



Hawkesbury City Council

general purpose committee minutes

date of meeting: 27 January 1998

location: Council Chambers

time: 9:30am

GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 27 January 1998

AGENDA

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

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Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 27 January 1998, commencing at 9.30am.

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

Apologies for absence were received from Councillors A W Baczynskyj, H J M Books and W J Mackay

RESOLVED on the motion of Councillor Allan and seconded by Councillor Lawson that the apologies be accepted.

RESOLVED on the motion of Councillor Allan and seconded by Councillor Lawson that the Minutes of the General Purpose Committee Meeting held on the 25 November , 1997, be confirmed.

The following recommendations were passed as resolutions of the Committee:

SECTION 1 - ENVIRONMENT

77: Proposed Subdivision by Boundary Adjustment Lot 101 DP848611, Lot 1 DP782525 & Lot 2 DP561603 Bells Line of Road and Kurmond Road, Kurmond (SA124/97/EVD/ENA27NAX.V13)

A. That a deferred commencement consent be issued in accordance with the following:

Deferred Condition

The submission of a water balance report which demonstrates that a dwelling can be erected and effluent satisfactorily disposed of on the proposed Lot 105. The report shall include details of the permitted locations of the dwelling and the effluent disposal areas.

B. Upon compliance with A above the application be approved subject to:

1. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
2. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.

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3. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
4. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Director of Environment and Development.
5. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
6. Payment of a linen release fee of \$220 (two hundred and twenty). This amount is valid until 30 June 1998.
7. The subdivision shall be in general accordance with the submitted plan.
8. The carrying out of any works and the creation of any restrictions on use of the land necessary to ensure implementation of the effluent disposal report required by (A) above.
9. The proposal is not a subdivision by adjustment or relocation of common boundaries as the boundary to be relocated is not common to Lot 101. As such Clause 13 does not apply.
- C. The Department of School Education be requested to advise if funding received is to be expended on the school.

78: Gilling - v - Hawkesbury City Council - Proposed Manufactured Homes, 79 Greens Road, Lower Portland (DA26/97, P717.72/EVD/ENA27NBX.V11)

That the information concerning the withdrawal of the Appeal by Gilling in relation to manufactured homes at 79 Greens Road, Lower Portland be received.

Also that a further report be submitted to the Ordinary meeting with information as to the date on which the applicant acquired the land and the date that the first development consent was issued.

79: Local Government Amendment (Ecologically Sustainable Development) Act 1997 (GC070/005 PT13/EVD/ENA27NBX.V03)

That the information be received, and that representations be made to WSROC, with a view to member councils contributing to the funding for a regional comprehensive SoE report to be prepared in accordance with the amended legislation.

This is Page 4 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 27 January 1998.

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80: Proposed Subdivision - Lot 1 DP614232 and Lot 2 DP565168 - "Kindee Stud" Bells Line of Road, Kurrajong Heights (SA14/97/EVD/ENA27NBX.V12)

That the information be received.

81: Town Planning Codes - Extractive Industries (GT070/010 PT02/EVD/ENA27NBX.V09)

That the information be received.

82: Draft Development Control Plan - Subdivision Development (DCP0001/97/EVD/ENA27NBX.V04)

1. That the relevant provisions from the Energy Smart Homes Policy relating to subdivision be incorporated into the Draft Development Control Plan for Subdivision Development.
2. That in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations the Draft Development Control Plan for Subdivision Development be prepared and exhibited.
3. That a further report be brought to the Ordinary Meeting regarding Section 94 Contributions in relation to road network contributions.
4. That the provision relating to planning for pedestrians and cyclists also include the disabled.

83: Contaminated Land Management Bill 1997 (Exposure Draft), Managing Land Contamination (Draft) State Environmental Planning Policy No. 55 - Remediation of Land (Draft) (T190/030/EVD/ENA27NBX.V06)

That:-

1. The information be received.
2. A draft Policy on contaminated land in the City be prepared and brought forward for Council's consideration.

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- 84: Draft Local Environmental Plan to Amend Clause 13, Hawkesbury Local Environmental Plan 1989: Subdivision by Adjustment or Relocation of Boundaries (LEP7/97/EVD/ENA27NBX.V08)**

Mr Brian McKinlay, addressed the Committee.

That a further report be brought to the Ordinary meeting concerning the issues raised.

- 85: Tree Preservation Order - Trial Removal of Tree Preservation Order from Windsor, South Windsor and Bligh Park. Including the urban areas of Richmond, Hobartville and North Richmond town area. (GE020/031 PT04;/EVD/ENA27NBX.V07)**

That:

1. The Tree Preservation Order be amended so that land zoned Residential with an area of 1000m² or less be excluded from the requirement of the Order, except for land in the areas of Kurrajong and Kurrajong Heights.
2. Development Consent for the removal of trees is still required from any property containing a Heritage item under the Heritage Provisions of Hawkesbury Local Environmental Plan 1989.
3. Council offer an inspection/advice service in the areas excluded from the Preservation Order for damaged trees on request.
4. Item 1 be further reported to the Ordinary meeting.

- 86: Continuation of Consent - Storage of Earth Moving Equipment - Lot 111 DP860774 No. 1182 Kurmond Road, North Richmond (DA0122/96/EVD/ENA27NBX.V14)**

The applicant, Mr Windberg addressed the Committee.

Mr Ted Ness, objector, addressed the Committee.

Councillor Minturn declared an interest in this matter due to family relationship.

That a site inspection be carried out.

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The Committee inspected the site at 1.30pm. Councillors present at the inspection were the Mayor, Councillor R G Calvert, Councillors L Allan, L C Sheather, M E Lawson, R P Stubbs, R Sahasrabuddhe and R D Searle. Also present was the owner of the property, Mr Mark Windberg, and adjoining owners, Mr & Mrs Ness, who all addressed the Committee.

That:

- A. Condition 2 of the Development Consent 122/96 be modified to allow the development to continue for an additional six (6) months and all operations are to cease at that time. The extension is subject to the following additional condition:

Landscaping is to be provided along the entire western and eastern boundaries of the property within three (3) months of this approval for continuation. Suitable screening trees such as Photinia Robusta are to be planted at one (1) metre intervals along this area.

- B. That the written undertaking as provided by the applicant is adhered to with any variation to the undertaking being reported back to Council with a view to action being taken for non-compliance with the Conditions of Consent.

87: Provision of a fortnightly garbage service along the Wollombi Road between St Albans and The Common (P2359/326;GW010/017Pt06/EVD/ENA27NBX.V17)

That:

1. The fortnightly garbage service from Espie Street in St Albans north along the Wollombi Road for a distance of 4.26 (four point two six) kilometres be extended. All occupied rateable assessments will be provided with a garbage bin and service at \$95.88 (ninety five dollars and eighty eight cents) [currently] with vacant rateable assessments being levied at a charge of \$30.38 (thirty dollars thirty eight cents) [currently].
2. Council extend its appreciation to Mrs Kate Short for her assistance in liaising with the residents and the Common Trust concerning the introduction of the fortnightly garbage service.

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88: Draft Local Environmental Plan to rezone privately owned land at Kurrajong Heights from Open Space 6(a) to Environmental Protection Scenic 7(d)
(DA37/97;P243.5445;P243.5455/EVD/ENA27NBX.V19)

1. That Lot 1 DP 581544, corner Bells Line of Road and Old Bells Line of Road, Kurrajong Heights and Lot 33 DP 203875 Bells Line of Road, Kurrajong Heights, be rezoned from Open Space 6(a) to Environmental Protection Scenic 7(d).
2. That delegated authority under Sections 65 and 69 of the Act be used in processing the Draft Local Environmental Plan.
3. That Development Application 37/97 for a restaurant on Lot 1 DP 581544 be assessed during the processing of the Draft Local Environmental Plan and determined after gazettal.

Supplementary Reports

89: Section 102 Application to Modify Consents for Subdivision of Lot 11 DP854396 54 Drummond Street, Windsor (SA30/97, SA31/97, SA32/97/EVD/ENA27LAX.V21)

That a further report be brought to the Ordinary meeting in relation to the issue of contribution and the extenuating circumstances in relation to the rezoning.

90: Extinguishment of Restriction as to User Lots 1 and 2 DP842730 Panorama Crescent Freemans Reach (SA122/97 P1602/478 PT02/EVD/ENA27LBX.V18)

That:

1. The lifting of the restriction on use of land created by DP842730 prohibiting erection of a dwelling be lifted.
2. Council's Seal be affixed to any documents necessary to lift the restriction.

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SECTION 2 - INFRASTRUCTURE

- 7: **Directional Systems Australia - Electronic Message System** (GR120/004 Pt5/ENG/INA27NBX.E04)

There be no further action in this matter.

- 8: **Prohibiting Camping at Navua Reserve** (PK/002/ENG/INA27NBX.E01)

That a further report be brought to the Ordinary meeting addressing the possibility of allowing camping to water access patrons only and also addressing the parking of vehicles left outside the gate after the gates are locked.

- 9: **Water Standpipes - Kurrajong, Nth Richmond, Wilberforce and Pitt Town** (GW020/008 Pt2/ENG/INA27NBX.E02)

Mr Turnbull and Ms Colleen Turnbull from the Water Pressure Action Group, addressed the Committee.

That the information be received and that information be brought to Council on the costs of hydrants and associated works related to the cut-off of the standpipes and a policy on the filling areas.

SECTION 3 - ORGANISATION AND RESOURCES

- 22: **Donation - Hawkesbury District Concert Band** (GF008/001 PT06/CSV/OGA27NBX.C03)

That a further report be brought to the Ordinary meeting outlining the cost of full replacement of all of the equipment that was stolen.

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**23: Monthly Financial Report - November & December 1997 (FO11/005
PT04/FNC/OGA27NBX.F01)**

That the information be received.

QUESTIONS WITHOUT NOTICE:

1. Councillor Stubbs referred to an article in The Australian newspaper on 24 January, 1998 relating to a decision in the High Court on 23 January involving Pyranese Shire Council. The case referred to an incident where Pyranese Shire Council had served notice on the owner of a property because of a faulty fireplace without following the matter through. The property exchanged hands and following a fire which destroyed the building and an adjoining video store, costs have been awarded against the Council.

Councillor Stubbs enquired if the implications of the article significantly increase Council's liability and if this could be further reported or if the General Manager would like to make comment.

The General Manager advised that we currently have a similar situation. He also advised that what the High Court is saying is that if you serve a notice in any form and you don't carry it through that you are liable.

Councillor Stubbs further inquired that if this was the case we would have implications in relation to contaminated lands and a wide range of issues.

2. Councillor Allan requested that Australia Day activities, whilst enjoyable, be held on one site rather than spread out so that people do not miss out.
3. Councillor Allan requested that a letter be sent to the Australia Day Committee thanking them for their Ambassador who this year was Ray Hadley.
4. Councillor Allan requested that a site inspection of the Hobartville traffic calming devices be held today.

The Mayor agreed that this could be carried out.

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5. Councillor Sheather requested that the undergrowth on the approaches to the bridge at Stannix Park Road be slashed to increase visibility for on-coming traffic for safety reasons.

The Director of Asset Services and Recreation advised that this would be done.

6. Councillor Sheather tabled a letter of concern from residents, Mr & Mrs Brown in Keda Circuit, North Richmond in respect of the erection a two storey building on a neighbouring property which would obstruct their views and enquired if there was any way that Council could negotiate a variation of the property for the dwelling.

The Mayor advised that the building application has been resubmitted and is being advertised to adjoining neighbours who are invited to make comments on those plans for consideration.

The Manager Building and Development also advised Council is still considering the previous application and the applicant has been advised that they are not entitled to act on the notice that Council sent to them.

7. Councillor Sheather tabled a letter from Ms Mary Buckett in relation to the water stand pipes.

8. Councillor Searle requested an update on the status of the Kurrajong Heights Tower.

The General Manager advised that to date no correspondence has been received from the Department of Public Works regarding the higher location of the existing tower and advised that if we did not receive correspondence within the next week we would have to proceed with the other tower.

The meeting adjourned for site inspections at 11.50am.

The meeting terminated at 2.30pm.

Submitted to and confirmed at the meeting of the General Purpose Committee held on 24 February, 1998.

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Mayor