday 11 October - Sunday 13 October. Mr Hansell reported that "In The Steps Of The Masters" (guided tour) has been booked by a group of Eastwood art-lovers for Friday 11 October. This is a happy coincidence, as it can be argued that the several masterpieces painted in this area are "Fruits of the Hawkesbury". Also coinciding is the Friends Of The Hawkesbury Art Collection Streeton Centenary Celebration, planned for the first weekend in October, and involving the tour, as well as a party, guest speaker, display of later Streetons, and a raffle of tickets and catalogue for the Streeton exhibition at the NSW Art Gallery. Ms Charlton suggested the old Library building in Fitzgerald Street, Windsor as a suitable venue. The Friends are also organising the installation of a sign at Terrace Park, North Richmond, to mark the spot from which Streeton's "Purple Noon's Transparent Might" was painted.

Mr McKinnon commented that the tour would be eminently suitable for cyclists/cycling groups.

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There was some discussion about producing a brochure/map, and the cost of same. Ms Doran suggested that school groups could be involved in paper-making to cut down costs and involve young people in the project.

5. CHORAL AFFAIR

Ms Domars reported (via Ms Wrigley) that Vino Thomas of the Macquarie Towns Choral Society has expressed interest, as have the Camarthen Singers.

Ms Charlton agreed to write to the aforementioned to invite their involvement. There was some discussion about the where/when/what of this event. Questions raised: is it to be part of the Sunday morning service at the nominated churches, or at another time. Is Ebenezer Church too small? Ms Charlton agreed to speak with Ms Domars.

6. PATCHWORK AFFAIR

Ms Malfroy reported that a brochure has been prepared and needs to be finalised in two weeks. It was agreed that prize money should be raised to \$350.00. Ms Charlton agreed to book St Monica's for 4-6 October.

COMMITTEE NAME/LOGO:

It was agreed that the Committee be called Hawkesbury Cultural Committee. Mr Hansell showed his work to date on the logo. Ms Doran commented that she would like to see multiculturalism and architecture included in the design. Ms Malfroy commented that the design in its present state is a bit complicated. Ms Charlton commented on the horn of plenty symbol, more appropriate for the Fruits of the Hawkesbury than for the Committee.

Mr Hansell agreed to persevere with the design.

RELATED BUSINESS:

The Hospitality and Tourism Network was suggested as a vehicle for publicity.

Ms Ferns reported that there is to be a parade as part of Carnivale, and that the community will be invited to participate.

The meeting terminated at 9.10pm.

******* END OF REPORT *******

**ORDINARY
MEETING**

Meeting Filename: OR070596.BIN

END OF BUSINESS PAPER