

# **GENERAL PURPOSE COMMITTEE**

## **SECTION 1 ENVIRONMENT**

**GENERAL PURPOSE COMMITTEE - ENVIRONMENT**

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**ITEM: 119**                    SUBDIVISION TO CREATE ELEVEN (11) LOTS COMPRISED OF EIGHT (8) RESIDENTIAL LOTS, TWO (2) LARGER RESIDUE LOTS AND ONE (1) LOT FOR A SEWER PUMP STATION - LOTS 1 TO 10 DP 831546, OLD HAWKESBURY ROAD AND HAVELOCK STREET, McGRATHS HILL - APPLICANT: McKINLAY MORGAN AND ASSOCIATES

**FILE NUMBER:**            SA 143/94/GMA

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**Owner:**                    R.E.T. Enterprises Pty Limited  
**Stat. Provisions:**        Hawkesbury Local Environmental Plan 1989  
                                  State Environmental Planning Policy No. 1  
**Area:**                     7.866 ha  
**Zone:**                     Rural 1(c)  
**Advertising:**            Adjoining owners notified - one letter of support and one letter of objection  
**Date Received:**         23 November 1994

**Key Issues:**

Flooding

**Action:**

Conditional approval

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**REPORT:**

**Proposal**

The application is to subdivide land which comprises 10 existing lots to create eight (8) residential lots and two (2) residue lots plus one (1) lot to be dedicated as a site for an existing sewer pump station. Therefore the subdivision will create 10 lots with a dwelling entitlement, one of which already contains a residence.

An approval for a seven (7) lot subdivision of the land was granted by Council on 12 July 1994 subject to 10 conditions. One of these conditions included the valuation and negotiation for acquisition or dedication of the site of the sewer pump station. The site was subsequently valued at \$5,000.

An approval for landfill works was given by Council at its meeting on 13 October 1992.

**Statutory Situation**

The Rural 1(c) zoning requires that new subdivided lots have a minimum area of two (2) hectares. The applicant has submitted an objection pursuant to State Environmental Planning Policy No. 1 which states as follows:-

*"The subject land comprises 10 allotments varying in size from 0.274 Ha to 1.148 Ha all of which are below the zone minimum allotment size. The intent of the application is to relocate 8 of these allotments adjacent to existing urban infrastructure and to be consistent with adjoining urban development with varying lot sizes of 1000 metres squared to 1530 metres squared. Thereby creating two larger Rural lots of 1.45 Ha and 5.45 on the balance of the land which would be more consistent with the objectives of the Rural zone. The height of all the proposed new dwelling sites would be greater than the minimum height required by HLEP 1989.*

A plan has been submitted which indicates that the top of fill on all of the proposed lots with the exception of the lot containing the existing dwelling varies between 13.5m and 14.8m which is in excess of the 13 metres required by Hawkesbury Local Environmental Plan 1989.

Whilst the proposed lot 4 has an area which in theory could be subdivided, it does not have any land at a level which allows subdivision under HLEP 1989.

### **Public Submissions**

The letter of objection cites as reasons the flood liability of the land, the precedent for further subdivision and the preservation of rural views. Another letter supports the proposed subdivision.

### **Water Board Submission**

The application was referred to the Water Board for comment and they have responded as follows:-

*"...The land in question contains 9 lots. Board records indicate that only 5 lots front a watermain in either Old Hawkesbury Road or Havelock Street. When the land was originally submitted to the Board, a commitment was made to serve the existing frontage rights of 5 lots. The supply would consist of 3L/min restricted services. The bulk supply problems in Hawkesbury have made approval of unplanned subdivision impossible. Accordingly, the Board cannot support the proposal as this would result in 8 lots fronting a watermain."*

### **Planning Assessment**

In response to the letter of objection and in support of the SEPP 1 objection, the site of the proposed subdivision is on two sides directly opposite an existing residential area. Therefore the proposed subdivision constitutes a small extension to an existing residential area. It will also allow Havelock Street to be upgraded to a satisfactory residential standard and provide Council with ownership of the existing sewer pump station.

Whilst the Water Board has objected to the proposed subdivision, the problem of bulk supply

provision is unlikely to be affected by an additional 4 or 5 lots (depending upon whether the existing dwelling was counted). The Board also has the opportunity to impose conditions on the application with the issue of the subdivider/developer certificate.

As Council has already approved a seven (7) lot subdivision of the land, six (6) of which had building entitlements, the additional four (4) building entitlements provided in this subdivision will allow the provision of a higher standard of servicing and the dedication of the sewer pump station site. This is considered to be a reasonable trade off worthy of support.

**RECOMMENDATION:**

- A. That the applicant's SEPP No. 1 objection be supported and the application be referred to the Department of Planning for the Director's concurrence.
- B. That upon receipt of the Director's concurrence, the application be approved under delegated authority subject to the following conditions:-
  - 1. Dedication of a 4m by 4m splay at the intersections of Old Hawkesbury Road with Bismark and Havelock Streets and Havelock Street with Garfield Street.
  - 2. A payment of a contribution of \$43,020 towards sewer headworks. This sum will remain fixed for a period of 3 (three) months after which it will be recalculated at the rate applicable at the time of payment. No concessions have been given to existing lots as being zoned Rural there was no requirement that they be connected to the sewer.
  - 3. Satisfactory arrangements being made with the Council for the provision of sewerage reticulation to serve lots 1 to 3 and 5 to 10 inclusive.
  - 4. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder pavement over the frontage of proposed Lots 1 and 5 to 11 inclusive to Havelock Street and Old Hawkesbury Road.

The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder pavement over the frontage of lots 1 and 2 and the raised section of lot 3 to Garfield Street.
  - 5. The provision of interallotment drainage covering all lots not draining directly to a public road and the creation of necessary easements free of cost to Council.
  - 6. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Divisional Manager of Engineering Operations.

7. A design checking and inspection fee of \$1,320, must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1995.
8. The submission of a Subdivider/Developer Certificate (a Certificate under Part 3, Division 2, Section 27 of the Water Board Act, 1987)
9. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electrical reticulation to each of the resultant lots of the subdivision.
10. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
11. Dedication to the Council at no cost, the proposed lot 11 containing the sewer pumping station.
12. The payment of a linen release fee of \$540.00. This amount is valid until 30 June 1995.
13. A contribution of \$14,307 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 and is based upon the catchment 3 rate of \$3,576.69 for an additional four (4) lots as six (6) existing lots were considered to have development potential.
14. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.

**ATTACHMENTS:**

There are no supporting documents for this report.

FN:EN131LBX.G32

**\*\*\*\* END OF ITEM 119 \*\*\*\***