

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

GENERAL PURPOSE COMMITTEE - ENVIRONMENT**Table of Contents****Meeting Date:** 29 November 1994

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 1 - ENVIRONMENT.	
87:	PLANNING WORKSHOP - LOCAL ENVIRONMENTAL PLAN - LOT D, DP378361 17 GROVES AVENUE, MULGRAVE LEP13/94/EVD	3
88:	PROPOSED RETAIL PLANT NURSERY - LOT 161 DP751665 106 COBURG ROAD, WILBERFORCE - APPLICANT: MR T SCOTT DA287/94 PT01/EVD	5
89:	PROPOSED CHILD CARE CENTRE, LOT 40 DP250171 NO 1 GLENN PLACE, NORTH RICHMOND. APPLICANT: MR & MRS D TAIT DA281/94/EVD	8
90:	SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 3 DP803879 663 GROSE VALE ROAD, GROSE VALE. APPLICANT: MR ALEX O'GRADY SA108/94/EVD	14
91:	WEATHERBOARD COTTAGE - PROPOSED DEMOLITION - NO 339 WINDSOR STREET, RICHMOND DA281/93 PT01 & DA6/94 PT01/EVD	18
92:	OUR CITY OUR FUTURE - RURAL LANDS - DRAFT REPORT GT225/013/EVD	20
93:	TYRE LANDFILL - LEVEL CROSSING ROAD/RAILWAY ROAD SOUTH, VINEYARD. APPLICANT: NE PEARE PTY LTD DA19/92, DA9/94/EVD	28
94:	PROPOSED SUBDIVISION - LOT 1 DP557035 LOT 2 DP615915, LOT 171 DP527991 HORANS LANE, GROSE VALE - APPLICANT: G F FALSON & ASSOCIATES SA072/91PT01/EVD	30

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

ITEM 87: PLANNING WORKSHOP - LOCAL ENVIRONMENTAL PLAN - LOT D, DP378361 17 GROVES AVENUE, MULGRAVE

FILE NUMBER: LEP13/94/EVD

Owner: Shell Company of Australia Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1.386ha
Zone: Part General Industrial 4(a) and part Special Business 3(b)
Advertising: Not required at this time
Date Received: 7 October 1994

Key Issues:

- , Practicality of 2 zonings
- , Flooding
- , Access road between Groves Avenue and Park Road

Action:

Approval

REPORT:

Proposal

Application for Council's support to prepare a local environmental plan to zone all the site to General Industrial 4(a) to allow Pioneer Road Services Pty Ltd to extend their activities onto the site.

Site Characteristics

The subject land is a regularly shaped lot containing 13,860m² with frontage to Groves Avenue and contains the remains of a former Shell liquid fuel depot.

Statutory Situation

The site is zoned part General Industrial 4(a) (40% southern side) and part Special Business 3(b) (60% northern side) under Hawkesbury LEP 1989.

Planning Assessment**Access Road**

Council adopted a Development Control Plan in 1978 that provided for a service road parallel to Windsor Road to serve the properties fronting the Windsor Road in the 3(b) zone and this service road has been constructed in part from Groves Avenue and from Park Road.

The Plan also showed a proposed road 20m wide between Groves Avenue and Park Road, separating the 4(a) zone and the 3(b) zone, to provide subdivision opportunities for lands fronting the Windsor Road and Railway Road North. This proposed road was reserved on Hawkesbury LEP 1984 but not included in Hawkesbury LEP 1989.

The Shell Company in its approval on the site left the 20m clear of any development to allow for the road however, the Caltex depot in Park Road has not allowed for the proposed road. It is unlikely the road will be required and should be disregarded with this rezoning application and future development of the total site.

Practicality of 2 zonings

Since the proposed road between Groves Avenue and Park Road, that affects the southern part of the site, is not required, it is not practical to have 2 zonings on the site as there are land uses allowable in one zone but not in the other. Zonings in this Mulgrave area should, where practical, follow cadastral boundaries and this is proposed in this application.

Flooding

The site is above the floor height standard of 16m AHD for the area and therefore complies with Council's current policy, access however to the site is flood liable.

RECOMMENDATION:

That Council support the preparation of a draft local environmental plan to rezone that part of Lot 3 DP37836 17 Groves Avenue shown as Special Business 3(b) on Hawkesbury LEP 1989 to General Industry 4(a).

ATTACHMENTS:

AT-1 Site map

FN:ENB29NAX.V01

****** END OF ITEM 87 ******

ITEM 88: PROPOSED RETAIL PLANT NURSERY - LOT 161 DP751665 106
COBURG ROAD, WILBERFORCE - APPLICANT: MR T SCOTT

FILE NUMBER: DA287/94 PT01/EVD

Owner: Mr T Scott
Stat. Provisions: Hawkesbury LEP 1989
Area: 1.09ha
Zone: Rural 1(b)
Advertising: Adjoining owners were notified
Date Received: 24 October 1994

Key Issues:

- , Appropriateness of proposed development
- , Parking
- , Public interest

Action:

Suggest revised application be submitted

REPORT:

Proposal

To develop the subject property as a Retail Plant Nursery, together with a landscaped area and parking provision.

Site Characteristics

The subject land is located on the corner of Coburg and Beecroft Roads, Wilberforce, and is a regular shaped block with a flat topography.

Advertising

In accordance with Council policy, adjoining owners were notified by mail of the proposal, with a two week period being provided for submissions. There were five individual letters of objection to the proposal, and the reasons for objection contained therein are summarised below:

The original building approval for the shed specified that it was not to be used for commercial purposes.

The proposal is not compatible with the character of the area.

Peace and quiet may be disrupted.

The rear of the property may become unsightly.

The proposal may set an undesirable precedent.
Traffic
Traffic Noise
Commercial uses are not permitted in this area.
Lack of on-site parking.
Property is for sale and future owners may wish to expand.

Statutory Situation

The proposal falls within the definition of a "Retail Plant Nursery" which is permissible with Council consent within land zoned Rural 1(b) under the provisions of Hawkesbury LEP 1989.

Planning Assessment

Parking and Access

Council's Parking Policy DCP requires 11 car spaces to be provided on site, at the rate of one space per 200² of site area. The proposed nursery will occupy an area of approximately 2.250m² at the southern end of the site. There is adequate room to provide the required 11 car spaces to the north of the shed. The most feasible access point to such parking is from the Beecroft Road frontage of the site.

However, objections against the proposal have particularly referred to the adverse visual impacts that may result from the use of the area to the north of the shed for any purpose (eg parking, storage of goods/materials/waste products, etc). In this regard, if the area to the north of the shed is used for parking, appropriate conditions should be imposed (such as landscaping and screening of the parking area) so that the visual impacts are minimised.

Traffic

It is anticipated that the development will generate slight traffic increases, however, these are not expected to be beyond the capacity of the local road network.

Character, External Appearance, Visual Impact

The proposed development is not expected to represent a significant change in the character of the area, which at present consists of low-density rural-residential properties. Similarly, the visual impact of the development will be minimised, given that a 2m high colorbond fence has been erected around the area which will be used for the nursery.

Specific objections have been raised against the proposal concerning the deterioration in appearance of the rear of the property, and a condition on the building approval for the shed not allowing any commercial or industrial usage. Regarding the former, it is considered that adequate conditions can be imposed on the development which would minimise its visual impact. With regards to the latter, the condition on the building permit which states that it cannot be used for commercial/industrial purposes does not preclude any future development proposal being considered on its merits (subject to a development application).

Amenity of the Area

It is considered that the development will have little impact on the amenity of the locality, and any potential effects can be adequately controlled by appropriate conditions.

The proposed nursery should not interfere with the amenity of the area. However the requirement for off street parking means that the application needs to be substantially altered. Consequently, it should be resubmitted and notified to adjoining owners and objectors for comment.

RECOMMENDATION:

The applicant be invited to submit an amended development application which makes provision for off street parking for 11 vehicles in accordance with Council's development control plan. It is suggested that such parking be provided at the northern side of the shed with access from Beecroft Road.

ATTACHMENTS:

AT-1 Site map

FN:ENB29NAX.V05

****** END OF ITEM 88 ******

ITEM 89: PROPOSED CHILD CARE CENTRE, LOT 40 DP250171 NO 1 GLENN PLACE, NORTH RICHMOND. APPLICANT: MR & MRS D TAIT

FILE NUMBER: DA281/94/EVD

Owner: Mr & Mrs D Tait
Stat. Provisions: Hawkesbury LEP, 1989
Area: 1012sqm
Zone: Residential 2(a)
Advertising: Adjoining owners notified with 11 objections received
Date Received: 18 October, 1994

Key Issues:

- , Appropriateness of proposed use
- , On site parking
- , Amenity
- , Public Interest
- , Traffic Flow

Action:

Conditional approval

REPORT:

Proposal

To extend the dwelling at the subject property to cater for its use as a child care centre as well as maintaining the residence. In particular, the garage will be converted into a children's play area, and will be extended to accommodate an office, a store room, children's toilets and a nappy change room.

The applicant has applied for a maximum 29 place centre with ages of children being 0-2 years (five children), 2-3 years (eight children), 3-6 years (sixteen children).

Statutory Provisions

The proposed use falls within the definition of a 'child care centre' which is a permissible use subject to Council consent within Residential 2(a) zones under the provisions of Hawkesbury LEP, 1989.

Advertising

In accordance with Council policy, adjoining owners were notified by mail of the proposal. Eleven individual letters of objection were received and are summarised as follows:

- loss of peace and tranquillity
- noise of traffic
- lack of on site parking
- increased use of neighbouring streets to pick up and set down children
- increased traffic flow
- over development of the site
- not in keeping with surrounding development
- loss of privacy
- property devaluation
- service vehicles using the site
- development is not of a domestic scale by character
- additional traffic presents a danger to children who live in Glenn Place
- increase traffic will cause increased anxiety

Site Characteristics

The subject land is located on the corner of Glenn Place and Mokari Street, North Richmond. Adjoining development consists of entirely low density residential development.

Planning Assessment**Social and Economic Impact**

Generally speaking, child care centres are considered to have positive social and economic impacts, and they are a desirable service in the Hawkesbury Region which has a relatively high proportion of persons in the age groups of 0-4 years and 5-9 years (approximately 19% of the population at the 1991 census).

In addition, the Department of Family and Community Services was contacted regarding the demand for child care places in the City and it was advised that there is a high demand for places in the 0-3 year age group due to the low number of child care centres that accommodate this age group. The applicant advises that almost half of the spaces will be for children in this age group.

Scale, Size, Design, External Appearance etc

The development proposes extensions to the existing dwelling house. These are considered to be of a satisfactory design and external appearance. Building materials should be similar to existing, and in this regard appropriate conditions can be imposed if approval is given to the proposal.

An objection has been raised that the proposal is an "over development of the site" and is "not of a domestic scale and character". The extensions while they are at the front of the house, do not extend beyond the existing building line of the front bedroom, and do not reduce the amount of space available in the back yard. They do not significantly increase the size of the development on the site and therefore, they are not considered to be an overdevelopment of the site.

Relationship to Adjoining Land

Many of the objections to the proposal relate to its relationship to adjoining properties, and these include the noise of children playing, property devaluation and loss of privacy. Regarding the "property devaluation" claim, no evidence has been submitted to substantiate this claim.

Furthermore, given that the extensions to the existing dwelling are at the side of the house with no adjoining dwellings ie on the corner of Glenn Place and Mokari Street, there should be minimal impact to the adjoining properties in relation to privacy loss and increased noise from children playing.

Generally speaking, it is considered that the proposed development will have a satisfactory relationship to adjoining land.

Parking - Means of Entry/Exit Loading/Unloading of Vehicles

Specific objections to the proposal on parking grounds included the lack of on site parking, and the use of the site by delivery vehicles. Regarding the latter, the applicant advises that there will be no need for any delivery made to the site. A condition preventing any delivery vehicles using the site can be imposed if the proposal is approved.

Council's Parking Policy DCP does not prescribe a parking rate for child care centres, and the most similar use is a school/educational establishment with a requirement of one space per two staff, plus space for delivery vehicles. This would require two spaces, given that there will be three persons employed at the site.

However, the RTA's document entitled "Guidelines for Traffic Generating Development" recommends parking be provided at the rate of one space per four children in attendance (ie seven spaces), although this document also states that "consideration could be given to reducing the parking required if convenient and safe on street parking is available". In this regard, given that Glenn Place is a low traffic residential cul-de-sac, it is possible to use it as a pick up and set down point from a children's safety point of view.

In terms of the vehicular entry/exit to the site, there are two driveway laybacks at the frontage of the site located some 15 to 20 metres apart. It could be possible to form an "arc shape" paved driveway between these laybacks to provide an on site area where parents may pick up and set down their children.

Given the on site parking requirement discussed above, and the relatively short length of stay (which the RTA surveys have found to be an average of 6 to 8 minutes), it is considered necessary to require three space to be provided on site, and the arc shaped driveway at the front of the site. This will allow staff and parent's vehicles alike to be reasonably accommodated in terms of car parking. The applicant advises that one of the persons employed at the site will live in the dwelling. Three car spaces can be provided in a stacked formation at the western side of the house.

Traffic

A number of submissions were received which also objected to the proposal on traffic grounds, including the number of vehicle trips, being a danger to children playing in the street, and the cause of stress/anxiety.

The RTA traffic guidelines discussed above estimate that for "long day care centres", there is a potential to generate 0.8 vehicle trips per child between 7.00am and 9.00am (ie 23 trips), 0.3 trips per child between 2.30pm and 4.00pm (ie 9 trips), and 0.7 trips per child between 4.00pm and 6.00pm (ie 20 trips). These are not considered to be excessive or beyond the capacity of the local road network.

The proposal is not considered to be a danger to children playing in the street, as both Glenn Place and Mokari Streets are relatively short and do not provide the opportunity for excessive vehicle speeds.

Landscaping/Tree Preservation

The proposal should not disrupt the existing landscaping at the front of the site. There is a significant and mature tree at the front of the site, but the driveway should be able to be located so as to avoid this tree.

Existing and Likely Future Amenity

The remaining objections to the proposal relate to the amenity issues including "hours of operation, incompatibility with adjoining development". Any adverse impacts on the amenity can be satisfactorily controlled, including a limitation on hours of operation. Consideration may be given to monitoring the child care centre's consent over an initial twelve month period so as to more accurately gauge the impacts on the amenity of the adjoining property owners.

RECOMMENDATION:

- A. Approval of the application subject to the following conditions:
 - 1. Submission of a building application, plans and specifications complying with the Building Code of Australia.

2. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council. Any such advertising structure erected or displayed without prior approval will be removed and disposed of at the expense of the advertiser.
3. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
4. Provision of toilets in accordance with the requirements of the Building Code of Australia.
5. 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.
6. No excavation or site works shall be commenced prior to the issue of the building permit.
7. Parking shall be provided for three (3) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
8. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
9. 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.
10. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
11. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
12. Operating hours shall be limited to 7.00am to 7.00pm Mondays to Fridays. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.
13. Any routine deliveries to the site shall be undertaken by the proprietor of the child care centre in a typical family car.
14. The provision of an arc shaped paved driveway between the two driveway laybacks at the Glenn Place frontage of the site. The driveway shall be located clear of any tree on the site, and full details are to be submitted for approval with the building application.

15. Compliance with any requirement of the Department of Family and Community Services.

ATTACHMENTS:

AT-1 Site map

FN:ENB29NAX.V07

****** END OF ITEM 89 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 29 November 1994

Item: 90

ITEM 90: SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 3 DP803879
663 GROSE VALE ROAD, GROSE VALE. APPLICANT: MR ALEX
O'GRADY

FILE NUMBER: SA108/94/EVD

Owner: Grose Vale Properties Pty Ltd
Stat. Provisions: Hawkesbury LEP and State Environmental Planning Policy No. 1
Area: 6.36ha
Zone: Rural 1(c1)
Advertising: Not required
Date Received: 23 September 1994

Key Issues:

- , Heritage
- , Non Compliance with HLEP
- , SEPP1 Objection

Action:

Approval with conditions

REPORT:

Council at its Ordinary Meeting held on 8 November, 1994 considered this application where the following was resolved:

"that the matter be deferred to allow the consultant architect to address the next Committee Meeting."

Reproduced below is the report on the matter.

The subject property contains 'Wyanbah', a timber residence on the corner of Grose Vale and Grose Wold Roads, Grose Vale. The property is listed in Schedule 1 of Hawkesbury LEP, 1989. The building is in poor condition, needing restoration works to ensure the long term conservation of the building. These works are currently being undertaken.

This application proposes to subdivide the property into 2 allotments with areas of 5.646ha and 0.72ha. The larger lot will be vacant, with the smaller lot containing 'Wyanbah' and its curtilage.

Statutory Situation

The subject property is located within the Rural 1(c1) zone under the provisions of Hawkesbury LEP. Clause 11 2(d) of HLEP requires that allotments have a minimum area of 4ha. The proposed smaller lot is substantially below this requirement. The applicant has submitted an objection to the standard pursuant to SEPP1 claiming that compliance is unnecessary for the following reasons:-

- any approval is subject to the full restoration of the heritage building
- the subdivided land will not impact upon the heritage item
- subdivision will make the project viable

Should Council support the applicant's objection, the concurrence of the Director of Planning is required to approve the proposal due to the extent of variation required to Hawkesbury LEP.

Planning Comments

The subject property is an irregular shaped allotment with a total area of 6.36ha, located on the corner of Grose Vale and Grose Wold Roads.

The proposed subdivision considers the heritage significance of 'Wyanbah' in the following ways:

- maintenance of the building and its curtilage
- provision of a building envelope on the vacant allotment will ensure that development will not affect 'Wyanbah'
- the building envelope will ensure that development will not be viewed from Grose Wold Road, the predominant vista of 'Wyanbah'

Both of the proposed allotments have sufficient area for the disposal of effluent. Furthermore, although irregular in shape, each of the allotments will be usable.

Under the circumstances, it is considered that considerable benefit will be derived from the support of this application, particularly in relation to the restoration of 'Wyanbah'. The likely adverse impacts, in the form of increased traffic and additional demand for facilities, are negligible and do not warrant refusal of the application.

RECOMMENDATION:

That:

- A. The SEPP1 objection be supported.
- B. The Director of the Department of Planning be requested to concur with the application.

- C. Upon receiving concurrence, the application be approved, subject to the following conditions:
1. The subdivision shall be in general accordance with the submitted plan number K1/94/8 dated 23 September 1994.
 2. The submission of a Subdivider/Developer Certificate (a Certificate under Part 3, Division 2, Section 27 of the Water Board Act, 1987).
 3. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
 4. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
 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 \$180 (one hundred and eighty). This amount is valid until 30 June 1995.
 7. Dedication of a splay corner at the intersection of Grose Wold and Grose Vale Roads sufficient to provide a minimum setback from the existing table drain together with any necessary road widening to maintain a similar setback along the road frontages.
 8. The creation of easements to drain water over the site of drainage discharge just below the existing gate on the vacant lot from roads 4m wide and 10m long free of cost to Council.
 9. The final linen plan of subdivision shall not be released until the works approved under DA129/94 are completed and all conditions have been complied with.
 10. A contribution of \$3,275 (three thousand two hundred and seventy five) being the contribution for recreational buildings, park improvements and community facilities as a consequence of the subdivision of land. This amount is valid to 30 June 1995.
 11. A detailed survey plan illustrating the location of any heritage item in relation to the newly created boundaries shall be submitted prior to the release of the final linen plan of subdivision.

12. A restriction as to user pursuant to Section 88B of the Conveyancing Act being entered on the title of the proposed vacant lot restricting development to the proposed building envelope and access to the proposed entry.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB29NAX.V10

****** END OF ITEM 90 ******

ITEM 91: WEATHERBOARD COTTAGE - PROPOSED DEMOLITION - NO 339
WINDSOR STREET, RICHMOND

FILE NUMBER: DA281/93 PT01 & DA6/94 PT01/EVD

REPORT:

Council at its Ordinary Meeting on 13 September, 1994, resolved the following:

- "1. That demolition of this house be approved; and
2. That an appropriate Development Control Plan be placed over the land to maintain the architectural merit of the streetscape."

Clause 30 of the Hawkesbury Local Environmental Plan, 1989, states that Council is not to issue development consent to the application until twenty eight days after Council has notified the Secretary of the Heritage Council of its intention to do so. In accordance with the provisions of Clause 30 of the Plan, the Heritage Council of New South Wales was notified of Council's resolution on the 20 September, 1994.

On 26 September, 1994, Council received acknowledgment that the notification has been received and advice that the matter would be considered by the Heritage Council at its meeting on 3 November, 1994.

Correspondence has recently been received from the Department of Planning which states that at its meeting on 3 November, 1994, the Heritage Council resolved the following:

- "1. to establish a sub-committee, which includes a member from the Technical Advisory Group on Materials Conservation (TAGMAC) with timber conservation expertise. The sub-committee would meet with Council and the owners to assist in further assessment of the degree of significance of the cottage, the establishing of detailed conservation policies to guide future conservation works and possible sympathetic development of the site; and
2. to seek Hawkesbury Council's assistance to explore options which might achieve retention and conservation of the original portion of the existing cottage."

The correspondence further advises:

"The Heritage Council is seeking to resolve this matter with all possible expedition and would appreciate your response to these proposals at an early date."

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB29NBX.V09

****** END OF ITEM 91 ******

ITEM 92: OUR CITY OUR FUTURE - RURAL LANDS - DRAFT REPORT**FILE NUMBER:** GT225/013/EVD

REPORT:

A draft report dealing with strategic planning for the City's rural lands has now been completed. Given the scope of the brief for "Our City our Future" a single report considering both urban and rural issues would be excessive and discourage participation and debate. It is anticipated that a draft report considering the urban issues will be submitted to Council early in the new year.

The format of the draft report is based upon the issues discussed at the series of public meetings held in 1993. The issues and recommendations in the draft report are:-

Population/Growth

Recommendation: That a database for the rural areas be maintained on GENAMAP which would include at least population growth, vacant land, land containing a dwelling and dwelling starts.

Agricultural Land***Recommendations:-***

- 1. Class 1, 2 and 3 agricultural land should be retained for future use for agricultural production and should not be subject to further extensive fragmentation.*
- 2. Sufficient buffer zones between rural and residential development should be retained. This would help ameliorate land use conflicts that often occur in the City.*
- 3. Further investigation be undertaken into the creation of Agricultural Production zones, rather than the broad rural zone. These zones would signify to the people living in the zone, as well as the general public, that the area contained in the zone is for agricultural production.*
- 4. Council undertake an education campaign with the local community highlighting the benefits of agriculture and the issues concerning rural land use conflict. Many residents may not realise the benefits that agriculture provides to the City as well as the Sydney Region.*
- 5. Retention of sufficient land on each rural property to ensure agricultural viability.*

Environment*Recommendations:-*

1. *Prepare a draft local environmental plan to preserve existing documented remnant Cumberland Plain vegetation.*
2. *Further investigations be undertaken to document both remnant vegetation and significant vegetation on the western side of the Hawkesbury River and a strategy be prepared for the preservation of such vegetation.*
3. *Consolidate Council's objectives concerning education of the public by formulating an education campaign highlighting the importance of the natural areas in the City.*

Infrastructure*Recommendations:-*

1. *Council's requirements for on-site effluent disposal be reviewed following completion of the investigations by the Hawkesbury Nepean Catchment Management Trust but that in the interim an allotment area of at least one hectare be required for the disposal of effluent on site.*
2. *That Council adopt a policy to require the shared use of telecommunications facilities which occupy prominent ridgetop locations and if necessary Council construct its own facility and offer it at reasonable rental to other users as a means of rationalising the provision of towers.*
3. *The provision of smaller lot subdivision close to existing villages be acknowledged from an infrastructure and access perspective as preferable to general reductions in the minimum area for rural subdivision.*

River*Recommendations:-*

1. *That the work currently being undertaken by the Hawkesbury Nepean Catchment Management Trust to determine the effects of agriculture on the Hawkesbury River be supported.*
2. *Council in consultation with the Trust, investigate methods for disposing of on-site effluent and encourage the development and installation of environmentally superior systems.*
3. *Council investigate the reuse of effluent on agricultural land as set out by the Environmental Planning and Assessment Guidelines.*

Subdivision**Recommendations:-**

1. *Given the numerous constraints discussed in this report a preferable approach to the issue of rezonings for rural subdivision is considered to be the development of design principles which will ensure the preservation of agricultural land, the urban/rural interface, important environmental features and the provision of adequate services. Council will then assess individual rezoning applications against these principles.*

This approach does not provide the market with certainty as to the subdivision potential of land, however it is considered preferable to general rezonings which severely constrain the achievement of environmental objectives.

It is recommended that the following design principles be adopted for consideration of rural rezonings to allow smaller lot subdivision:-

- a. *there should be no subdivision of land for rural residential purposes where the land is Class 1, 2 or 3 agricultural land as defined by the Department of Agriculture;*
- b. *land titles of subdivided smaller lots are to contain "right to farm" provisions in the form of restrictive covenants preventing objection to any lawful farming activity;*
- c. *fragmentation of land is to be minimised;*
- d. *consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages;*
- e. *no subdivision along main roads and any subdivision to be effectively screened from minor roads;*
- f. *no subdivision along ridgelines or escarpments;*
- g. *where on site effluent disposal is proposed, lots are to have an area of at least 1 hectare;*
- h. *the existing proportion of tree coverage on any site is to be retained or enhanced;*
- i. *any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense;*
- j. *community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.*

2. *The existing subdivision provisions be altered from minimum requirements to average requirements with an absolute minimum requirement sufficient to contain on site effluent disposal.*
3. *Vineyard - In accordance with previous resolutions and resident representations urban development with appropriate services should be supported.*
4. *Clarendon - In accordance with Council's resolution, the proposed Equestrian Village is supported with minimum lot sizes of 5,000m².*

Employment*Recommendations:-*

1. *Council support the establishment of an agriculture/horticulture industry cluster.*
2. *Council acknowledge that further fragmentation of the City's rural area through general reductions in minimum area requirements for subdivision is contrary to economic development and, in particular, the establishment of an agriculture/horticulture industry cluster.*

Heritage

Recommendation: The inclusion of archaeological sensitive areas in the Hawkesbury Local Environmental Plan 1989.

Tourism*Recommendations:-*

1. *That a professional urban designer be engaged to assess means of reinforcing the identity of the towns, particularly the villages, and that these recommendations be implemented through individual mainstreet programs and development control plans. Further that the local communities be involved in the development and implementation of strategies.*
2. *A report be prepared on the potential for a weekend opening of the grounds and gardens of selected heritage buildings in the City for public inspection.*

With respect to the controversial area of subdivision, the report nominates a number of principles to provide direction to Council in considering rezoning applications for "rural residential" subdivision. These principles are drawn from the discussion of rural issues in the various chapters.

The overriding principle which was constantly repeated at the various public meetings was that the existing "rural" character should be maintained. Whilst there is no general agreement as to how this should be achieved, nonetheless an attempt has been made to define the components of the City's rural character. If such components can be defined and agreed upon, the issue of subdivision can be assessed in its totality rather than as a seemingly endless succession of disputes with developers, both large and small.

Various reductions in the minimum area requirements for subdivision over the years, both broad scale and localised, have also generated an expectation of continuing downsizing in area requirements. This has necessarily caused some speculation, with an unwarranted increase in rural property values.

It is important that Council be both firm and consistent in its handling of rural subdivision proposals to eliminate continuing speculation which only serves to make rational decision making more difficult. This does not mean that particular rezoning proposals should not be supported but rather that they be capable of justification to the extent that property owners and developers will not perceive the decisions as providing some expectation for similar consideration.

Since the commencement of "Our City our Future" in early 1993, numerous proposals have been received for subdivision not conforming with zoning requirements. The following list of subdivision proposals, some of which have been supported by Council, provides an indication of the need to deflate expectations. These proposals have been received over approximately the past 2 years and are only a sample of the enquiries which are received on a daily basis.

Owner	Land	Subdivision sought
R J & J Atkinson	Silks Road, North Richmond	3,000 - 8,000 square metre lots on existing 3 hectare property. Existing minimum area requirement is 10 hectares.
S & C Chaseling	East Kurrajong Road (Section 2), East Kurrajong	4 hectare lots on existing 10 hectare lot. Believe the 4 hectare zoning of East Kurrajong Road, Section 1 is inconsistent.
Vineyard Action Group	Vineyard	Residential or industrial rezonings. Land is currently zoned Rural 1(c) with a minimum area requirement of 2 hectares. Council has supported the preparation of a concept plan for an industrial development on part of the land.
R Butcher	Vineyard	Some form of urban rezoning. Land is currently zoned Rural 1(c).
H Ten Dam and G Beaumont	Spinks Road, Glossodia	2 hectare subdivision should be permitted around Glossodia. Current requirement is a minimum of 10 hectares.

GENERAL PURPOSE COMMITTEE - ENVIRONMENTMeeting Date: **29 November 1994**Item: **92**

R Parsonage	Krahe and Singleton Roads, Wilberforce	Cluster housing and a golf course. The minimum area requirement is 10 hectares.
J & H Hart	Freemans Reach	2,000 square metre lots on the periphery of Freemans Reach. The minimum area requirement is 10 hectares.
Mr N Shedden	Royerdale Place, East Kurrajong	Rural residential zoning. Existing minimum area requirement is 10 hectares. The proposal was supported by Council.
Mr R Cunliffe	Horans Lane, Kurrajong	10 lot subdivision with lot areas between 4 hectares and 20 hectares. The minimum area requirement is 10 hectares.
Mr A Kohacek & Mr R Colley	Salters Road, Wilberforce	16 lot community title subdivision on land with an area of 21 hectares. The minimum area requirement is 10 hectares.
C H Kemp & Sons	Tizzana Road, Ebenezer	36 lot subdivision of land with an area of 52 hectares. The minimum area requirement is 10 hectares. This proposal has been supported by Council.
Mr K & Mr B Johnston	Bells Line of Road, North Richmond	Residential or rural residential subdivision of existing dairy which has an area of 37 hectares. The minimum area requirement is 10 hectares.
Mr J H Harris	Hermitage Road, Kurrajong	25 lot subdivision of Little Island. A local environmental study is currently being prepared.
R A Peel Downes Pty Limited	Peel Parade, Kurrajong	35 lot rural residential subdivision by community title and golf course on land with an area of 77 hectares. The minimum area requirement is 4 hectares.
Corporate Equities Limited	Terrace Road, North Richmond	"The Legends" proposal comprising a resort, residential (2,000 lots) and golf course development on land with an area of 52 hectares. The minimum area requirement is 10 hectares. A rezoning application was supported by Council.
Clarendon property owners	Racecourse Road and Rickaby Street, Clarendon	Equine based subdivision with lots of approximately 5,000 square metres.

GENERAL PURPOSE COMMITTEE - ENVIRONMENTMeeting Date: **29 November 1994**Item: **92**

Mr G Rogan	Bells Line of Road and Stone Terrace, Kurrajong	2 lot subdivision inconsistent with the minimum area requirement of 40 hectares.
Rose Consulting Group	"Nepean Park", Springwood Road, Yarramundi	122 rural residential lots between 2,700 square metres and 1 hectare. This rezoning is contained in LEP 1989 and there have been recent enquiries about the subdivision proceeding in a different format.
Rose Consulting Group	"Glenroy", Kurmond Road, Freemans Reach	Approximately 300 rural residential lots with a minimum lot size of 4,000 square metres. The minimum area requirement is 4,000 square metres.
Richmond Pastoral Company	Bells Line of Road, North Richmond (below Rural Press)	Rural residential subdivision. The minimum area requirement is 10 hectares. A proposal was supported by Council.
F & D Swain	Grose Wold Road, Grose Wold	2 lot subdivision of land with an area of 8 hectares. The minimum area requirement is 10 hectares.
Mr A & Mrs P Schembri	Windsor Road, Vineyard	Residential subdivision. The minimum area requirement is 2 hectares.
Bona Vista Citrus Pty Ltd	Johnston and Bathurst Streets, Pitt Town	23 residential or rural residential lots on land which has an area of 49 hectares. The minimum area requirement is 10 hectares. This proposal has been supported by Council.
Lean Lackenby & Hayward	Wheeny Creek Road, East Kurrajong	Proposed community title subdivision to create rural residential lots. The minimum area requirement is 40 hectares.
R A P Holdings Pty Limited	Krahe Road, Wilberforce	Proposal for 4,000 square metre rural residential lots on 16 hectares of land. The minimum area requirement is 16 hectares.
P De Fina & Associates Pty Limited	Pitt Town Road, McGraths Hill	Proposal to rezone mushroom composting facility from Rural 1(c) to Residential.

The number of inquiries illustrated in this table demonstrates the importance of establishing principles for the assessment of subdivision proposals outside the provisions of the existing zonings. The incremental nature of the DA and LEP process means that a strategic direction can be quickly lost through the process of responding to numerous seemingly unrelated proposals. However the proposals are all related because individually they will contribute to altering the City's land uses and economy. This contribution may either be positive or negative.

It is recommended that the draft report be placed on public exhibition for a period of three months and that an executive summary be sent to all correspondents and be made available at the counter free of charge.

RECOMMENDATION:

That Our City Our Future Rural Lands draft report be placed on public exhibition for a period of three (3) months and that an executive summary be sent to all correspondents and be made available at the counter free of charge.

ATTACHMENTS:

AT-1 Our City Our Future draft Report for Councillors' and Senior Officer's information.

FN:ENB29NBX.V11

****** END OF ITEM 92 ******

ITEM 93: TYRE LANDFILL - LEVEL CROSSING ROAD/RAILWAY ROAD SOUTH, VINEYARD. APPLICANT: NE PEARE PTY LTD

FILE NUMBER: DA19/92, DA9/94/EVD

REPORT:

Council has considered 2 (two) development applications for tyre landfill operations on the above property.

DA19/92 approved a 1ha site subject to a number of conditions, one of which included a 12 (twelve) month limit on the life of the development. This was extended at the Ordinary Meeting of Council on 11 May, 1993, in accordance with the applicant's request until 31 July, 1994.

Furthermore, Council considered DA9/94 which proposed to fill a further 1.72ha over a five (5) year period. This application was refused by Council at its Ordinary Meeting on 10 May, 1994 and was the subject of a failed recision motion.

Council has now been requested to grant an extension of time to complete the works approved under DA19/92 until 20 July, 1995. In addition, a request has been received to reconsider DA9/94, the application Council refused.

With respect to the request to reconsider DA9/94, it is considered inappropriate. The application has already been assessed and refused. The Environmental Planning and Assessment Act, 1979, makes no provision for reconsidering refused applications. In addition, since considering this proposal, state legislation has changed so that any landfill on flood liable land is classed as designated development, thereby requiring an EIS. The legality, therefore, of reconsidering this application would be questionable.

With respect to the request to extend the time to complete the works, the property was recently inspected and was found to be operating in accordance with Council's conditions. The site is being kept reasonably tidy under the circumstances. It is difficult to ascertain precisely the extent of land which has been subject to landfill. This is because the site is traversed by a gas line which can not be filled over with tyres. The applicant has indicated that approximately 2000m² of area remains to be filled to complete the 1ha site. This area should be pegged out if an extension is granted.

Council recently considered an extension of a tyre landfill operation at Ebenezer, where the operator was required to shred the tyres before burial. For Council to remain consistent, this should be required of this operator.

RECOMMENDATION:

That Council agree to extend the development consent in accordance with the above and Condition 15 of DA19/92 be amended to read as follows:

"15. The tyre landfill development, including site rehabilitation works shall be completed to the satisfaction of the Divisional Manager of Environment and Development by 20 July, 1995 and that all tyres are shredded prior to burial and the one (1)ha site is pegged out immediately."

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB29NBX.V13

****** END OF ITEM 93 ******

ITEM 94: PROPOSED SUBDIVISION - LOT 1 DP557035 LOT 2 DP615915, LOT 171 DP527991 HORANS LANE, GROSE VALE - APPLICANT: G F FALSON & ASSOCIATES

FILE NUMBER: SA072/91PT01/EVD

REPORT:

Council at its meeting of 8 June 1993 resolved to request the Department of Planning to concur to the subdivision of the land under State Environmental Planning Policy No.1 into 16 allotments based on the density availability of the adjoining Rural 1(c1) zone.

Subsequently, the Department of Planning declined to concur with the variation under SEPP 1 because it was considered that the proposal was inconsistent with the objectives of the Environmental Protection 7(d) zone and contrary to the findings of the Blue Mountains Eastern Escarpment Study.

The Department suggested that Council may wish to explore the possibility of rezoning the land in order to permit rural/residential development.

The Department's suggestion was considered by Council on 9 November 1993 and it was resolved not to prepare a draft local environmental plan to enable the 16 lot subdivision.

The owner of the land has now submitted a proposal for either a 16 or 17 lot subdivision of the land, all of which include the retention of the "escarpment" as neighbourhood property in a Community Title.

The revised proposal is an improvement on that previously considered as the dwellings in the proposed subdivision could be sited towards the base of the valley. In addition, the higher land which is visible from the floodplain would be preserved in the title with potential for enhancement through revegetation.

There would seem to be some argument that subdivision in the base of the valley would not impinge upon escarpment preservation. In addition, the slope of the land is such that it is of limited agricultural value.

However, the application demonstrates issues raised in the business paper report on the draft "Our City Our Future" strategy document. Support for such rezonings without the consistent application of agreed planning principles inevitably generates a market expectation of zoning change. If Council is to overcome the seemingly endless series of proposals for zonings variations a clear signal needs to be provided to property developers.

The proposed subdivision, whilst not being devoid of merit, does not accord with the suggested principles for rezoning in the draft "Our City Our Future" strategy. Accordingly, at this stage the proposal should not be supported.

RECOMMENDATION:

The applicant be advised that the proposal for subdivision is not supported as it is inconsistent with the principles enunciated in the draft "Our City Our Future" strategy.

ATTACHMENTS:

AT-1 Plan of proposed subdivision

FN:ENB29NBX.V14

****** END OF ITEM 94 ******