

HAWKESBURY CITY COUNCIL ORDINARY MEETING

Where People Make the Difference!

SUPPLEMENTARY BUSINESS PAPER

DATE OF MEETING: 8 October 1996

LOCATION: Council Chambers

TIME: 7.30PM

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Section 4 **Reports for Determination**

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Item: 69

ITEM: 69 SEPTIC TANK AND COLLECTION WELL EFFLUENT (SULLAGE)
REMOVAL CONTRACT - CONCERNS EXPRESSED BY
CONTRACTOR AS TO ONGOING VIABILITY

FILE NUMBER: GC270/094/EVD

REPORT:

In January 1995 Cleanaway, a division of Brambles Australia Limited, was awarded the sullage removal contract for a period of six and a half years.

At an informal meeting with the Regional Manager for Cleanaway on 3 October 1996 he expressed concern that Cleanaway had been losing considerable sums of money since the commencement of the contract and, despite their best endeavours to reduce costs, he could not foresee this situation being turned around over the life of the contract.

The Regional Manager foreshadowed that Cleanaway would not continue to incur such losses and requested advice as to whether Council would renegotiate the contract. He was advised that the contract would not be renegotiated.

The matter is brought to Council's attention as there is potential for increased conflict in achieving the desired service standard as the contractor will be a less than willing performer and the potential for a re-tender.

On the basis of the figures provided by Cleanaway, the losses are such that a re-tender may mean a substantial increase in the pump-out charge.

At this stage no further action can be taken pending Cleanaway's continued efforts to reduce their costs.

RECOMMENDATION:

That the information concerning the performance of the septic tank and collection well effluent (sullage) removal contract be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LAX.V42

**** END OF ITEM 69 ****

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Item: 70

ITEM: 70 REZONING OF PAULLS (COLES) CARPARK, RICHMOND, FROM SPECIAL USES 5(a) TO GENERAL BUSINESS 3(a)

FILE NUMBER: LEP007/96; LEP006/96PT01/EVD

REPORT:

This matter refers to Item 36 in the Environment Section of this business paper.

Additional correspondence has been received. The following is a summary of the correspondence:

George Rhodes - Smail Rhodes & Co

Refers to the proposed rezoning of all Council carparks and expresses concern that this will ultimately result in the Council losing complete control of the carparks. Indicates that it is inevitable that pressure will be generated on the Council for the acquisition of these carparks by private interests. Suggests that Council is heading in the same direction as the present Commonwealth Government in believing that the role of Government should be kept to a minimum and that market forces should prevail. Suggests that Council is custodian of these public lands for future Councils.

Don Shaddick - Shaddick Baker and Paull

Advises that he acts for Mr Jim Grubisic the owner of property at 1 Grose Vale Road, North Richmond. Mr Grubisic is vigorously opposed to Council's proposal to rezone carparks to General Business 3(a), particularly the carpark at the corner of Grose Vale Road and Riverview Street, North Richmond.

Submits that it would be unethical for Council to gain the potential to profit from the rezoning and subsequent sale of carparks, the establishment of which has been achieved by the contributions of existing landowners.

Mrs J George, Mr J Apostolu, Mrs A Apostolu, Mr J Apostolu

Joint landowners of 104 -106 Francis Street, Richmond, adjoining Woodhills carpark. Recommend that their property be included in the rezoning of the carparks to General Business 3(a). This would provide an opportunity to develop and build on the premises in line with other developments currently undertaken in the area.

Ken Bennett - Bennett Real Estate Pty Ltd

Objects to the rezoning of the carparks and refers to loss of onstreet parking through pedestrian crossings in Richmond, the removal of car spaces as a consequence of the extension to Jewels, the need for a user friendly carpark and that any further development by Coles should be within the area presently zoned, i.e., by acquisition of an adjoining property.

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Considers that there is no justification for additional retail floor space in Richmond.

Commercial properties fronting Council's carpark would have no frontage to a Council road in the proposal and their properties would be devalued dramatically. The fact that developers would not be aware of how much development would be permitted in any area and whether alignments were adopted would throw all planning to the wind.

Believes that the areas of Windsor, Richmond and North Richmond presently have areas zoned for commercial use which far exceed present requirements and are adequate for many years to come.

RECOMMENDATION:

That the information concerning the proposed rezoning of Paulls (Coles) carpark in Richmond from Special Uses 5(a) Off Street Parking to General Business 3(a) be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LAX.V43

****** END OF ITEM 70 ******

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In response to the request from Councillor Sheather at the General Purpose Committee of the 8th October, 1996, the following is a summary of the financial details, including Original Estimates, Revised Estimates and Actual Expenditure for the periods 1994/95, 1995/96 and 1996/97:-

Description	Sister City Civic Functions Council Expenditure	Sister City Association Council Contribution
1994/95 Original Estimate	\$20,000:00	\$15,500:00
1994/95 Revised Estimate	\$10,000:00	\$15,500:00
1994/95 Actual Expenditure	\$3,750:04	\$6,391:72
1995/96 Original Estimate	\$10,000:00	\$9,500:00
1995/96 Revised Estimate	\$10,000:00	\$9,500:00
1995/96 Actual Expenditure	\$1,708:51	\$9,500:00
1996/97 Original Estimate	\$5,000:00	\$10,500:00

It is to be noted that there are two votes in the budget for Sister City activities being the actual contribution made to the Sister City Association and the provision for Civic Receptions and Functions conducted by Council. In 1994/95 the amount allocated for Civic Receptions and Functions was \$20,000. This original budget was subsequently reviewed and the amount reduced to \$10,000.

In preparing a budget for the following year, submissions are sought from the Sister City Association as to their programs for that financial year. This provides an indication not only for the amount of contribution required for the activities of the Sister City Association but also an indication of Council's commitment for Civic Receptions and activities. As advised at the meeting of the General Purpose Committee on the 24th September in the preparation of the

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budget, there was no indication that there was any proposal for an overseas visit by Council representatives. The allocation for the year, including the vote for the Civic Receptions and Functions has been based on the visits to the Hawkesbury from the Sister City representatives.

The Sister City's program for 1996/97 indicate that the total program of \$15,500 would be funded with \$5,000 from the Sister City Association and the balance being provided by Council. A budgetary allocation has been made for the balance of \$10,500 plus a vote of \$5,000 for Civic Receptions and Functions.

RECOMMENDATION:

Submitted for information.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LBX.F41

****** END OF ITEM 71 ******

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ITEM: 72 FAIREY ROAD CLOSURE

FILE NUMBER: 0606/R PT02/ENG

REPORT:

Further to the additional information to this meeting a letter has been received from J & E Mason, who own Lot 103 DP788786 which is directly south of the proposed road closure and adjoins Lot 1 DP860387, the lot subdivided from the Haydens' property. The letter is reproduced in full below.

"Dear Sir

*We, as Landholders/Farmers, would like to express our concern at the proposed closure of Fairey Road, Windsor. We would like to see the road left open for **all** of the local farming community to use. The usage would be to transport livestock and farming machinery between different farms and the industrial area of Windsor.*

Windsor contains a good selection of spare parts and repair workshops for farming equipment.

We believe the access should be shared equally by interested parties - subject to negotiation. We also believe that negotiation far exceeds confrontation in settling small problems like this. Unfortunately, after several phone calls to the engineering department over the past several weeks, nobody has contacted us to negotiate in any manner.

As far as we are concerned a natural dirt road with gates at each end to stop ordinary motor vehicles using it as a short cut, would be more than satisfactory. We are prepared to use our own equipment to maintain the road, at no cost to Council and under Council's supervision.

We will object to the Lands Department if the Road Closure Proposal goes ahead.

Yours faithfully

John & Edwige Mason"

It is considered that the further expansion of the limited use proposed by the Haydens would create an expectation from landholders in the vicinity of the closure for equal consideration and ultimately pressure could be brought to bear from residents of the surrounding area to allow usage on an ongoing basis. This would be contrary to the principle that has been adopted by Council in not completing the link between Fairey Road and Sanctuary Drive.

RECOMMENDATION:

It is recommended that the matter be deferred to the next General Purpose Committee Meeting to allow an on-site inspection to be undertaken.

ATTACHMENTS:

AT-1 Map

FN:ORA08LBX.E38

****** END OF ITEM 72 ******

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Item: **73**

ITEM: 73 GOVERNOR PHILLIP RESERVE

FILE NUMBER: PK205 PT04/ENG

REPORT:

Further discussions have been undertaken with Mr. A. Veitch, Sydney Extreme Ski, during which Mr. Veitch advised:-

- a) Noise levels on Saturday, 26.10.96, are minimal due to the slow speed of the boats associated with trick skiing, with noise levels restricted to 95dBA at 3000 revs.
- b) The noisiest activity has ben scheduled for Sunday, 27.10.96, restricted to the following times:-

10am - 11am

noon - 1pm

2pm - 3pm

Note: this activity would have occurred in any event, but not necessarily restricted to

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- c) Band/BBQ activities scheduled for the evening of 26.10.96 have been relocated to the Butterfly Farm;
- d) The meeting scheduled for March 1997 (Easter) has been transferred to Dargle Ski Gardens;
- e) Meetings scheduled for December 1996 and February 1997 cannot be relocated to other locations due to bookings at those locations;
- f) All necessary licence fees/insurance policies have been paid in advance with copies lodged with this office; sponsorship by goods/products has been secured, with major sponsorship to be confirmed upon Council's decision.
- g) Exclusive use is required on both days to break even financially;
- h) Passage of the Hawkesbury Canoe Classic and other river craft has been allowed for.
- i) Arrangements have been made to accommodate the public to use the reserve and boat ramp during the event.

In relation to exclusive use of Governor Phillip Reserve, Council policy is that exclusive use is not to be granted on consecutive weekends.

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RECOMMENDATION:

That exclusive use be granted to Sydney Extreme Ski to hold the Australian Extreme Games on Water at Governor Phillip Reserve on 26 October 1996, 27 October 1996, 21 December 1996, 22 December 1996 and 1 February 1996, 2 February 1996, subject to compliance with the following standard conditions:

- a) the association paying a contribution of \$520.00 or \$1.00 per person, whichever is the greater, for each day of exclusive use of the reserve;
- b) the reserve being left clean and tidy with the applicants being responsible for the collection, removal and disposal of all rubbish from the area with the applicant paying prior to the event a refundable bond of \$750.00 (seven hundred and fifty dollars), from which all costs incurred by Council, administrative or otherwise in securing cleanliness of the reserve are to be deducted;
- c) the applicant undertaking a letter drop to all effected residents in proximity to the reserve and as otherwise directed by Council, with that letter advising all details of the function;
- d) the applicant obtaining all necessary permits/approvals in relation to hot food;
- e) noise levels are kept to a reasonable level;
- f) Any activity additional to that already notified is not to proceed without the express approval of the Director of Asset Services and Recreation.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LBX.E39

**** END OF ITEM 73 ****

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Item: 74

ITEM: 74 DRAFT LOCAL ENVIRONMENTAL PLAN 4/96 (AMENDMENT 73)
ADDITION OF NEW ZONE - RURAL 1(d) (CONSOLIDATED LAND
HOLDINGS)

FILE NUMBER: LEP4/96/EVD

REPORT:

Council, at its meeting of 8 August 1996, resolved to support a draft local environmental plan to add a new zone to Hawkesbury Local Environmental Plan 1989. The new zone was created to apply to the residue parcels of agricultural land which may be the subject of lot averaging and is called Rural 1(d) (Consolidated Land Holdings). The new zone has been applied to Kemsley Downs at North Richmond where Council approved a twenty-four lot boundary adjustment which consisted of two large residue lots totalling 212 hectares.

Exhibition of the Draft Local Environmental Plan

The Section 65 Certificate was issued and the plan was placed on public exhibition from 24 January up to and including 23 February 1996.

The draft plan was also referred to the following public authorities:

- Hawkesbury Nepean Catchment Management Trust
- Department of Land and Water Conservation
- National Parks and Wildlife Service
- Total Environment Council

Listed below is a summary of submissions from residents and public authorities:

Mr F Sharfe

Proposes that development only occur to the east of the Hawkesbury River due to the ample land availability. This draft plan aims to prohibit further subdivision on large residue lots and accordingly the submission is not entirely relevant.

Hawkesbury Nepean Catchment Management Trust

The Trust suggested three additional objectives be added to the new zone:

1. preserve and enhance remnant nature vegetation, particularly riparian vegetation;
2. ensure development and land management practices and compatible with the environmental capabilities of the land and do not adversely affect water quality and quantity and land surface conditions; and
3. retain the area's visual qualities.

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The new zone contained only one objective, that is, to prohibit further subdivision other than by minor boundary adjustment. It is considered that the suggestions by the Trust should be incorporated into the new zone.

Furthermore, the zone was created to prevent subdivision and limit fragmentation of large land holdings. This will facilitate the preservation of the large holdings for future uses such as agriculture. In order to clarify this matter, the following objective will also be added:

To retain the land for some future purpose without further fragmentation in the interim.

As Council has already resolved to use the new zoning in Kemsley Downs and may utilise the zone in future lot averaging subdivisions, it is considered that the matter should be finalised and forwarded to the Minister of Urban Affairs and Planning for gazettal.

RECOMMENDATION:

That the draft Local Environmental Plan, 4/96 (as amended) to create a new zone - Rural 1(d) (Consolidated Land Holdings) be forwarded to the Minister of Urban Affairs and Planning for final gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LBX.V34

****** END OF ITEM 74 ******

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Item: 75

ITEM: 75

EXTENSION TO RICHMOND MALL COMPRISING AN EXTENSION TO THE EXISTING COLES SUPERMARKET OF 1100m², A NEW LIQUORLAND OF 188m² AND NEW SPECIALITY SHOPS OF 188m² PLUS PARKING - 271 WINDSOR STREET, RICHMOND.

FILE NUMBER:

DA0215/96/EVD

REPORT:

Since the General Purpose Committee meeting on 24 September 1996 there have been further investigations concerning issues with this application.

Valuation

Since the General Purpose Committee meeting, Council's Valuer has been requested to provide advice on the value of the Council carpark proposed to be used for the extension compared with the values of the properties proposed to be provided in exchange.

Council's Valuer, K D Wood & Associates Pty Ltd, advises as follows:

"... We have carried out preliminary investigations into the value of the parcels, the subject of exchange and would advise as follows:-

The value of land described as Lots 3-6 in Deposited Plan 738003 and Lot 1 in Deposited Plan 568122, having a total area of 3439m² lies within the range of from

Nine hundred and sixty thousand dollars

(\$960,000.00)

to

One million and thirty thousand dollars

(\$1,030,000.00)

Equivalent to \$280/m² to \$300/m².

Whilst Council's land having an area of approximately 1800m² has a value within the range of from:

One million two hundred and sixty thousand dollars

\$1,260,000.00

to

One million three hundred and fifty thousand dollars

(\$1,350,000.00)

Equivalent to \$700/m² to \$750/m²

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You will appreciate that these estimates have been completed within a limited time frame and should Council decide that the proposed exchange is in Council's interest, it would be necessary to provide full Valuation Reports setting out the basis of our conclusions.

We note that Mr Lederer is proposing to construct additional off street parking and no allowance for the cost of these works has been included in our estimates."

Since the preparation of the appraisal, K D Wood & Associates have been provided with the option prices for the properties to be acquired in Bosworth Street. On the basis of the options, they have a value of between \$436/m² and \$476/m² which would indicate a total value of land to be given to Council (including 128 Francis Street) in the vicinity of \$1.4 million. However, K D Wood & Associates Pty Ltd advise that these option prices are a substantial premium over the market and, in all likelihood, will not be repeated. In these circumstances, their preliminary advice is that values of \$280/m²-\$300/m² are more realistic. Further, in relation to the valuation of Council's carpark at \$700/m² to \$750/m², they advise that this figure has been based upon returns from the Richmond Mall complex to date which are unlikely to be sustained after the opening of the Woolworths Marketplace in April 1997.

Nonetheless, in terms of the premiums being placed upon properties in Bosworth Street, it would seem reasonable to negotiate on the basis of an additional cash settlement in the order described by Kent Wood & Associates Pty Ltd.

The advice from A & A Lederer is that their offer will not exceed the proposed land swap.

Heritage Significance - 128 Francis Street

Council's Heritage Adviser, Robert Staas, inspected 128 Francis Street on 4 October 1996.

He advises that the building is late Victorian or early Federation and estimates the building to be circa 1890 to 1900.

The rendered brickwork at the front has been disguised to imitate stone.

The barn at the rear of the property is likely to be original although it has been substantially modified through brick recladding and other work. There are also a number of significant trees on the site.

Mr Staas' view is that the heritage significance of the building is understated in the North West Sector Heritage Report and that it should be retained.

Local Traffic Committee

The application was considered by a special meeting of the Local Traffic Committee on Monday 30 September 1996. The Committee has recommended that the Development Application not be supported due to inadequate traffic flow throughout the carpark in that lack of circular flow would force patrons onto local roads in looking for parking within the development.

Alternative Sites

It has been suggested that it would be preferable to extend the supermarket onto the adjoining Magnolia Mall rather than occupy part of Council's carpark. From the perspective of traffic and parking, this would be a preferable option.

The Richmond Chamber of Commerce support this suggestion and have written as follows:-

"The Chamber has serious concerns that the proposed development will have a number of traffic problems and will disadvantage tenants of the Victorian Arcade and Dr. Upton's shops. As a result, we believe that the development will have the reverse effect and encourage customers to shop at the Richmond Marketplace.

We have employed Mr David Jones, a Draftsman, to prepare plans of our preferred development of this site. We enclose plans of this development for your records. This development involves Mr Lederer purchasing the Magnolia Mall (which is presently for sale) and extending Coles Mall into that area. Magnolia Mall has a number of vacant shops, and the remaining tenants could be relocated into the vacant shops in the rest of Richmond. The Council could then purchase the properties on Bosworth Street for extra parking with the idea of amalgamating the remainder of the site for a future extension of the mall. This extension could include a Discount Department Store.

We ask Council to reject Mr Lederer's Development Application and that discussion be held with him and Mr Ippalitto (who owns the Magnolia Mall) in an attempt to develop the Richmond Mall in the Chamber's preferred way. We are available to assist in this matter ..."

The suggestion has been discussed with the applicant who advises that this option was considered even before extension onto Council's carpark and was discounted for a number of reasons including:-

- . The purchase price.
- . The requirement to buy out lessees.
- . Excessive gondola (isle) lengths. Coles have a requirement that gondola lengths do not exceed a particular standard.
- . No savings in construction costs. The configuration of Magnolia Mall is such that it would need to be almost completely demolished and, in addition, the refrigeration loading dock areas would need to be relocated.

Conclusion

Considering the issues above, it is not considered that the proposed development is in Council's or the community's interest.

RECOMMENDATION:

That Council not provide its consent as owner to the proposal and that the Development Application be rejected.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ORA08LBX.V37

****** END OF ITEM 75 ******

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