

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM: 58 HOME ACTIVITY - REPAIR AND TUNING OF PERFORMANCE
BOAT MOTORS - LOT 38 DP9478 15 BRUCE ROAD, VINEYARD

FILE NUMBER: DA0189/95/EVD

Applicant: Falson & Associates
Applicants Reps: Falson & Associates
Owner: Mrs S Tricker
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 2624 m²
Zone: Rural 1(c)
Advertising: Adjoining owners notified with 5 submissions being received
Date Received: 14 August 1995

Key Issues:

- , Compliance with definition of "Home Activity"
- , Affect on the amenity of the neighbourhood

Action:

Conditional Approval

REPORT:

Proposal

The application proposes to use an existing garage to conduct a "Home Activity" being, "trouble shooting and fine tuning of performance boats". According to the information provided, these boats can often be valued at \$250,000 and are used for power boat racing and skiing.

A letter supporting the application states as follows:

"The proposed activity will involve the owner/residents of the property utilising the existing garage as an office and as an area where boats will be fine tuned and maintained. This use is almost exclusively related to outboard motors, although very occasionally an inboard will be worked on. Additionally, some minor work might be performed on boat hulls. This work mainly relates to motor fittings, brackets, cables etc and trim plates. The work is almost entirely carried out by use of hand tools, although there is the occasional use of power tools of a domestic size and variety.

Noise is minimal, and not audible, outside the building. This is achieved because race boats (unlike cars) need to be tested on water. In this respect all testing is done elsewhere and usually on the Hawkesbury River.

Noise is also not an issue due to the location of the building relative to other adjoining residences being some 70 to 100 metres distance away.

Boats are only worked on by appointment. In this respect the majority are picked up by Mr Tricker and occasionally brought by customers. There is only, usually, three to four boats at any one time and these are contained within the garage. Occasionally, there may be an additional boat or two in the yard adjacent to the garage. There is no unsightly matter, associated with the business, stored outside the garage.

The use is of a very specialised nature and is not akin to a normal boat mechanical repair business where motors are overhauled and rebuilt etc. Additionally, there are no waste products associated with the use.

We believe the proposed use is well suited for approval by Council as a 'Home Activity' as it allows the Tricker family to operate a low scale business without any adverse impact on the neighbourhood. The land which contains the garage is over half an acre and provides ample separation from adjoining residences.

We would appreciate your early consideration of this matter as the livelihood of Mr and Mrs Tricker depend upon Council's approval. In this respect the activity has been going on for some time without the knowledge of Mr and Mrs Tricker that Council consent was required.

No objection would be raised with a time limited consent so that Council can monitor the use. We are confident that no matters of concern will be identified.

We are aware of complaints having been received by Council from an adjoining neighbour to the east. We understand their complaints are related to activities at our clients' premises which are attributable to a current building project being undertaken for extensions to the house. These are approved extensions and will be finished shortly. They should not be confused with marine activity."

Statutory Situation

The land is zoned as Rural 1(c) under Hawkesbury Local Environmental Plan 1989 and a "Home Activity" is an allowable use with Council's consent. A "Home Activity" is defined in Hawkesbury LEP 1989 and confines employment to residents of the site only.

Community Response

The receipt of the application was advised to adjoining owners and five submissions were received. Four of these submissions object to the proposed development whilst one submission raises no objection.

The concerns expressed in the submissions are:

- . conflicts with rural/residential zoning
- . 5 boats on site is a regular occurrence

- . traffic
- . noise
- . lack of toilet facilities
- . detrimental to future development of the area
- . owner employs a person who works on site

Planning Assessment

The site has been inspected on a number of occasions and the number of boats on site varies but it seems generally not more than 7 with 2 of those boats housed in a large shed at the rear of the land.

As indicated in the submissions, an apprentice has been working on the power boats in addition to the resident, Mr. Tricker.

The inspections undertaken by Council staff do not entirely accord with the submission from the applicant. The submission refers to the "trouble shooting" and "fine tuning" of performance boats. One inspection suggests that the mechanical repairs were not limited to such minor work and could include a complete overhaul of an outboard motor.

It seems to be agreed by both applicant and objectors alike that there is no significant testing of motors on site as they would quickly overheat.

Mr Tricker has been advised that the employment of an apprentice on site is prohibited under the definition of a "Home Activity". Mr Tricker has agreed that the apprentice will not continue to work on site and he is currently attempting to secure alternative employment for him at another workshop.

From observations, the volume of traffic and the hours of operation are not such as to cause a nuisance.

The major potential cause of complaint would seem to be a perceived conflict with the amenity of the area. At particular times of the year, for example the Bridge to Bridge races, Mr Tricker acknowledges that there may be 7 boats stored on the land. However, it seems that more often there would be approximately 5 boats in the yard, 2 of which would be stored in the shed with the remaining 3 located outside the shed. Boats located outside the shed are in direct line of sight to 2 adjoining properties. Given the location of the shed at the rear of the property in a depression, the provision of screen fencing around any boat storage would not totally remove the boats from view.

A spot check on 25 October 1995, revealed that there were five boats stored outside the shed.

Besides the external storage of between 2 and sometimes 5 or more boats and a boat hull, there is no cause for concern about the appearance of the rear yard.

Whilst Mr Ticker could relocate to an industrial area, there would be obvious costs imposts through obtaining tenure of suitable land and building.

In addition, many of the racing boats are valuable and security and insurance would be a greater problem on a remote site than storage at his place of residence.

With the proposed workshop restricted to Mr Tricker and no employees there should be a smaller volume of boats and less resident complaints.

In these circumstances, it is considered that Mr Tricker should be able to reasonably conduct the boat repair business with minimal interference to the amenity of the area.

RECOMMENDATION:

That the application be approved subject to the following conditions.

1. The proposed development is to conform to the definition of a "Home Activity" as defined in Hawkesbury Local Environmental Plan 1989 and, in particular, is not to involve the employment of persons other than residents of the dwelling.

The definition of "Home Activity" is as follows:

"Home Activity" means any activity, pursuit occupation or profession not specifically defined elsewhere in this clause, carried on for personal gain in a building or a room or a number of rooms forming part of, attached to or on the same parcel of land as a dwelling-house or in a dwelling in a residential flat building where

- (a) only goods made or produced therein as a result of the activity or pursuit and goods ancillary thereto are displayed or sold; and*
- (b) the activity or pursuit does not -*
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;*
 - (ii) involve exposure to view from any public place of any unsightly matter;*
 - (iii) require the provision of any essential service main of a greater capacity than that generally available in the locality;*
 - (iv) involve the employment of persons other than residents of the dwelling-house or dwelling; or*
 - (v) involve the exhibition of any notice, advertisement or sign (other than a notice or sign not exceeding one metre by 0.6 (zero point six) metres exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident thereof)"*

2. Sufficient all weather off street parking is to be provided for visitors' vehicles and client boats. There is to be no parking of power boats on the street.

3. Provision is to be made for the storage of waste oil and fluids and their disposal to an approved recycling facility.
4. The consent is limited for a period of 2 (two) years at which time the consent will lapse and a new development application will need to be submitted and assessed to enable a continuation of the use.
5. Construction of a sealed rural type footway crossing to Council's usual standards.
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. 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.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NAX.V01

****** END OF ITEM 58 ******

ITEM: 59 ERECTION OF 3 X 3 BEDROOM VILLA HOMES BEHIND EXISTING DWELLING - LOT 1 DP995622 NO. 5 CHATHAM STREET, PITT TOWN

FILE NUMBER: DA137/95/EVD

Applicant: Frank Gartrell Pty Ltd
Applicants Reps: Robert Pont, Architect
Owner: G & V Ryan
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1501m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners, 6 objections received
Date Received: Amended Plans received 5 September 1995

Key Issues:

- , Character
- , Site Coverage
- , Historic Buildings
- , Off-Street Parking

Action:

Approval

REPORT:

Proposal

Application is to erect 3 x 3 bedroom single storey villa homes behind the existing dwelling on the above site at Pitt Town. Each dwelling is detached and 3 garages, 3 carports and 1 visitor's space is provided between the dwellings and Chatham Street. A single carport is provided for the existing dwelling.

A previous application was considered at the General Purpose Committee of 25 July 1995, and the site was inspected by the Committee. The applicant requested the matter be deferred for amended plans and at the Ordinary Meeting of 8 August 1995, the application was deferred.

Statutory Situation

The land is zoned as Residential 2(a) under HLEP 1989 and the proposal is permitted with Council's consent.

Items of environmental heritage have been identified on HLEP 1989 adjacent to the site to the north, No. 290 "Strathmore" No. 22 Buckingham Street, house and barn and Nos. 292, 293 and 300 slab barns corner Buckingham Street and Chatham Street. There are many other items within the Pitt Town village area. Under Clause 28 of HLEP 1989, Council is required to make an assessment of the effect the carrying out of a development will have on the heritage significance of an item and its setting.

The development conforms to the Council's Development Control Plan - Medium Density Housing except that, for the total site development of 1 x 2 bedroom (existing) and 3 x 3 bedroom dwellings, 7.5 (8) covered spaces are required. Seven have been provided, 2 for each new dwelling and 1 for the existing dwelling.

Community Response

The receipt of the amended application was advised to adjoining owners and six objections have been received. A summary of the concerns are given below:-

- contrary to country and village atmosphere of Pitt Town;
- Pitt Town renowned for historic homes;
- medium density housing not appropriate for Pitt Town or next door to historic home;
- development visual contradiction for Pitt Town;
- development would spoil area;
- noise from villas would amplify down street;
- increase traffic for dangerous intersections at each end of Chatham Street;
- parking on the street would occur from villas;
- school children that pass the site would be endangered from increase in cars on-site;
- no advice of application given to other residents of Pitt Town;
- increase in density at Pitt Town contrary to flood plan;
- dwellings less than 1 metre from rear boundary, different to other residential development;
- maximising space on the lot at the expense of living standards of existing neighbours;
- when Council inspected the site, they suggested only 2 villas with the old house remaining at the front, new plans not much different to previous plan;
- out of context with historic character of Pitt Town and adjacent buildings;

- such development destroying absolutely unique Pitt Town hamlet;
- visual eyesore;
- overdevelopment of the site and not in the public's interest; and
- only one visitor's space is insufficient.

Environmental Assessment

Site Coverage

The development conforms to the density provisions of the DCP and the grouping of the garages and carports together, towards the front of the site, has reduced the amount of driveways over that previously proposed.

Character

The village of Pitt Town is a mixture of heritage buildings, older buildings and modern buildings and the proposed development is to be located adjoining all these different aged dwellings. A heritage building adjoining to the north, an older building in front of the site and more modern buildings to the south and at the rear.

The development could be considered out of character with the heritage and older buildings, but conform to the more modern buildings. The location of the 3 villa homes, behind the front dwelling will lessen the visual impact as viewed the street.

Historic Buildings

Council, under Clause 28 of HLEP 1989 is required to consider the effect on development will have on items of environmental heritage. Due to the location proposed for the 3 villa homes, impact on historic buildings is not expected to be great due to distance and existing landscaping/ planting.

Off-Street Parking

The off-street parking for the 3 villas conforms to Council's DCP of 2 covered spaces for dwelling and 1 visitor's space. The 1 carport for the existing dwelling is considered adequate since it is an improvement on that which presently exists.

Conclusion

The proposal conforms to Council's Development Control Plan - Medium Density Housing and any adverse impacts will be within acceptable limits.

RECOMMENDATION:

- A. It is recommended that this application be approved subject to the following conditions:-
1. Payment of a sewer headworks contribution to Council of \$14,340 (fourteen thousand, three hundred and forty dollars). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
 2. A contribution of \$6,746 (six thousand, seven hundred and forty six dollars) being a contribution for recreational buildings, park improvements and community facilities as a consequence of medium density development (residential flats, villas, townhouses, dual occupancy etc). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
 3. 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 over the frontage of the site together with any works necessary to make this construction effective.
 4. Construction of Council's standard heavy duty footway and layback vehicular crossings to suit the accesses to the site.
 5. Construction of road and drainage works are not to commence until 3 (three) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
 6. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application with all stormwater discharge to the street.
 7. A design checking and inspection fee of \$250 (two hundred and fifty dollars) must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1996.
 8. Submission of a building application, plans and specifications complying with the Building Code of Australia.
 9. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
 10. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.

11. No excavation or site works shall be commenced prior to the issue of the building permit.
12. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
13. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.
14. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
15. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
16. New boundary fences shall be provided at the applicant's expense to suit the historic character of Pitt Town, full details to be submitted with the Building Application.
17. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.
18. As far as practicable all trees and shrubs on the site are to be preserved and integrated with the plan of landscaping. No trees over 4m (four) in height shall be removed without the approval of the Divisional Manager Environment and Development. Such approval to be sought subsequent to the pegging of building works.
19. 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.
20. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Divisional Manager Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
21. The development shall be carried out in accordance with Plan No. 9515 (nine five one five), dated August 1995.
22. The submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
23. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.
24. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the Building Application.

25. Details of waste and recycling bin storage area, hard standing area for bins and means of screening from the road to be submitted with the Building Application.
26. Provision of an exhaust fan in the WC of Unit 1.
- B. The objectors be advised of Council's decision.

ATTACHMENTS:

AT-1 Site Plan.

FN:ENA31NAX.V02

****** END OF ITEM 59 ******

ITEM: 60 PROPOSED CLEARING OF TREES FOR A MARKET GARDEN - LOT 12 DP588380 NO. 133 TERRACE ROAD, NORTH RICHMOND

FILE NUMBER: DA0155/95 PT01 & P2003/95 PT01/EVD

Applicant: Mr E Micallef
Applicants Reps: Mr W Wilson
Owner: Mr E & Mrs C Micallef
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 13.88ha
Zone: Rural 1(b)
Advertising: A development application for landfill, excavation of a dam and removal of trees was notified to adjoining owners with 7 objections being received
Date Received: Development application lodged on 5 July 1995, an application under the Tree Preservation Order was lodged on 5 April 1995 with an amended tree clearing application (the subject application) being lodged on 13 October 1995

Key Issues:

- , Sediment Control
- , Amenity
- , Suitability of Land for Market Gardening

Action:

Refusal

REPORT:

In April 1995, the applicant lodged an application under Council's Tree Preservation Order for the clearing of all of the land for the purpose of a market garden. Following discussions with Council's staff the applicant was advised to submit a development application for proposed landfill and dam construction. This development application was then lodged on 5 July 1995, but was subsequently withdrawn on 11 September 1995. The applicant now seeks determination of an amended Tree Clearing Application involving approximately 5ha of the land.

The applicant's request is as follows:-

"Further to our discussions with the Mayor and your Town Planner and my representative, Warren Wilson, an amended plan of the proposal is now submitted for submission to Council on Tuesday 31 October 1995. The land is 10-13% slope and has been ploughed with crops planted with irrigation from the creek running through the property and a small dam.

It is proposed to remove all trees over an area of about 5ha to the west of a newly erected fence line running from the top of the knoll to the rear of the proposed dam as shown on the attached plan, with the exception of those trees about 17 in number above the 42m contour drain, and those trees along the watercourse. It is further requested that consent be given to remove all trees which are dead, dying or dangerous over the site as maybe determined by your officer Mr C Hamilton.

Tree planting has already commenced along the boundary and others are to be planted to afford privacy and wind breaks."

The reduced area which is proposed to be cleared contains scattered mature shade trees reflecting its previous use grazing. There is no understorey vegetation.

Statutory Situation

The land is zoned Rural 1(b) and agriculture, including market gardening, is a permissible use without Council consent.

Whilst not part of the Tree Preservation application, the amended plan indicates a proposed dam with a capacity of 7 megalitres and also proposed filling across a gully between the access handle and the main body of the lot. It is understood that the fill would be obtained from the dam excavation and there would be no fill imported to the site.

The proposed dam and filling with surplus material from the dam are not considered to require development consent under Hawkesbury Local Environmental Plan 1989 or the Environmental Planning and Assessment Act.

From discussions with the applicant's representative, Mr Wilson and from the Tree Preservation application itself, it is unclear whether the owner intends to restrict cultivation to the 5ha proposed to be cleared. Mr Wilson has advised that the owner would likely intend to conduct a market garden over the whole of the land including the steeper section between the post and wire fence and the access handle.

The application demonstrates the need for changes to be made to Hawkesbury Local Environmental Plan 1989, to remove the potential conflict between agriculture being permissible without development consent and tree clearing requiring consent. Similar conflicts over the proposed construction of dams also exist whereby the dam itself may not require development consent but the clearing of trees in the water storage does require approval.

Community Response

The original development application was advised to adjoining owners and 7 objections were received. The following comments were made:-

can Council guarantee that chemicals/spray will not enter the water table and that the removal of trees will not increase the salinity level;

removal of all trees on the hills will cause massive erosion;

pesticides will cause concerns to dairy and beef cattle;
capability of dam to withstand flood waters;
existing trees provide a wind break for houses built along the ridges;
pesticides washing down into the creek during heavy rains;
existing trees cannot be replaced in our lifetime;
concerns about pesticides spraying and fertiliser applications drifting onto other property;
fertiliser residue will run into Redbank Creek;
where are they going to get the water from when there is no rain?;
lack of topsoil on land; and
increased traffic.

Public Authority Response

The original development application was referred to the Hawkesbury Nepean Catchment Management Trust, NSW Agriculture and the Department of Land and Water Conservation for comment.

The Hawkesbury Nepean Catchment Management Trust raised a number of concerns with the development application, including the disruption of a corridor of riparian vegetation, the potential for nutrients from fertilisers to enter Redbank Creek and the amount of material to be excavated for the proposed dam.

NSW Agriculture has advised as follows:-

"The proposal is to construct a dam, together with filling and clearing for the cultivation of vegetables.

A departmental officer visited the property and found that it is hilly, with slopes of approximately 8-20%, with an average of about 15%. The Department would not normally expect land with slopes greater than 7-10% to be cultivated.

There are many minor gullies in the area proposed for cultivation and it would be necessary to level them. However, this would be likely to expose large areas of poor sub-soil.

The proposed dam is smaller than would be expected for a vegetable growing enterprise. The Department estimates that it could support little more than 3ha of crop with overhead irrigation.

The Department must, therefore, conclude that this site does not appear suitable for the growing of vegetables."

The Department of Land and Water Conservation has provided a number of comments in relation to soil conservation, and in particular batter slopes, spillway design and erosion and sediment control.

Environmental Assessment

The amended application for tree clearing is a substantial improvement upon the previous applications which have been submitted, including the development application which has been subject to comment by residents and public authorities. However, the slope of the land proposed to be cleared and used as a market garden still exceeds 10% and as stated generally is within the range 10-13%. This slope exceeds the upper limit of 7-10% considered by NSW Agriculture to be reasonable for cultivation.

Not surprisingly on agricultural capability mapping, more than 80% of the land is Class 4 (four) agricultural land. This land is considered unsuitable for cultivation because of environmental constraints (slope).

The application is also affected Council's resolution of 8 August 1995, which imposes 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.

A recent inspection of the land revealed that there had been some cultivation in the western paddock. The furrows ran across the spur with significant potential for erosion during heavy rainfall. There were no sediment controls in place.

At a meeting with the applicant's representative on 10 October 1995, he was advised that the amended Tree Preservation Order application, the subject of this report, was far preferable to that previously proposed. No advice was provided in relation to the acceptability or otherwise of this amended application given Council's moratorium. Concern was expressed that the expert authority on agriculture, NSW Agriculture, did not consider the site suitable for cultivation.

Whilst the amended TPO application is preferable to applications previously submitted, given Council's moratorium and advice from NSW Agriculture concerning the agricultural capability of the land, the amended TPO application should be refused.

RECOMMENDATION:

That the application to remove all trees over an area of about 5ha (five) as shown on the plan prepared by W D & B L Wilson and dated 10 October 1995, be refused for the following reasons:-

1. The land is unsuitable for cultivation.

2. The application is contrary to a moratorium on the clearing of native vegetation for new intensive horticultural developments.

ATTACHMENTS:

AT-1 Plan prepared by W D & B L Wilson dated 10 October 1995.

FN:ENA31NAX.V07

****** END OF ITEM 60 ******

ITEM: 61 ERECTION OF AN AGED PERSONS HOUSING DEVELOPMENT
COMPRISING 144 DWELLINGS & ASSOCIATED FACILITIES - LOT
1 DP811506 LOT 1 DP516593 & LOTS 21 & 22 DP812698 NOS. 118-
138 KING ROAD, WILBERFORCE

FILE NUMBER: DA175/95/EVD

Applicant: Gary White Property Centre
Applicants Reps: Not Known
Owner: A McIntyre, H Lawson & M Batson
Stat. Provisions: Hawkesbury LEP 1989, State Environmental Planning Policy No. 5 -
Housing for Aged and Disabled Housing, State Environmental Planning
Policy No. 11 - Traffic Generating Development, Sydney Region
Environmental Plan No. 20 - Hawkesbury Nepean River
Area: 28ha
Zone: Environmental Protection (Scenic) 7(d1)
Advertising: Adjoining owners notified with 3 (three) submissions received
Date Received: 27 July 1995

Key Issues:

- , Flooding
- , Amenity.
- , Visual Impact.
- , Filling.
- , On-site Disposal of Effluent.

Action:

Refusal.

REPORT:

Council is in receipt of a development application proposing the establishment of an aged persons housing development comprising the following:-

- 144 dwellings (79 x 2 bedroom and 65 x 3 bedroom);
- community facilities, including function hall, dining facilities, games room and meeting room;
- recreation facilities, including swimming pool, tennis court, bowling green;
- on-site disposal of effluent;
- 1 managers residence; and

- landfill.

History

Council at its Ordinary Meeting of 13 September 1994, resolved to support a "deferred commencement" approval for a 71 unit aged persons housing development on land that comprises most, but not all, of the subject property. Deferred commencement approvals are granted subject to a condition that the consent is not effective until such time as a specified matter is satisfied. In this instance, the matters specified included the disposal of effluent, financial analysis of water and sewerage services, contract arrangements with the then Water Board, and car parking and manoeuvrability.

The majority of the matters specified were required to be satisfied within 12 months. This period has lapsed without any condition being satisfied. The applicant's consultant, Mr G Falson, has requested that this period be extended for an additional 6 months. In addition, as this condition was imposed due to Sydney Water's requirements under the concurrence obligations of the Act, consultation with Sydney Water is required. Sydney Water have been requested to provide comments, however, to date, no written correspondence has been received.

Statutory Provisions

Hawkesbury LEP 1989

The subject property is zoned Environmental Protection (Scenic) 7(d1) under the provisions of Hawkesbury Local Environmental Plan 1989. Under the provisions of State Environmental Planning Policy No. 5 - Housing for Aged and Disabled Persons, this development is permissible, with Council consent.

SEPP 11

Under the provisions of State Environmental Planning Policy No. 11 - Traffic Generating Development, the application is required to be referred to the Local Traffic Committee. The Committee resolved as follows:-

"No objection to the proposal subject to:-

- (a) ingress/egress driveways each being 3 (three) metres wide and separated by a 1 (one) metre median island;*
- (b) all median strips on King Road to be raised concrete construction;*
- (c) kerb and gutter and sealed road shoulder to be provided full width of site;*
- (d) extend internal median strip to boundary line, with bollards at either end; and*
- (e) pedestrian refuge be incorporated in raised median strip on King Road to the west of the drive entry in proximity of the proposed bus stop."*

SEPP 5

State Environmental Planning Policy No. 5 outlines requirements for developments of this type in relation to heights of buildings, disabled access, car parking, density and amount of landscaped area. The plans submitted with the application are schematic, representing styles and location. The applicant was requested to submit additional information with respect to wheelchair access. The applicants consultant has argued that:-

"Wheelchair access will be provided in accordance with SEPP5. This was indicated in the application. There is nothing to suggest that the designs submitted or the topography of the land are not appropriate for wheelchair access. Actual working drawing designs will be undertaken at building application stage and is an appropriate condition for Council development consent."

The concurrence of Sydney Water is required to the development. At the date of preparing the report this letter had not been received.

SREP 20

Council is required to consider the provisions of REP 20, particularly in respect of impact on water quality, scenic quality, agriculture and the farmed landscape.

Environment Protection Authority

The proposal was referred to the EPA who advised the following:-

"The EPA has reviewed the documents attached to your letter and has no objection to the proposal provided that the EPA's requirements for the disposal of wastewater are met. The proponent will need to make application to the EPA for a Pollution Control Approval to install the wastewater treatment and irrigation system."

Hawkesbury Nepean Catchment Management Trust

The proposal was referred to the Trust who advised the following:-

"The Trust objects to the application for the following reasons:-

1. *The applicant has not demonstrated that the proposal can satisfy the policy of the Trust on water quality which states that:-*
 - * *if the quality of the water emanating from the site is satisfactory, then the development should not result in a decrease in this quality; and*
 - * *if the quality of the water emanating from the site is not satisfactory then the development should result in an improvement in this quality.*

It also fails with respect to the objectives and considerations of REP 20 regarding water quality.

- (a) *The Trust considers it unlikely that the disposal of sewage effluent can be achieved without adversely affecting the water quality of the river. The reports prepared do not satisfy this issue. The irrigation and storage areas will be open to frequent flooding. The council should apply to this development the requirements contained in the LEP for sewerage for a (comparable) residential flat building Class B, ie. reticulated sewerage. REP 20 favours nutrient removal by biological not chemical methods. The REP considers land irrigation to be suitable for rural and semi rural areas, this is an urban use.*
- (b) *Treatment of river water by reverse osmosis will produce a highly saline waste solution that will not be broken down by the effluent disposal process. There is no method proposed for the proper disposal of this waste. The highly saline water will have an adverse impact on the viability of the lagoons.*
2. *The application does not comply with the objectives of REP 20, nor the 7(d1) zoning, concerning scenic protection. The zoning which in the area generally takes in the area between King Road and the river complements the criteria of REP 20. The scenic quality is that of "the rural character of the immediate river environment".*
- The development of 144 units particularly with the site layout proposed would effect a noticeable adverse change to this rural character. The location of a treatment works on the rise above the river is not supported.*
3. *The proposal relies on provision of water from the river as part of the usual consumption, not only during an "emergency". As reliance is also placed on another variable supply, roof water, there is likely to be greater demand during dry periods when extraction of water from the river is least desirable. This is proposed to be an aged housing development where shortage of basic services may well cause distress to residents. At the very most the size of the development should be limited to the capacity of the service that can be provided by Sydney Water. The Trust objects to new residential development that relies on extraction of water from the river.*
4. *The application is contrary to REP 20 with regard to building in flood prone areas. More than 90% of the dwellings will be built below the 1% Annual Exceedence Probability flood level. Council is reminded that the Flood Management Plan is currently being revised and that the 1% level may not be adequate as the current planning level for protection of residents. It is considered unsatisfactory for rural residential dwellings to be built on land liable to frequent flooding, let alone an aged housing development. Access for evacuation is a key issue that has not been addressed.*

The Trust has received comment that the proposal may not be permissible in the zone. It appears to be inconsistent with the objectives of the zone, with REP 20 and with the intention of SEPP No. 5.

The Trust urges Council to carefully consider the relevant provisions of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River."

Submissions

Three submissions were received, objecting to the development on the following grounds:-

- aesthetic appearance;
- out of character with locality;
- property is flood affected;
- disposal of effluent;
- impact on reticulated water supply;
- prohibited development;
- should be designated development;
- contrary to the objectives of the zone; and
- traffic increase in locality.

No submissions were received in support of the proposal.

Environmental Assessment

The subject property is generally regular in shape with an area of 28ha having a 250m frontage to King Road, Wilberforce. The site contains two dwellings and a number of existing outbuildings. The site is sloping in nature, falling away from the King Road frontage, however, rising to form knolls towards the rear of the site. The majority of the property is flood liable, being below the 1 in 100 year level and Council's floor height standard. The majority of the development, the subject of this application, is located within the first 350m of King Road.

Flooding

The floor height standard in this locality is RL 15.9m AHD. This proposal has dwellings located on land lower than RL 12.0m AHD. The applicant has indicated that floor levels of RL 15.9m AHD will be achieved by the placement of landfill, obtained from the overburden of artificial lakes which are to be constructed and used in the treatment of effluent.

The placement of landfill is considered inappropriate in the quantities and heights required by this development, which is up to 4m above existing ground level. This is so due to the flood liable nature of the site, the visual impact to be created, the precedence for other flood affected properties and the fact that the development does not comply with Clause 25 of Hawkesbury LEP which requires that floor levels do not exceed 3m above existing ground level.

The site is, however, reasonably accessible to higher ground in the event of a flood event in excess of the floor height standard.

Amenity

The property is rural in character with limited built development existing. This application proposes 145 dwellings of both single and two storey, community buildings and recreational facilities. This development will have a bulk, scale and density certainly in excess of that envisaged in this rural locality. It is considered that the development will impact on the amenity of the locality generally and specifically in a visual sense. This is due to the limited setbacks and the density of development near King Road.

The amenity of future residents of the site is considered to be inadequate given the flood liable nature of the site, limited setback to King Road and an existing natural watercourse which traverses the site.

Sewerage

The application proposes to treat and dispose of effluent on site.

If this application was received today, it would need to be accompanied by an environmental impact statement as the application would be classed as designated development given the amount of effluent to be treated. However, as approval has been issued in the past for development that relies on an on-site disposal system, approval can be given to extending the approval system without the development being classed as designated.

With respect to effluent, it is proposed to treat waste water to a secondary level plus reduce the amount of phosphorus, and disinfect the water. This will enable its reuse for irrigation purposes. In addition, further treatment by way of sand filtration and ultra-violet radiation will enable reuse in the dwellings for non-potable purposes. Water storage will be carried out within dams having a capacity of 24ml.

Provision of Support Services

SEPP 5 requires Council to consider the adequacy of support services (meals at home, assistance with housework, personal care etc), community and retail facilities for the residents of the development.

The previous application offered the provision of a community bus to transport residents to facilities. A report accompanying the proposal states:-

"At this stage, it is not proposed to provide a centre owned/operated mini bus unless there is a demonstrated need from residents."

Whilst medical and retail facilities are located at the Wilberforce Shopping Centre, this is approximately 1km away. This is considered to be inadequate for those residents without a vehicle.

The applicant has approached Westbus to alter their route to serve the site, Westbus have indicated:-

"this company is willing to operate a bus service to this area if there is public demand."

As public transport cannot be guaranteed and facilities are not readily accessible without a vehicle, access to the relevant services is considered to be inadequate.

Sydney Regional Environmental Plan 20

With respect to SREP 20, it is considered that the proposal is inconsistent with this plan particularly in regard to scenic quality, maintenance of agricultural land and preservation of agricultural land. The Hawkesbury Nepean Catchment Management Trust has raised concerns that the development will not meet acceptable water quality standards.

Water

Whilst the Trust has objected to the proposed arrangements for a water supply, comment from Sydney Water had not been received at the date of report writing.

Hawkesbury Local Environmental Plan, 1989

The proposal is considered to be contrary to the objectives of the Environmental Protection (Scenic) 7(d1) zone with respect to the maintenance of scenic quality and protection of environmentally sensitive areas. The proposal is also contrary to the general objectives of the LEP, 1989 having regard to preserving scenic quality and attractive landscapes.

Conclusion

The site has a number of constraints which make the property unsuitable for this type of development. Although an aged housing development has been approved on part of the subject property in the past, this application is much larger, plus it develops land that is significantly flood affected.

Furthermore, it is considered that Council is not legally able to approve the proposal given the lack of access to facilities, and the location of buildings on land more than 3m below the floor height standard.

RECOMMENDATION:

That the application be refused on the following grounds:-

1. The proposal is contrary to the provisions of the Environmental Protection (Scenic) 7(d1) zone under Hawkesbury LEP, 1989.
2. The proposal is contrary to the general objectives of Hawkesbury LEP, 1989.

3. The proposal is contrary to the provisions of State Environmental Planning Policy No. 5 - Aged Disabled Housing with respect to access for disabled people and access to necessary facilities.
4. The proposal is contrary to Clause 25 of Hawkesbury LEP, 1989.
5. The proposal is contrary to the provisions of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.
6. The proposal is considered to be an overdevelopment of the site.
7. The proposal will adversely affect local amenity.
8. The proposal is not in the public interest.
9. The proposal is unsuitable on flood liable land.
10. The placement of landfill to overcome flood issues is considered unsatisfactory.
11. The proposal will create an undesirable precedent.
12. The proposal is unsuitable in terms of its visual impact.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NAX.V11

****** END OF ITEM 61 ******

ITEM: 62 DETACHED DUAL OCCUPANCY (2 X 3 BEDROOM UNITS) - LOT 1313 DP802879 NO. 3 DEANE PLACE, BLIGH PARK

FILE NUMBER: DA214/95/EVD

Applicant: R Collis
Applicants Reps: Not Known
Owner: J Noppett, S Birk, M Attard, B Darling
Stat. Provisions: Hawkesbury Local Environmental Plan 1995
Area: 884m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners, 2 submissions received from Deane Place residents
Date Received: 13 September 1995

Key Issues:

- , Traffic Volumes/Increase
- , Parking
- , Access for Garbage Trucks
- , Devaluation of Existing Properties
- , Amount of Dual Occupancies in Local Area
- , Impact of Driveway/Vehicle Accommodation on Streetscape

Action:

Approval

REPORT:

Proposal

Application is to erect 2 x 3 bedroom (detached dual occupancy) single storey units on a fan shaped lot at Bligh Park. The site is located in a cul-de-sac of four lots, with two additional lots at the corners with Neilson Crescent. The other three lots in the cul-de-sac contain single dwellings whilst the two corner lots contain dual occupancies.

The development is proposed to be located 7.5m back from Deane Place and 1.3m and 1.5m from adjoining side boundaries.

Each dwelling has a double garage with the option of an additional off-street parking space.

History

An application for the erection of 3 x 3 bedroom villas on the land was refused by Council at its meeting on 8 August 1995.

Statutory Situation

The site is zoned Residential 2(a) and the use for dual-occupancy development is permissible with Council's consent.

The proposal conforms with Council's DCP for dual occupancy development.

Community Response

The receipt of the application was advised to adjoining owners and two objections have been received. A summary of the objections follows:-

- increase in traffic volume and possible traffic hazards associated;
- decrease of value of existing homes in Deane Place;
- access for garbage trucks;
- possible difficulty in parking in cul-de-sac for additional vehicles;
- impact of hardstand vehicle accommodation and driveway on streetscape; and
- number of existing dual occupancies in Bligh Park area.

Environmental Assessment**Site Coverage**

The total site area is 882m², the proposed development covers 301m². The minimum area required for detached dual occupancy development is 600m². Council's maximum floor space ratio is 0.5:1, ie. development cannot exceed half the total site area. The application complies with these requirements.

Parking

The proposal includes a double garage (6m x 6m) under the roof of each dwelling plus one additional parking space (optional). The garages are setback 7.5m and 17m from Deane Place. Sufficient space has been allowed on-site for vehicles to turn and enter the street in a forward direction. This arrangement exceeds Council's minimum parking requirements as set out in its DCP. The offer of the additional space should be accepted so that the demand for street parking is reduced.

Landscaping

Generous provision for landscaping has been made, particularly to the front of the site. Several mature trees on the block are to be retained.

Character

The style of the proposed dwellings are similar in appearance to existing development in this area, ie. brick veneer with tiled, hip roof and dutch gables.

Amenity

The development will not adversely affect the amenity of the locality.

Conclusion

The proposed development, given its site coverage, layout and parking arrangements, is deemed consistent with existing development and in accordance with Council's DCP on dual occupancy. It is, therefore, recommended for approval.

RECOMMENDATION:

That the application be approved subject to the following conditions:-

1. Payment of a sewer headworks contribution to Council of \$4,780 (four thousand seven hundred and eighty dollars). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
2. A contribution of \$1,021 (one thousand and twenty one dollars) being a contribution for recreational buildings, park improvements and community facilities as a consequence of medium density development (residential flats, villas, townhouses, dual occupancy etc). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
3. Construction of Council's standard residential footway vehicular crossing to suit the access to the site with a minimum width of 4.8m (four point eight).
4. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
5. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
6. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
7. Provide solid fencing between the units being 1.8m (one point eight) high.
8. Surface drainage being provided to the driveway area. Separate details to be submitted with the building application.

9. The additional car parking space being provided as indicated on plan No. 99695/2 dated 8 September 1995.
10. Submission of a building application, plans and specifications complying with the Building Code of Australia.
11. No excavation or site works shall be commenced prior to the issue of the building permit.
12. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.
13. As far as practicable all trees and shrubs on the site are to be preserved and integrated with the plan of landscaping. No trees over 4m (four) in height shall be removed without the approval of the Divisional Manager Environment and Development. Such approval to be sought subsequent to the pegging of building works.
14. The development shall be carried out in accordance with Plan No. 99695/2, dated 8 September 1995.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NAX.V12

****** END OF ITEM 62 ******

ITEM: 63 CONSTRUCTION OF DWELLINGS & STORAGE UNITS - LOTS 12 & 13 DP843973 NO. 26 BOWMAN STREET, RICHMOND

FILE NUMBER: DA176/95/EVD

Applicant: Falson & Associates
Applicants Reps: Falson & Associates
Owner: G & B White and T Hall
Stat. Provisions: Hawkesbury LEP 1989
Area: 1409m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners, 3 letters objecting and petition signed by 20 persons objecting received
Date Received: 27 July 1995 - Amended plans received 23 October 1995

Key Issues:

- , Drainage
- , Amenity
- , Traffic Generation
- , Character

Action:

Approval subject to conditions.

REPORT:

Proposal

The application is to erect 15 storage units in 2 rows on either side of the site and 2 dwellings fronting Bowman Street. The two banks of units are separated by a proposed driveway and loading/unloading area which will be constructed with Rocla "turf paved" slabs to provide hard standing but to minimise runoff. A 4m wide concrete driveway is located in the centre of the site to provide for access.

The application includes a drainage report from Keith G Pye, Engineer, which recommends that the site levels be set to ensure all stormwater discharges to the street. The report states that the proposed units will result in a possible maximum increase runoff of 5% from that which currently exists.

Statutory Situation

The land is zoned as Residential 2(a) under Hawkesbury LEP 1989 with Light Industrial 4(b) land at the rear (Lukis Avenue) and at the end of the street.

The storage units development, as proposed, for leasing to individual people is considered to be an allowable use in the Residential 2(a) zone, not being one of the prohibited uses in the land use tables for the 2(a) zone.

The site is within a 40 ANEF (Australian Noise Exposure Forecast) area being located at the end of the Richmond RAAF runway and directly beneath the flight path. The Department of Defence advises that sites within the 40 ANEF contour are unacceptable for residential, commercial or light industrial uses.

Clause 37 of Hawkesbury LEP 1989 requires buildings affected by aircraft noise to comply with Australian Standard AS2021 in respect of indoor design noise levels. Given the noise contour, the proposed land use is more appropriate than a medium density residential development.

The dwelling on the corner of Pitt Street and Bowman Street is an item of environmental heritage, and Council is required to consider Clause 28 of Hawkesbury LEP 1989 for development in the vicinity of a heritage item.

Community Response

This proposal was advised to adjoining owners and 3 submissions and a petition signed by 20 residents of 28 Bowman Street has been submitted.

The attached plan shows the location of the 3 objections and the residents concerns are summarised below:-

No.22 "surrounded" by brick walls with existing rear development and proposed;

loss of peace and quiet on weekends;

area will lose residential nature;

would welcome good residential development;

more industrial development overshadowing properties, affecting gardens;

could attract undesirable people at night times;

Council has supported residents objections and rejected industrial development previously;

medium density housing with sound proofing, would be suitable for the site;

quiet cul-de-sac road suitable for residential development not industrial;

residential buildings in Francis Street, with similar aircraft noise, acceptable to Council;

increased traffic generation, particularly on weekends; and

residents should not have to fight continually to retain residential street.

History

The site was formally used by a stonemason but this use ceased some time ago.

In 1990 Council refused an application to use the site for a motor vehicle holding and detailing yard.

In 1992 Council resolved that a proposal to rezone lands bounded by Pitt, Bowman and Hobart Streets to Light Industrial 4(b) not proceed at that stage.

Environmental Assessment

Residential Area

The street contains mainly detached residences with a number of notable exceptions including industrial development at the end of the street, a large flat development adjacent to the site as well as the site itself which was previously used by a stonemason and which is now currently vacant.

It is not considered that the proposed development is incompatible with the objectives of the residential 2(a) zone. The objectives of the zone include inter alia:-

"To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character".

The proposed dwellings and storage units are of a similar scale to the adjoining flat development and with appropriate landscaping in the building line, would be visually consistent with the residential development in the street.

Drainage

The Engineer's report supporting the development application requires the levels of the land to be altered to ensure all runoff water drains to the street. It also states that the proposed units will result in a possible maximum increase in runoff of 5%,

This recommendation is not supported as there is currently no satisfactory drainage from the street system with runoff currently ponding at the end of the constructed section of Bowman Street. The calculations provided suggesting a minimal increase in runoff are also disputed.

The drainage of the proposed development is considered the most important issue and is only likely to be resolved by the provision of an easement and piping to the existing drainage system servicing Lukis Avenue. Provision would also need to be made for the on-site detention of stormwater.

Traffic Generation

Traffic generation from the proposed storage units is likely to be similar or less than medium density housing. Storage units are often used for domestic purposes and visitation is likely to increase on weekends. Notwithstanding the 40 ANEF contour, any development consent and also the leases for the factory units should be conditioned so that vehicles do not access the site between the hours of 10pm and 6am.

Character

The proposed development is a reasonable use of the land which is subject to an extreme noise exposure. Subject to restrictions on hours of access, the development would be consistent with a residential amenity.

Conclusion

If it is accepted that the land which is currently vacant should have potential for some form of development, the proposed development is an appropriate use.

RECOMMENDATION:

That the application for the construction of storage units and 2 (two) dwellings be approved generally in accordance with the amended plans submitted on 23 October 1995 subject to the following conditions:-

1. No drainage to be discharged to Bowman Street. All drainage is to be discharged to the system servicing the eastern arm of Lukis Avenue. Where this involves the provision of drains across land owned by others, drainage easements of adequate width shall be provided for which documentary evidence must be provided prior to approval of the building application.

Alternatively, the applicant would need to satisfy the Director of Environment and Development that arrangements have been made for the disposal of stormwater drainage which will not result in any drainage discharge from the site.

2. 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 over the frontage of the site together with any such works as are necessary to make this construction effective.
3. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m (six).
4. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels.

5. A design checking and inspection fee of \$250 (two hundred and fifty dollars) must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1996.
6. Construction of road and drainage works are not to commence until 3 (three) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
7. Parking spaces and accessways are to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application. Rockla - Eureka turf paved slabs may be used in light traffic areas.
8. The storage units are not to be accessed between the hours of 10.00pm and 6.00am on any day. Further, any lease arrangements for the Units are to incorporate this restriction.
9. Submission of a building application, plans and specifications complying with the Building Code of Australia.
10. 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.
11. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
12. Screen walls are to be provided to screen open yard activities and are to be of an approved design, details of which are to be submitted with the building application.
13. New boundary fences shall be provided at the applicant's expense. Details to be submitted with the building application. Such fencing behind the building line shall be to a height of 1.8m (one point eight) and at least lapped and capped.
14. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.
15. No goods are to be stored outside of the storage units.
16. 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.
17. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Divisional Manager Environment & Development at all times and any direction given in this regard is to be complied with forthwith.

18. The spillage of light, if any, shall be controlled to the satisfaction of the Divisional Manager Environment & Development.
19. The design of the dwellings shall incorporate components that will provide aircraft noise mitigation in accordance with AS2021, to the satisfaction of the Divisional Manager Environment and Development. Details prepared by an accredited acoustical consultant to be submitted for approval with the building application.
20. Registration of a plan of survey consolidating the site into a single allotment or alternatively the creation of reciprocal rights of way over the access and internal circulation area. Documentary evidence to be submitted prior to occupation of the proposed buildings.

ATTACHMENTS:

AT-1 Site Map.

FN:ENA31NAX.V13

****** END OF ITEM 63 ******

ITEM: 64 **HAWKESBURY SPORTS STADIUM****FILE NUMBER:** P1950/213 PT08, DA233/94/ENG

REPORT:

There have been numerous complaints by Mr P Donnelly who lives at 17 Stewart Street located opposite the access to the multi-purpose stadium, regarding many matters relating to the design and operation of the building, but in particular, aspects of noise and car related matters.

As a short background to the building, tenders were invited for the design and construction of a multi-purpose stadium. Tenders were considered by Council on the merits of each proposal and the subsequent contract awarded to Consolidated Constructions in conjunction with Peter Hunt, Architect, based on the proposal submitted. The current building, including the car park layout and access has had no significant variation from the original proposal. The normal process of assessing the development was undertaken, including notification of the proposal to adjoining neighbours. One submission was received as a result of the advertising, that submission being from Mr Donnelly. Mr Donnelly's submission listed a number of faults regarding the building;

1. Appalling condition of the access roads, very little lighting in the area and driving in Drummond Street being very dangerous as semi-trailers use the same road when Netball is in full swing and there are no lights to see pedestrians crossing the road between the parked cars from Airlite Windows to Mileham Street.
2. Stewart Street being used as a drag strip and an additional 800 cars not helping his situation and also a number of concerns regarding the usage of the Tavern in Stewart Street.
3. Relating to heavy vehicles using the Tavern with associated parking problems with the Greenhills Child Care Centre and the tennis courts having similar problems with cars being parked up and down the street.
4. Relating to vandalism when his car is left on the road after dark and also the large amount of broken beer bottles and needles being found.
5. Relating to the number of vehicles expected to use the Indoor Centre, combined with Netball patrons, patrons of the Tavern and indoor cricket and tennis will increase pollution problems such as asthma. Indicating that 2,000 plus cars will use the area five times a week.

The Centre was approved in its current form and has been completed.

During the construction of the car park, Mr Donnelly made representations about the location of the access and two options were investigated. Firstly, to bring the access out on the current access road to the tennis centre which would only transfer the problem being outlined by Mr. Donnelly to a house further along the street towards Ham Street and secondly, relocating the access to the south of the Centre beneath the transmission lines.

This land is owned by Landcom and whilst it may have been possible to obtain agreement from them for the access road to be constructed at this location, it would have added an additional \$70,000 to the project cost. As shown on the plan displayed, the access to the Stadium is centrally located opposite the dividing fence between Mr Donnelly's property and that of his neighbour.

Considerable discussions have been undertaken with Mr Donnelly, including lengthy visits to his residence on at least two occasions in an endeavour to determine some method of ameliorating his problems. As part of these discussions, it was suggested to Mr Donnelly that Council may consider the construction of a brick fence along the front boundary of his property and/or the provision of heavy curtaining material and/or the provision of roll down security shutters which may alleviate his concerns. Unfortunately, Mr Donnelly has indicated that he was not prepared to accept any of these measures, preferring that the driveway be relocated and more recently, a brick wall be provided along the full frontage of the Centre.

With regard to traffic, whilst there has been an increase in the number of vehicles using Stewart Street to gain access to the Centre, as Council would be aware, Collith Avenue has now been closed to traffic as part of the Landcom development and as such, there has been a reduction in traffic from that source (approximately 5,000 vehicles per day). As a further part of the Landcom development, there is a roundabout to be constructed at the intersection of Stewart Street and McKellar Crescent giving access into a new street to be constructed as part of that development. This roundabout is approximately mid-way between Woods Road and Ham Street and will act as a traffic calming device for vehicles using Stewart Street.

A further option has been considered in regard to relocating the access off Stewart Street and that is providing access from the intersection of Ham, Drummond and Stewart Streets directly to the Centre between the Greenhills Child Care Centre and tennis courts, passing to the west of the Stimulus Centre. This would involve the construction of approximately 380 metres of kerb and gutter and 1140m² of road pavement and associated drainage, estimated to cost \$85,000. It would be proposed that this work be done in conjunction with the provision of a roundabout at this intersection (cost not included in previous estimate).

Until recently, the only complaints that had been received regarding the Centre were from the Donnellys, however, there has been another letter received on 15th October, in similar terms to that of Mr Donnelly's from Mr & Mrs Attard of 19 Stewart Street.

It is felt that prior to any further expansion of the Sports Centre or any additional development on this land, that the relocation of the driveway as outlined to the intersection of Ham, Stewart and Drummond Streets would be appropriate as a condition of such development.

RECOMMENDATION:

1. That the information be received.
2. As a consideration of further development of the area, depending on assessed traffic needs and safety of the proposed development, the driveway be relocated giving access from the intersection of Ham, Drummond and Stewart Streets.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NBX.E21

****** END OF ITEM 64 ******

ITEM: 65 DRAFT LEP 1/94 ADDITIONAL HERITAGE ITEMS - "MELROSE COTTAGE", 57 EAST MARKET STREET, RICHMOND

FILE NUMBER: LEP1/94/EVD

REPORT:

At the Ordinary Meeting of Council on 5 September 1995, it was resolved to defer the following item to the General Purpose Committee on 31 October 1995:-

"Melrose Cottage", 57 East Market Street, Richmond.

Council's Heritage Adviser, Mr Robert Staas, inspected the item on 1 September 1995. Mr Staas' report on the property appears below:-

"Melrose Cottage", 57 East Market Street, Richmond

Inspection of this property suggests that it incorporates an early farm house with additions and alterations from the early 20th Century. The use of metal pan roofing is extremely rare in Richmond and represents an historically significant building technology. The site includes several early outbuildings and has a mature cottage landscape with significant trees. Further research regarding this property will only increase its historical significance to the development of Richmond. Recommended for inclusion in Local Environmental Plan 1/94.

RECOMMENDATION:

That "Melrose Cottage", 57 East Market Street, Richmond, be included as a heritage item in LEP1/94 - Additional Heritage Items.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NBX.V03

**** END OF ITEM 65 ****

ITEM: 66 HERITAGE STATUS OF THE HAWKESBURY HOSPITAL SITE**FILE NUMBER:** P731/3005 PT1/EVD**REPORT:**

At the Ordinary Meeting of Council on 5 September 1995, it was resolved to defer the following item to the General Purpose Committee on 31 October 1995:-

Hawkesbury Hospital Site.

Council's Heritage Adviser, Mr Robert Staas, inspected the item on 1 September 1995. Mr Staas's report on the property appears below:-

Hawkesbury Hospital Site

I strongly advise the Hawkesbury Hospital Site for inclusion in the Local Environmental Plan as the main building is undeniably a substantial remnant of the 1820 convict barracks built by Governor Macquarie and therefore of national heritage significance. The site is coming up for disposal of the Department of Health and a conservation plan of management has been requested covering the main building, its curtilage and adjoining archaeological zones. My recommendation for listing includes:-

*main block;
1820's stone building;
1910 fence;
1840's well structure;
1820's foundation stone;
the original site area for archaeological features; and
adjoining land fronting George Street for archaeological features.*

RECOMMENDATION:

That:-

1. The information be received.
2. Council prepare a draft local environmental plan to include the Hawkesbury Hospital Site on Schedule 1 - Heritage Items of Hawkesbury LEP 1989.
3. The Department of Urban Affairs and Planning be advised of Council's decision pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS:

AT-1 Site Plan.

FN:ENA31NBX.V04

****** END OF ITEM 66 ******

ITEM: 67 TREE REMOVAL AGRICULTURE - LOT 6 DP239897 NO. 153
COMMERCIAL ROAD, VINEYARD - APPLICANT: MR J SULTANA

FILE NUMBER: P361/590/EVD

REPORT:

The applicant has applied for the removal of seven trees for the purpose of agriculture, the property is zoned Rural 1(c) and has a total area of 2.024ha, town water is available.

The applicant wishes to remove seven trees to allow for a market garden, these trees being close to the centre area of the property, a further fifteen trees are to remain. The property, with the exception of the abovementioned trees, is devoid of any other foliage cover.

The applicant has been spoken to on-site and has agreed to the retention of fifteen mature trees. The planting of a screen of suitable small trees to the Commercial Road frontage and retention of a grass area twenty metres wide either side of the natural drainage channel which traverses the property from east to west. The retention of this grass area will act as a natural silt trap and buffer zone against fertiliser drift into the natural water course.

The proposal has been advertised and two submissions have been received objecting to the proposal with three submissions giving support, subject to conditions as indicated above.

As the property is already substantially cleared with only shade trees remaining and given that only seven trees are proposed to be felled, the proposed clearing is relatively minor and may not be contrary to the spirit of the moratorium on clearing. However, as resolved by the Council at its meeting on 8 August 1995, the moratorium provides as follows:-

"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"

The proposed clearing, even though for only seven trees, is for the purpose of a new intensive horticultural development.

Notwithstanding the moratorium it is recommended that the application be approved subject to appropriate conditions.

RECOMMENDATION:

That the application for tree removal be approved subject to:-

1. The retention of 15 (fifteen) trees as specified

2. The retention of a grass area 20 (twenty) metres wide either side of the natural water course traversing the property as a natural barrier against siltation.
3. The planting of suitable screen trees to the Commercial Road frontage as a vegetative screen to the property. These trees to be of an advanced size when planted.
4. Payment of a bond of \$1,000 (one thousand dollars) to be refunded on satisfactory completion of the conditions.

ATTACHMENTS:

AT-1 Locality Sketch

FN:ENA31NBX.V05

****** END OF ITEM 67 ******

ITEM: 68 MODIFICATION OF DEVELOPMENT CONSENT FOR
GREENHOUSE - NO. 91 MENIN ROAD, OAKVILLE

FILE NUMBER: DA148/95/EVD

REPORT:

Council at its Ordinary Meeting of 5 September 1995, resolved to approve the erection of a greenhouse for propagation and display purposes on the above site at Oakville, subject to 6 conditions.

On 6 October 1995, the applicant (Mr Ciccolella) made application to have condition No. 6 deleted from the development consent. The conditions reads as follows:-

"6. *THAT THE agricultural drain and surface drains to be placed on the downward side of the front fence to a place 10 (ten) metres past the last building of the neighbour's property to the satisfaction of the Divisional Manager Environment and Development.*"

The proposed greenhouse is approximately 41 metres away from the eastern (Seltenrych / low side) boundary and 10 metres away from the western (Makim / high side) boundary. It would appear that condition No. 6 is not related to the greenhouse, which was the subject of the application, and is difficult to justify.

Given the area of the land, the relatively small area of impermeable surface and the distance to the low side boundary, it is considered that the request to delete condition No. 6 is reasonable.

RECOMMENDATION:

That Condition No. 6 (six) of DA148/95 be deleted from the development consent.

ATTACHMENTS:

AT-1 Site Maps.

FN:ENA31NBX.V08

****** END OF ITEM 68 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: **31 October 1995**

Item: **69**

ITEM: 69 DRAFT LOCAL ENVIRONMENTAL PLAN - PT LOT A & PT LOT B
DP38011 NOS. 34-36 MACQUARIE STREET, WINDSOR - A J DEAN
& ASSOCIATES

FILE NUMBER: LEP5/95/EVD

REPORT:

Council at its Ordinary Meeting held on 11 July 1995, resolved to support the preparation of a draft local environmental plan to rezone the subject properties to Business General 3(a), provided vehicular access was not from Macquarie Street.

The application was referred to the Department of Housing, Roads and Traffic Authority and Prospect Electricity. Correspondence was received from the Roads and Traffic Authority and Sydney and both raised no objection to the draft plan.

The draft plan was on public exhibition from 13 September to 13 October. No submissions were received.

RECOMMENDATION:

That the plan be forwarded to the Department of Urban Affairs and Planning for gazettal.

ATTACHMENTS:

AT-1 Site Plan.

FN:ENA31NBX.V09

******* END OF ITEM 69 *******

ITEM: 70**DRAFT DEVELOPMENT CONTROL PLAN - DRAFT GUIDELINES
FOR DEVELOPMENT IN THE MACDONALD VALLEY AND ST
ALBANS VILLAGE CONSERVATION AREA****FILE NUMBER:** DCP004/92/EVD**REPORT:**

This report was deferred for consideration from Council's Ordinary meeting of 10 October 1995.

Council at its Ordinary meeting on 11 May 1993, resolved that a Draft Development Control Plan be prepared for development in the Macdonald Valley and St Albans Village Conservation Area. As a consequence of exhibition of the Draft Plan two submissions were received, one from the Macdonald Valley Association and one from the Macdonald Valley landowners.

The submission from the Macdonald Valley Association states:-

"We have tried to produce an easily accessible and easily understood document, consistent with Council's 1989 Local Environmental Plan, appropriate building codes, and the practical circumstances of Valley life, but allowing, within those constraints for the exercise of architectural innovation and personal lifestyle preferences.

In general, a redraft is considerably shorter than Council's document. It omits the reference material supplied on your pages 21 to 34 and sets the main provisions of Council's Bush Fire Mitigation Policy (modified, as in the case of water reserves, to meet the practical consideration of tank sizes) side by side with other provisions. We have excluded or relaxed some provisions, included or tightened others. We have added information about noxious weeds. Although the diagrams on pages 9 and 14 of your document have been omitted from our redraft we found them helpful, and would like to see them in the final plan."

The submission from the Macdonald Valley landowners states:-

"After careful consideration of your draft guidelines we approve in principle the draft subject to any future amendment/redesigns being submitted to the people of the Valley. Your guidelines it seems, are designed around ensuring the heritage usage of the Valley in terms of building design/development is retained and conserved and is consistent with its historical background. We believe this is important, however, building design/development is not the only issue.

In terms of your guidelines you have addressed design/development standards for construction of dwellings in an environmental, cultural and heritage context. However, you have not addressed development in its true sense/definition/scope as the title of your document lends itself to. On the basis of dwelling design/development, the intent of the document, we see no real problems.

Although, if you are concerned objectively with development of the Valley then other issues need to be addressed. Briefly we believe these issues should include:-

- * altering the document title or subject matter to communicate your objectives/intent/scope/design outcomes to "Guidelines for development and construction of dwellings in the Macdonald Valley" or alternately "Guidelines for development in the Macdonald Valley and St Albans Village" encompassing the following:-*
- 1. greater autonomy for land holders to utilise resources;*
- 2. roads in terms of condition, dust, pollution and measures to prevent accidents (speed limits);*
- 3. tourism development, eg. ferry queues. Suspend all tourist development until roads can support the increased traffic movement;*
- 4. river management issues;*
- 5. sand inundation to properties;*
- 6. policies, fire hazard reduction - cold burning; and*
- 7. subdivision.*

The owners of the Valley believe that the issues listed above are the main concerns in the context of developing the Macdonald Valley for the betterment of all residents and landowners alike. We would like to point out that these issues briefly outline issues that need to be considered in toto.

Recommendation

- 1. That the issues raised be addressed and included in a clear and concise development plan for the Valley and subsequently presented to the people of the Valley for comment through a formal forum through initial consultation and assistance from the Macdonald Valley landowners.*
- 2. If the Council in its document is primarily concerned with the design/development of dwellings, then the title should reflect its intent and, therefore, be changed to guidelines for design and development of dwellings in the Macdonald Valley and St Albans Village."*

The Draft Development Control Plan was written by staff in conjunction with Council's Heritage Adviser, Mr Robert Staas, following field work and research. The work undertaken prior to the preparation of the Draft Development Control Plan revealed that recent development was often at odds with the historic character of the Macdonald Valley. More importantly, the work revealed the need for a document which would provide appropriate guidelines for development. The Draft Development Control Plan was written to assist property owners in the Macdonald Valley and St Albans Village with the design and siting of new development. It is envisaged that implementation of the Draft Development Control Plan will help ensure that new development does not detract from the existing landscape but rather is designed to compliment and reinforce its historic character.

Whilst the intent of the Draft Development Control Plan, as written, was merely to be an advisory document to facilitate achievement of a good result for each property owner, it should not be seen as the panacea for every planning "ill" in the Macdonald Valley. Planning "ills" identified in the submissions include roads, tourism development, sand inundation, river management and subdivision. These "ills" are beyond the ambit of this document. It is, however, acknowledged that the title of the Draft Development Control Plan should be changed to "Guidelines for Development and Construction of Dwellings in the Macdonald Valley" as suggested by the Macdonald Valley Landowners. The title change as suggested will clarify the intent and ambit of the document.

The submission from the Macdonald Valley Association includes a suggested redraft of the draft development control which generally contains the same provisions as those proposed in an abridged or summary version. It contains some minor errors of law, eg. no reference to dual occupancy, however it is a useful document. Whilst it is a good alternative, the draft which has been prepared contains more information and is preferred over the version prepared by the Macdonald Valley Association.

RECOMMENDATION:

That:

1. Information in the report relating to the Draft Development Control Plan - Macdonald Valley be received.
2. The title of the Draft Development Control Plan be changed to "Guidelines for Development and Construction of Dwellings in the Macdonald Valley".
3. The Draft Development Control Plan be adopted as a Development Control Plan in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.

ATTACHMENTS:

AT-1 Draft DCP Proposed by The Macdonald Valley Association

FN:ENA31NBX.V10

****** END OF ITEM 70 ******

ITEM: 71 DEMOLITION OF TWO STOREY BUILDING & ASSOCIATED STRUCTURES - LOT 1 DP811602 CNR GEORGE & BAKER STREETS, WINDSOR

FILE NUMBER: P731/3350 PT02/EVD

REPORT:

A written application has been received from Don Nott and Associates (Development Architects) on behalf of the proprietor of the subject property Tryence Pty Ltd, to demolish the existing two storey brick building and associated structures facing Baker Street, opposite Graham Cook Plumbing Supplies.

The site would be known to most as the "Old Hawkesbury Valley Motor Site" which has a number of structures on it varying from workshop and carports to the two storey brick building.

Some concerns were raised as to the possible heritage nature of the two storey brick building, as it was noted on a plan in the Windsor Streetscape Study of 1986 as a "conspicuous Victorian or Edwardian building", no other reference was made to this building throughout the study, nor does the building have any heritage significance under Council's HLEP 1989.

Close examination of the building has revealed that the building is constructed of bricks that are known as "commons", together with the use of metal lintels and plaster board wall linings, which indicate that the building would have been constructed around 1920 - 1940. The timber framework on the verandahs and floors is also of a style consistent with this era, (photos of the aspects will be on the display board at the Council meeting).

The owners of the property are extremely concerned about the use of these structures by vagrants, (evidence of which was noted during the inspection), who have repeatedly removed the barricades over windows and doors in the past.

Whilst it is known from the Windsor Streetscape Study that the site upon which the subject structures are located, has archaeological significance, it is not considered to be detrimental to any future archaeological studies if the structures are removed to ground level only.

The applicant has been questioned as to the possibility of retaining the two storey brick structure as part of the new development, but has exhausted all possibilities of such a proposal, as it does not blend or conform to their concept plans for redevelopment of the site.

RECOMMENDATION:

That approval be granted to remove/demolish the two storey brick building with timber framed verandah together with the workshop and associated buildings on proposed Lot 3 as shown in the proposed plan of subdivision, subject to the following conditions:-

1. Demolition of the structures shall be to ground level only without any disturbance of the ground surface below them.

2. Hoardings shall be erected around the structure on the Baker Street frontage during demolition. The hoarding structure shall be approved by the Branch Manager of Building and Development prior to its erection.
3. All waste and demolished material shall be removed from the site and disposed of at a licensed waste depot, and documentary evidence of such shall be available on request.
4. The demolition process and handling of materials shall be carried out to WorkCover Authority requirements.
5. The owner of the property upon which the demolition is taking place, shall ensure that no damage is caused to either adjoining properties or to Council property.
6. The process of demolition shall be completed within 30 (thirty) days of commencement, with all waste and demolished materials being removed from the site within this period.

ATTACHMENTS:

AT-1 Site Maps.

FN:ENA31NBX.V15

****** END OF ITEM 71 ******

ITEM: 72

DRAFT LOCAL ENVIRONMENTAL PLAN TO REZONE THE SITE OF THE MUSHROOM COMPOSTING FACILITY AT MULGRAVE FROM RURAL 1(C) TO LIGHT INDUSTRIAL 4(B) - R & N TOLSON - LOT 4 DP 610341 & PART LOT 12 DP 736138 84-112 MULGRAVE ROAD

FILE NUMBER: LEP0009/94/EVD

REPORT:

At Council's meeting on 8 August 1995 it was resolved that the draft local environmental plan to change the zoning from Rural 1(c) to Light Industrial 4(b) be referred to the Department of Urban Affairs and Planning (DUAP) for final gazettal.

The submission to DUAP has been prepared but, prior to forwarding it, a letter was sent to Mr Tolson requesting that he enter into a Deed of Agreement with Council to the effect that he, or any subsequent owner, relocate the mushroom composting operation within 2 years from the date of the gazettal of the local environmental plan. It was considered that the deed would merely restate previous undertakings to relocate within 2 years, as it is understood that he did not intend to upgrade the development in accordance with the approval for tunnels and Council's notice to complete the work.

Given the existence of the outstanding notice, it would not be appropriate to confer a significant increase in the value of the land by way of rezoning without a definite commitment to either comply with Council's notice or relocate to another site.

To date, Mr Tolson has responded to Council's letter in part but has not indicated acceptance or otherwise of the proposed deed.

In these circumstances, it is not considered that the draft local environmental plan should be finalised until a suitable deed has been signed or, alternatively, the notice complied with.

RECOMMENDATION:

That the draft local environmental plan for the rezoning of Lot 4 DP 610341 and Part Lot 12 DP 736138 84-112 Mulgrave Road, Mulgrave, from Rural 1(c) to Light Industrial 4(b) not be referred to the Department of Urban Affairs and Planning for final gazettal until the owner enters into a Deed of Agreement to cease operations within two years or, alternatively, complies with Council's Notice.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NBX.V16

**** END OF ITEM 72 ****

ITEM: 73 BLIGH PARK NORTH RESIDENTIAL RELEASE AREA -
EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLAN AND
DRAFT DEVELOPMENT CONTROL PLAN**FILE NUMBER:** LEP0011/95; LEP0016/93; DCP0005/95/EVD**REPORT:**

The Bligh Park North Residential Release Area (Draft Local Environmental Plan and Draft Development Control Plan) has been placed on public exhibition between 4 October 1995 and 8 November 1995. Also on public exhibition is an application to rezone the land containing the medical centre off Rifle Range Road to 3(a) General Business. The land is owned by Mr T Lonsdale and is situated between Collith Avenue and the extension of Colonial Drive.

The Draft Local Environmental Plan will rezone the area to Residential 2(a). Also, additional amendments will be necessary to Hawkesbury Local Environmental Plan 1989 to allow the development to proceed. These amendments include:

- . fixing the habitable floor level at 17.3 metres for residential development within the Bligh Park North area;
- . fixing the limit of residential subdivision to a minimum level of 15.3 metres.

In addition to the above amendments, Council is required to have in place an emergency evacuation plan for the area in time of major flooding and to provide a new gated and fenced road link between Thorley Road and Richmond Road for emergency egress.

The Bligh Park North Release Area contains 41 separate land parcels in 29 separate ownerships. It has a potential to create approximately 700 dwellings, however, initially there is only sufficient water supply capacity to service approximately 600 dwellings.

During the preparation of the Draft Development Control Plan and in discussions with owners, a number of alternatives to meeting the new 1:100 flood height standard of 17.3 metres were considered. The Draft Development Control Plan is proposing to require that land over 15.3 metres Australian Height Datum be filled to a level of at least 16.5 metres with a floor height standard of 17.3 metres. This would allow for reasonable bearers and joist construction. Alternatively, the land could be filled to 17.3 metres.

To achieve the proposed filling, it has been necessary to divide the area into a number of stages, such that all filling within the stage has to be completed prior to its subdivision and the construction of houses. Without such a requirement there would be the real possibility of filling being undertaken adjacent to residences causing dust and noise nuisance.

A copy of the Draft Development Control Plan has been provided to all of the property owners in the area.

Following the completion of the public exhibition process, any submissions will be referred to Council for consideration.

RECOMMENDATION:

That the information concerning the Draft Local Environmental Plan and Draft Development Control Plan for the Bligh Park North Residential Release Area, together with the proposal for land owned by Mr T Lonsdale for a general business rezoning be received.

ATTACHMENTS:

AT-1 Draft Development Control Plan Bligh Park North

FN:ENA31NBX.V18

****** END OF ITEM 73 ******

ITEM: 74 GRAHAM PRICE PTY LTD MUSHROOM COMPOSTING - 100 PITT TOWN ROAD, CORNER WOLSELEY ROAD

FILE NUMBER: P1641/700 PT09/EVD

REPORT:

On 18 June 1992 the Land and Environment Court ordered that Graham Price Pty Ltd not use the property for the purpose of preparation of mushroom compost in such a manner as interferes with the amenity of the neighbourhood in respect of smell. The operation of the Order was suspended for a period of 3 years and consequently came into effect on 18 June 1995.

A number of residents in the McGraths Hill area have indicated that the odour nuisance is continuing and have requested that Council take contempt action to force compliance with the Order. If it is found that Graham Price Pty Ltd has neglected to obey the Order, the company's principals can be liable to imprisonment, fine or sequestration of property.

A detailed odour survey has been conducted over the past two months involving residents in the immediate vicinity and Council staff who reside in McGraths Hill. At the date of preparing this report, the survey forms for four of the sixteen participants had been received. It is expected that they will have all been received by the date of the General Purpose Committee. Consequently, it has not been possible to report on the outcome of the odour survey to this General Purpose Committee meeting.

Given the seriousness of the matter, there should be an opportunity for both residents and Mr Price to address a General Purpose Committee. Therefore, the matter will be reported to the General Purpose Committee on 28 November 1995.

RECOMMENDATION:

That information concerning the odour survey of mushroom composting at 100 Pitt Town Road (Graham Price) be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENA31NBX.V20

****** END OF ITEM 74 ******