

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM: 37 REMOVAL OF TREES AND CLEARING OF LAND FOR PRODUCTION OF CUT FLOWER CROPS AND GROWING SHEDS FOR A WHOLESALE NURSERY - LOT 9 DP210461, 2237 BELLS LINE OF ROAD, BILPIN

FILE NUMBER: DA0165/95PT01/EVD

Applicant: K & C Naylor
Applicants Reps: Nil
Owner: K & C Naylor
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 10.36 hectares
Zone: Environment Protection 7(d)(Scenic)
Advertising: 14 days to adjoining owners with no submissions being received.
Date Received: 14 July 1995

Key Issues:

, Non compliance with Council policy

Action:

Conditional approval

REPORT:

Proposal

The application is to remove trees and clear land for the production of cut flower crops and growing sheds for a wholesale nursery.

There are existing growing beds on the site and most of the proposed extension involves land which has already been substantially cleared.

Planning Assessment

Council's Tree Preservation Officer reports that whilst he has no objection to the applicant's request for tree clearing, it is considered that provision be made for the retention of trees to the property boundary areas for reasons of visual amenity. It is proposed that these buffer areas be 6 metres from the side boundary and 15 metres to the front boundary facing Bells Line of Road.

It is also proposed to construct a fire break in accordance with a report submitted by the Bilpin Bush Fire Brigade Captain. There is no objection to the construction of this fire break provided no semi-mature or mature trees are removed.

An assessment of the trees on site indicates that there is no conflict with the provisions of State Environmental Planning Policy No.44 which requires an assessment of potential koala habitats.

The application could be argued to be contrary to the policy adopted by Council at its meeting on 8 August 1995 that:

"Council impose a moratorium on the clearing of native vegetation for new intensive horticultural developments until such time as areas have been defined and set aside for agricultural/horticultural activities within the Hawkesbury boundaries."

Whilst there is an existing horticultural development on the land, the application proposes a significant extension to that activity. Depending upon interpretation, the extension may or may not be regarded as a new intensive horticultural development.

Given the existing use of the property and the fact that the land proposed to be used is already substantially cleared, it is recommended that the application be approved subject to conditions.

RECOMMENDATION:

That the application be approved subject to the following conditions:

1. No trees to be cleared within 6 (six) metres of the side boundaries and 15 (fifteen) metres of the front boundary to preserve the visual amenity of the area.
2. The small area marked "G" near the front boundary is not to be cleared for growing purposes.
3. Clearing for firebreaks is to be restricted generally to the area between the line of the rear firebreak and the Bells Line of Road with clearing being restricted to removal of under-scrub and small trees with a height less than 4 (four) metres, a spread of less than 3 (three) metres or having a trunk diameter of less than 150 (one hundred and fifty) millimetres, 1 (one) metre above the ground. No mature trees or semi-mature trees are to be removed for firebreak purposes.
4. No firebreak work or clearing of land is to take place other than those areas approved by this development consent and no approval is given to clear adjacent public or privately owned land.
5. Submission of a building application, plans and specifications complying with the Building Code of Australia.
6. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
7. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.

8. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
9. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
10. No retail sale of goods is to be made from the subject premises.
11. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
12. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
13. The 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.
14. The development shall be carried out in accordance with Plan No. "B" as submitted with the Development Application except where modified by the above conditions.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN822LBX.V30

****** END OF ITEM 37 ******

11ITEM: 38**WILBERFORCE ABATTOIR - RECOMMENDED CHANGE TO
PROPOSED CONDITIONS ON THE CONSOLIDATED CONSENT****FILE NUMBER:** P1102/560PT06; DA0052/94PT01/EVD**REPORT:**

The report at Item 23 in the Environment Section of this business paper was discussed at a meeting of the Abattoir Consultative Committee on 17 August 1995.

At that meeting a letter from Woolf Associates, Solicitors on behalf of the Hawkesbury Residents Abattoir Group, was tabled. A copy of the letter is attached. The abattoir operator also requested revision of a number of conditions.

The following comments are made in relation to the points raised by both parties.

Letter from Woolf Associates on behalf of the Hawkesbury Residents Abattoir Group:**Condition 3**

Woolf & Associates request that the provision for variation in the hours of slaughtering be deleted on the basis that it could be abused.

Whilst it is agreed that the condition could be tightened there are occasions when unforeseen breakdowns and delays mean that slaughtering cannot be completed within the approved hours. Without the provision for variation there would be obvious pressure for prosecution on the few occasions when the 4.00pm finish was exceeded.

Condition 4

It is agreed that the 7.00am to 10.00pm recommendation did not apply to weekends where the recommendation was for 7.00am to 6.00pm. However it is still considered that the boning activity is such that noise nuisance is unlikely to occur even with a 10.00pm finish on weekends.

SEPP No. 33 for Hazardous and Offensive Industry is not applicable as Council is not considering a development application but rather the amendment of conditions to improve residential amenity whilst providing reasonable operating conditions for the abattoir.

Conditions 5 & 6

Noted

Condition 7

Noted

Condition 8

A masonry wall to provide attenuation of noise nuisance to residents to the west of the abattoir, including Mr & Mrs Moore, cannot reasonably be constructed without access through the Moore property. This is because the existing slaughter area and covered holding pens are located on the boundary with insufficient room for equipment to excavate a footing and remove material.

Condition 14

The containers are located beside a shed on the eastern side of the abattoir building. They cannot be readily viewed from adjoining houses. It is not considered that they have any affect on the amenity of the area.

Woolf & Associates also request that a condition be imposed to ensure that noise generated by the development not result in noise intrusion levels greater than under EPA guidelines. This condition is not supported because in practical terms it is very difficult to enforce.

Comments by Abattoir:Condition 6

The abattoir operators have objected to condition 6 which restricts trucks removing meat from the site to the hours of 7.00am to 10.00pm. They say that the abattoir cannot be operated with such restrictions on the removal of meat.

The current operators utilise their own trucks and drivers (one and sometimes two), to deliver to butchers across Sydney. In order to deliver to butcher shops to provide meat for that day's trading, the trucks need to leave the site around 3am to 4am depending upon the number of deliveries they have to make.

They are agreeable to restrictions on the method of loading etc to minimise noise but maintain they cannot operate the abattoir with a night time curfew on the removal of meat.

Condition 8

The abattoir has requested some flexibility in the requirements for the construction of the wall in the event that the adjoining property owner does not allow access.

Condition 20

The abattoir, whilst not objecting to the employment of an environmental officer, queries such employment if the abattoir is operating in accordance with all of its approvals and without complaints.

Given these comments a number of amendments are proposed to the conditions of consent. The following is a revised list of conditions with the amendments shown in *italics*.

RECOMMENDATION:

A. The abattoir operators be invited to surrender all existing development consents with a modified consolidated consent to be issued under delegated authority subject to the following conditions:

1. This consent is for the operation of an abattoir to slaughter, butcher and undertake any associated activities in respect of cattle, sheep, pigs and goats. The slaughtering and butchering of any other animals will require the separate consent of Council.
2. The rendering of meat and by-products is not be undertaken on site.
3. The hours of slaughtering shall be limited to 7.00am to 4.00pm Monday to Friday. Slaughtering shall not be undertaken on Saturdays, Sundays or Public Holidays.

Any variation to these times will require the approval of the Divisional Manager Environment and Development and will be restricted to rare events and breakdowns. *Approval for variation in the hours of slaughtering has to be sought and obtained before there is any slaughtering outside of the approved hours.*

4. The hours of boning shall be limited to 7.00am to 10.00pm on any day.
5. There are to be no trucks on site delivering stock between the hours of 10.00pm and 7.00am on any day.
6. *Trucks may remove meat and by-products at any time provided that between the hours of 10.00pm and 7.00am the following practices are employed:*
 - . *no truck refrigeration units to be used on site*
 - . *no headlights to be used on site*
 - . *no loud talking*
 - . *no metal on metal noises*
 - . *no door slamming*
 - . *no revving of engines*
 - . *no unnecessary noise*

7. Trucks delivering stock to the abattoir are not to wait outside the abattoir entrance or at any other location which will disturb the amenity of residents.

A new large sign is to be placed at the entrance on King Road advising that stock will be received between 7.00am and 10.00pm only and that stock transports are not to wait outside the abattoir and if they arrive out of hours are to proceed to a road layby outside of Wilberforce and away from houses.

The sign is to be suitably lit so that it can be read at night.

If necessary the applicant is to fund the erection of "No standing" signs outside the abattoir prohibiting standing between 10.00pm and 7.00am.

8. A solid masonry wall (solid brick or concrete block) is to be constructed along the western boundary from the southern end of the property to the end of the slaughter area. This wall is to be returned to the main building at the end of the slaughter area and is also to be taken for a distance of 5 metres along the southern boundary.

The wall is to meet the corrugated metal roof and be fixed to it.

The wall can be constructed in two stages provided that it is completed within 6 months of the date of this consent with the first stage being the slaughter area to be completed within 3 (three) months of the date of this consent.

The requirement to construct the wall is subject to the adjoining property owner providing reasonable access to allow its construction.

In the event that the adjoining owner does not provide access for the construction of the masonry wall, the next best alternative wall in terms of sound attenuation is to be constructed in such a manner that access across the adjoining property is not required. An alternative construction is to be approved by the Divisional Manager Environment and Development.

9. The doors to the compressor on the western side of the building are to be closed when the compressor is in operation. This will probably require an alternative ventilation system which is to be acoustically treated to the satisfaction of the Divisional Manager Environment and Development. Alternatively, the masonry wall can be extended north of the compressor room to provide acoustic screening which would allow the compressor door to be left open.
10. The submission of a building application, plans and specifications complying with the Building Code of Australia for the masonry wall or its approved alternative.
11. The access road from King Road to the abattoir building shall be maintained in an all weather condition.
12. An adequate on-site area for parking and loading with a suitable all weather surface is to be maintained to the satisfaction of the Divisional Manager Environment and Development.
13. The applicant is to submit either a survey or aerial photographs of the site which clearly depict all improvements so that Council has a record of the extent of the development.
14. No portable buildings or containers are to be brought on site additional to those existing at 14 August 1995 without the consent of Council.

15. The operation of the abattoir shall cease in the event that any part of the waste water control plant is affected by flooding or in the event that the system fails to operate in accordance with standards as approved by Environment Protection Authority.
16. The operation of the waste water treatment plant shall be inspected from time to time as determined by the Divisional Manager Environment and Development and the cost of such inspections and of any consequent sampling and testing shall be met by the operators of the abattoir.
17. The waste water treatment plant and disposal area shall be operated and maintained in accordance with the requirements of the Environment Protection Authority licence.
18. The development shall be carried out in such a manner so as not to interfere with the amenity of the neighbourhood, in respect of noise, smell, waste products or otherwise.
19. The applicant is to participate on an Environmental Monitoring Committee if requested by Council. The committee would consist of representatives of Council and two community representatives approved by Council. The Committee would consider any impacts that the development may have on the local environment. Meetings of the Committee are to be convened at the request of Council.
20. The applicant shall engage a properly qualified environmental officer (full time, part time or contractual) to be responsible for and to supervise the environmental performance of the development. The qualifications of the environmental officer are to be to the satisfaction of the Divisional Manager Environment and Development.

If Council or the Environmental Monitoring Committee identifies any problems in the operation of the abattoir, the environmental officer is to prepare an annual report detailing the environmental performance of the abattoir for consideration by Council and the Environmental Monitoring Committee.

The environmental officer is to be available for any meetings of the environmental monitoring committee.

- B. In the event that the abattoir operators do not surrender the existing consents to be replaced by the modified consolidated consent, Council take action to enforce compliance with the existing conditions of consent and, if necessary, take legal action to achieve this.

ATTACHMENTS:

- AT-1** Correspondence from Woof Associates, Solicitors on behalf of the Hawkesbury Residents Abattoir Group.

FN:EN822LBX.V32

****** END OF ITEM 38 ******

ITEM: 39 HERITAGE STATUS - 37 LENNOX STREET, RICHMOND

FILE NUMBER: P1218/100Pt01/EVD

REPORT:

In Items 29 and 33 of this business paper, it was incorrectly recommended that 37 Lennox Street be a heritage item. As reported, the building has no heritage significance and, whilst approval for demolition will still be required under the Local Government Act, the assessment of any application should not take into consideration heritage matters.

RECOMMENDATION:

That No. 37 Lennox Street, Richmond, not be included as a heritage item in the North West Sector Draft Local Environmental Plan for Additional Heritage Items.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN822LBX.V33

****** END OF ITEM 39 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 22 August 1995

Item: **40**

ITEM: 40

REQUEST FOR DEFERRAL OF CONSIDERATION - 57 EAST
MARKET STREET, RICHMOND - NORTH WEST SECTOR
HERITAGE DRAFT LOCAL ENVIRONMENTAL PLAN

FILE NUMBER: LEP001/94;P1341/495/EVD

REPORT:

This matter refers to Item 29 in the Environment section of this business paper. Mrs Lye, the owner of 57 East Market Street, Richmond, has requested that assessment of this property be deferred because her current state of health prevents her from addressing the General Purpose Committee.

RECOMMENDATION:

That consideration of 57 East Market Street, Richmond, as an item of environmental heritage be deferred pending further advice from Mrs Lye as to an appropriate meeting date for the matter to be relisted.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN822LBX.V34

****** END OF ITEM 40 ******

ITEM: 41 GRAHAME PRICE PTY LTD - COMPOST OPERATION**FILE NUMBER:** P1641/700 PT08-09/GMA

REPORT:

There have been representations about the action taken by the Council in this matter. The Land & Environment Court on the 18th June, 1992 issued an order:

"..... be restricted from using or suffering or permitting to be used the premises Lot 5 RP 2166, 100 Pitt Town Road McGraths Hill, for the purpose of the preparation of mushroom compost in such a manner as interferes with the amenity of the neighbourhood in respect of smell."

That order came into existence on the 18th June, 1995 with the need if so determined, for the Council to institute contempt proceedings should the nuisance be continuing. All court action is serious with contempt proceedings being particularly so as one of the consequences is the likelihood of detention, or as seen in the Mushroom Composters matter, large fines.

The operator at McGraths Hill has indicated the undertaking of a considerable amount of research work and a change in composting methodology. This has been supported by a number of other persons. There has been a decrease in the number of complaints and the suggestion that current nuisance emanates from other sources rather than the Grahame Price Pty Ltd property.

In order to accurately identify and provide evidence to an irrefutable standard a further survey of residents has been commenced in the area. This is based on advice from the consultants AJC Woodward Clyde Pty Ltd and specifically their senior environmental scientist.

At the same time with some continuing representations, the basis of the current evidence available has been forwarded to Council's solicitors and their advice sought as to whether action should be taken at some earlier time than completion of the currently initiated survey. Council will be informed when that advice is received.

RECOMMENDATION:

That the Information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN822LCX.G35

****** END OF ITEM 41 ******

ITEM: 42 DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 7 DP979541 2
JOHNSTON STREET, PITT TOWN - I JOHNSTON & G TIMMERMAN
- 20 ADDITIONAL LOTS

FILE NUMBER: LEP021/93 PT01/EVD

REPORT:

This report refers to item 24 in this business paper.

Council has received 11 submissions of support from residents.

Comments raised are:-

"Being a member of Pitt Town Progress Association, wish to advise you I support the submission LEP21/93 at Pitt Town".

"We have no objection to the subdivision provided storm water drainage or any pollution from this subdivision does not effect my property".

"At a recent meeting of the Pitt Town Progress Association a resolution was carried out unanimously in favour of the application".

"We have no doubt this development is in the interests not only of Pitt Town but also the Hawkesbury City Council as we look to the future of our City community".

"I and other businesses in the community are in favour, but I personally as a resident would not be in favour of redevelopment of duplex's on this site".

"It will help the town to grow".

Drainage will be addressed at the stage of subdivision, however there is not considered to be any constraints arising out of drainage, either stormwater or treated effluent.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN822LCX.V31

**** END OF ITEM 42 ****