



H a w k e s b u r y C i t y C o u n c i l

ordinary
meeting
business
paper
supplementary

date of meeting: 14 December 1999

location: Council Chambers

time: 7.30pm

ORDINARY MEETING

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3. Health City Initiatives GT070/026

The Healthy City movement is a means for achieving better health for the community through development of local strategies which will achieve maximum well being for the City and its residents. It is based on local concerns and creation of social, economic and sustainable environments which support opportunities for better health.

Hawkesbury City Council at the Ordinary Meeting of 11 March, 1977 endorsed the creation of a Hawkesbury Healthy City and the establishment of a Multi-City Action Plan (MICAP) with the City of Hue in Vietnam. On 13 May, 1997 Council agreed to the establishment of a MICAP link with Rammallah and Al-Bireh in Palestine. Links with the international cities has been conducted by the Centre for Healthy Futures at UWS-Hawkesbury through Brent Powis and Professor John MacDonald.

However, I believe that the time has come for the Healthy City philosophy to be adopted globally within Council as most activities of Council have an impact on the well being of the City of Hawkesbury. It is not expected to result in major financial impost on Council as most of Council's activities enhance the well being of Hawkesbury.

A Healthy City involves the establishment of social, economic and natural environments which support opportunities for better health. It, of necessity, must address issues relating to health promotion, environmentally sustainable employment generation, protection of our natural and built environment, transport issues (both public and private, including cycleways), road safety, recreational planning (both active and passive, including the proposal for a new library, museum and art gallery), sustainable food programs, sun protection policies, policies for all age groups within our City (especially young people and older people), development of a greater sense of community, programs to include all groups as part of the community, programs of awareness and understanding of Indigenous people and their culture, and multicultural understanding.

Further development of the Healthy City philosophy will enable Council to develop a "big picture" approach to where we wish to see Hawkesbury in 10 to 20 years time. It will permit the undertaking of a series of public consultation meetings similar to the "Our City - Our Future" meetings which were held in 1993-94 to permit public feedback on our concept for the future of our City.

Negotiations have already been held with Hawkesbury District Health Service and the Cancer Council regarding a joint display at the Hawkesbury Show with a Healthy City theme. This offers the advantage of an exciting new theme for Council's display as well as reducing the need for staff numbers.

The Healthy City Committee, as reported elsewhere in this business paper, is intending to develop a system of monthly awards for Healthy City initiatives, for environmental and other health related activities within Hawkesbury.

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It is recommended that Council further advance the Healthy City philosophy at its February Planning Workshop and the Hawkesbury Show with a view to undertaking a series of community consultation meetings during 2000.

oooO END OF MAYORAL MINUTES Oooo



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ITEM: 109 **Additional Information - Draft Development Control Plan - Exempt and Complying Development**

FILE NUMBER: DCP1/99/EVD/ORL14LBX.V17

PREVIOUS ITEM: 100, Ordinary (14.12.1999)

REPORT:

The recommendation for Item 100 in this agenda includes a proposed amendment which would exclude exempt development from applying to land that is used as a caravan park or camping ground.

Representations have been received from two caravan park operators within the City who are concerned that the amendment would be discriminatory against caravan park residents, particularly those used legitimately for permanent occupation, and would result in unfair costs for very minor development. The examples cited are disabled access ramps, air conditioning units, shade canopies, barbecues and other similar scale developments.

The background to the amendment was applications received in the past for development which is inappropriate and out of scale in the context of a caravan park. On reviewing this situation it is clear that exempt development will only relate to very minor development, for example sheds must have a maximum of 9m² floor area to be exempt from approval. Therefore any development falling within the exempt category is extremely minor in nature and is unlikely to have any impact. Larger structures, as for development on residential land, will still be categorised as local development and require development consent.

Accordingly it is recommended that Section 3.2 of the Draft Development Control Plan not be amended as originally recommended in Item 100.

RECOMMENDATION:

That Section 3.2 of the Draft Development Control Plan not be amended.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 109 Oooo

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Item: **110**

ITEM: 110 **Hawkesbury Nepean Floodplain Management Steering Committee**

FILE NUMBER: GR060/018/GMA/ORL14LAX.G21

REPORT:

At its meeting held on 9 December, 1999, the WSROC Board decided to support the continued membership of Councillor Alan Pendleton to the Hawkesbury Nepean Floodplain Management Steering Committee as a WSROC representative and to seek a second nomination from Member Councils.

WSROC has requested the nomination, if possible, from a Council in the catchment. The nominee need not necessarily be a WSROC Board Member although if they are not they will be representing WSROC on the Committee and not just their own Council.

Nominations need to be with WSROC by this coming Friday, 17 December, 1999.

RECOMMENDATION:

That a Councillor be nominated to the Hawkesbury Nepean Floodplain Management Steering Committee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 110 Oooo

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Item: **111**

ITEM: 111 **Leave of Absence - Councillor P Davies**

FILE NUMBER: GA030/014/GMA/ORL14LBX.G16

REPORT:

A request has been received from Councillor Davies seeking leave of absence for the General Purpose Committee to be held on 25 January, 2000 and the Ordinary meeting to be held on 8 February, 2000 as he will be out of the district at this time.

RECOMMENDATION:

That leave of absence be granted to Councillor Davies.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 111 Oooo

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Meeting Date: 14 December, 1999

Item: **112**

ITEM: 112 **Document for Execution Under Seal**

FILE NUMBER: GC200/004 PT7/CSV/ORL14LBX.C18

REPORT:

Variation of Deed of Funding
Agreement
Department of Community Services
1999/2000

The Department of Community Services has approved
recurrent funding for the following project:

Forgotten Valley Mobile Resource Unit
Childrens Services Project \$1,084

These funds are to assist in operating Children's
Services in rural and urban fringe locations.

RECOMMENDATION:

That the Seal of Council be affixed to the above document.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 112 Oooo

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Item: **113****ITEM: 113** **Board Representative - Hawkesbury Leisure Centres Incorporated****FILE NUMBER:** GR030/030 PT09/CSV/ORL14LBX.C20

REPORT:

In 1995 Mr Greg Bannerman, then Chairman of Hawkesbury Sports Council Incorporated, was appointed as a Board Member of Hawkesbury Leisure Centres Incorporated. Mr Bannerman has held this position since 1995 and has recently resigned to take up a position in the Cowra District for the Department of Education.

Mr Bannerman has also been a Board Member of the Hawkesbury Sports Council Incorporated since its inauguration. He has provided significant contribution to this external body, particularly during his period as Chairman.

As provided in the minutes of Hawkesbury Sports Council Incorporated in the business paper for 14 December, 1999, Mrs Dianne Tait has been nominated as Hawkesbury Sports Council's representative to Hawkesbury Leisure Centres Incorporated Board. It is recommended that Council support and appoint Mrs Tait as Hawkesbury Sport Council's representative to the Hawkesbury Leisure Centres Incorporated Board as a replacement for Mr Bannerman.

RECOMMENDATION:

That:

1. Mr Greg Bannerman be thanked for his community contribution and support of both Hawkesbury Leisure Centres Incorporated and Hawkesbury Sports Council Incorporated.
2. Mrs Dianne Tait be accepted as Hawkesbury Sports Council's representative to Hawkesbury Leisure Centres Incorporated.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 113 Oooo

ITEM: 114 Sponsorship of NSW Ballet Company Performance at Windsor Function Centre**FILE NUMBER:** GR030/003 PT02/CSV/ORL14LBX.C19

REPORT:

A proposal has been developed to enable the staging of A Midsummer Nights Dream by the NSW Ballet Company at the Windsor Function Centre on Sunday 23 January, 2000.

Ballet is a popular art form, particular among the young. Many Hawkesbury children regularly attend ballet classes (there are at least nine dance schools in the district) but few have the opportunity to attend performances of the quality being offered on this occasion. There has not been a recent performance by a professional ballet company in the Hawkesbury. The NSW Ballet Company is a fully-professional company. Its artistic director recently won the Young Entrepreneur Of The Year Award sponsored by the Office Of Western Sydney.

By sponsoring this performance, Council would enable tickets to be sold at a reduced rate, bringing it within the means of Hawkesbury families during the summer school vacation.

In view of these developments, it is proposed that \$5,000 be allocated, from within the Cultural Development Program, to sponsor the performance by the NSW Ballet Company. The staging of the Ballet would further cultural development in the Hawkesbury, and the proposed expenditure would be consistent with the cultural development goals.

The proposed allocation of funding would enable Council to support a significant and high quality cultural event with substantial community profile.

RECOMMENDATION:

That Council provide \$5,000 (five thousand dollars) sponsorship for the NSW Ballet Company Performance of a Midsummer Nights Dream. Funding is to be provided from the Cultural Development Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 114 Oooo

ITEM: 115 **Wilberforce Abattoir - Lot 1 DP741444 No. 47 King Road,
Wilberforce - Court Proceedings**

FILE NUMBER: P1102/560/EVD/ORL14LBX.V22

PREVIOUS ITEM: 2, GPC Section 1 - Environment (27.07.1999)

PREVIOUS ITEM: 94, Ordinary (16.11.1999)

REPORT:

Introduction

This matter is being reported to Council due to a submission received late on 10 December, 1999 from solicitors acting on behalf of Mr & Mrs Moore, objectors to the activities at the abattoir. The submission suggests changes to the draft operating conditions as adopted by Council, suggests that a meeting be arranged between representatives of the Council and Mr & Mrs Moore, and that the present proceedings in the Environment Court to be stood over to the first week in February 2000.

Background

At the Ordinary meeting of 10 August, 1999 Council resolved as follows:

"That:

- 1. Council's solicitors be instructed that Council is prepared to agree to consent orders in the terms as outlined in this report and, if no agreement is reached, that the Class 4 proceedings be prosecuted in relation to non compliance with conditions of existing development consents.*
- 2. Condition 9 be altered to allow six (6) months for the completion of the roadway.*
- 3. Mr and Mrs Moore, the adjacent property owners to the west, be invited to participate in the mediation of these consent orders in front of the Land and Environment Court.*
- 4. The issue be raised in the mediation of overland stormwater flows both from the adjacent properties to west and inside the property of the abattoir.*
- 5. The processing capacity of the abattoir be set into the consent orders to determine the limit of the operations capacity for future reference."*

Mediation proceedings took place before the Registrar of the Court on 29 September, 1999. The following is a brief summary of the proceedings, as provided by Council's solicitor.

"Representatives from the abattoir operator were present with Mr Jephcott, solicitor for the operator. Mr and Mrs Moore were present together with their daughter. They were represented by Mr John Spence (solicitor); Mr John McKenzie (barrister); Mr Neil Ingham (consultant planner) and Mr John McGirty (retired health and building surveyor).

In addition Mr Paul Henley, Mr N Diamond, Ms B Bailey, Mr S Bailey, and several other residents were in attendance.

During the hearing the solicitor for the abattoir operator made an open offer on behalf of his clients to purchase the property owned by Mr and Mrs Moore for the amount of \$375,000 being the value as determined by the valuer nominated by Mr & Mrs Moore's solicitor. That offer was immediately "rejected outright" by Mr Moore, those being his words. Apparently he considers the value of the property to be somewhere in the vicinity of \$700,000.

There were lengthy discussions between us, the solicitors for the abattoir operator and the representatives of Mr and Mrs Moore trying to reach some common agreement in relation to proposed conditions of consent in the Class 4 proceedings to govern the future use of the premises.

It was extremely difficult to secure any positive position from those representing Mr and Mrs Moore and the other resident objectors. When it became apparent that Mr and Mrs Moore and the resident objectors would not be specific but would only continue to raise general objections to the abattoir operation, the Registrar reconvened the formal hearing.

The Registrar, at the request of us on behalf of the Council and Mr Jephcott on behalf of the abattoir operator invited Mr and Mrs Moore and any other objectors present to submit their proposed conditions of consent to the Council and the abattoir operator within 14 days from the hearing date and then directed the parties to the proceedings to respond to any draft conditions so received within the further 14 days."

Further call-overs took place in the Court on 2 and 30 November. No appearance was made at the Court on behalf of Mr & Mrs Moore or any other objectors nor were any submissions received from those parties.

Current Status

The matter is again listed before the Court on 21 December, 1999. In accordance with Council's resolution of 10 August, 1999 the matter is likely to be settled on that date by consent orders as agreed previously by Council. A list of the Draft Orders is appended as Attachment 1.

It is noted that a draft Condition 1 has been added. The 2,300 weekly slaughter limit is based on information previously provided by the abattoir in the context of development application No. 236/90, which approved alterations and additions to legitimise an unauthorised extension to the killing floor. This figure has been set as a benchmark in the current Orders by which to measure any future applications which may be made.

The other change to conditions as adopted by Council is Condition 11 requiring a survey plan to be submitted within 45 days instead of 21 days.

Submission by John Spence and Associates

A detailed submission was received, via Council's Solicitors on 13 December, 1999 by John Spence and Associates on behalf of Mr & Mrs Moore, which is attached in full. Essentially the conditions being proposed on behalf of the objectors seek to limit operations at the abattoir to between 7.00am and 4.00pm and allow no truck movements after 9.00pm.

Conclusion

The matter of negotiated operational conditions has been considered and debated since 1995 when a set of conditions was produced following consultation with a residents group.

The objectors have been given every opportunity to become involved in discussions and following the mediation held in the Court in September 1999 were given opportunities to make submissions to the Court. It is considered that every possible opportunity has been made available to Mr & Mrs Moore and other objectors to be involved in the process of these Court proceedings. The current conditions as proposed by Council are considered appropriate for resolution of this matter before the Court. The objectors have other avenues available to them through the Court should they wish to challenge Council's positions on the validity of any Court Order.

RECOMMENDATION:

That Council instruct its solicitors to agree to Consent Orders as listed in Attachment 1 and if no agreement is reached with the operators of the abattoir, that Class 4 proceedings be prosecuted in relation to non-compliance with conditions of existing development consents.

ATTACHMENTS:

AT-1 Draft Orders as proposed by Council's solicitors

AT-2 Submission from John Spence & Associates, solicitors, dated 10 December, 1999

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