

**HAWKESBURY CITY COUNCIL
SPECIAL MEETING**

Where People Make the Difference!

SPECIAL BUSINESS PAPER

DATE OF MEETING: 7 November 1995

LOCATION: Council Chambers

TIME: 7.00pm

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Section 4

Reports for Determination

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"OUR CITY - OUR FUTURE" - FINALISATION OF REPORT AND RECOMMENDATIONS

FILE NUMBER: GT225/013/EVD

REPORT:

The comments which were received in response to the exhibition of the "Our City - Our Future" strategy were reported to Council's meeting on 27 June 1995. It is now appropriate that this stage of the on-going development of the policy be brought to a close.

Since the commencement of work on the strategy in early 1993 there have been a number of resolutions of Council which have direct implications on the scope of the brief. As work had commenced well before a number of these resolutions it has not been possible to incorporate their recommendations into this completed stage of work.

The resolutions which are of direct relevance are:-

13 December 1994

That the following recommendations be added to the Environment Section of the (Our City - Our Future) report:-

4. *That the principles of environmentally sustainable development shall apply to all Council policies dealing with land use.*
5. *That Council identify funding options to undertake a general review of Council policies to enable environmentally sustainable development principles to be incorporated.*

11 April 1995

Council make allocation for the preparation of 3 sets of plans, showing the disposition within the LGA of a population of 80,000 people accommodated in 27,000 households.

The plans shall be based upon the following assumptions:

1. *(the most likely but worst case)*
 - * *maintenance of existing urban form and density*
 - * *maintenance of current patterns of rural subdivision*
 - * *incorporation of current rezoning proposals*
2. *considering all urban capable land, but with:*
 - * *average doubling of existing urban density*

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- * consolidated pattern for rural subdivisions, based on topographical and environmental determinants

3. (the least likely but best case)

confining urban growth to the eastern side of the river, with:

- * average doubling of existing urban density
- * consolidated pattern for rural subdivisions, based on topographical and environmental determinants

The plans shall in each case show the overall disposition of new housing and illustrate the building forms or site utilisation patterns typically required to produce such a disposition. They shall be clearly and simply presented in a large format suitable for public display or for use in public meetings.

The plans shall be accompanied by a report explaining the criteria upon which the illustrated schemes are based.

A review of the relevant information be brought back to Council, including cost and advice from the Government Departments, before Council engages a consultant to proceed with the work.

8 August 1995

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

5 September 1995

That Council:-

1. Develop comprehensive criteria for the assessment of applications for tree clearing in rural areas incorporating advice from the Department of Agriculture.
2. Amend its Local Environmental Plan to create agricultural zones for intensified agriculture following the completion of a Rural Lands Study.
3. Amend its Local Environmental Plan to require development consent for agriculture at the completion of the implementation of the new zone system.
4. To achieve 2 and 3 a time limited committee comprising Councillors, staff, Department of Agriculture and industry representatives (agricultural) from the Regional Economic Development Organisation, be established immediately following the election.
5. To the next meeting of the Council when the Committee is established there be a report on a program and schedule of works with the establishment of the Committee.

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5 September 1995

1. *That Council agree, as a matter of urgency, to undertake a rural lands study to form the basis of implementation of the recommendations in the "Our City Our Future" report.*
2. *That Council agree to make a financial contribution to the cost of this study, and to seek funding support from industry groups and other Government agencies.*
3. *That the brief be prepared, taking into account the Hawkesbury Local Economic Development Board's brief for horticulture, agriculture study and existing briefs used by other councils for similar projects.*
4. *That this study be completed no later than September 1996, with the aim of reviewing Council's zoning system in late 1996/97.*

The following is a brief summation of the major issues in the final strategy and a summary rationale for the major policy initiatives.

AGRICULTURE

Agricultural Zones

A number of the resolutions identify the growing imperative to reduce conflict between agricultural and residential uses of rural land. This is proposed to be achieved primarily by the introduction of an agricultural zone or zones where any form of agriculture would be assured of a "conflict free" existence. This is one potential solution but should not be regarded as a panacea for a number of reasons:-

- . opposition from rural-residential users of land within the identified agricultural zones;
- . depending upon the zoning controls, opposition from farmers and rural-residential users alike to a possible loss of subdivision entitlements within the identified agricultural zones;
- . difficulty of identifying the agricultural zones when the agricultural capability of much of the City's rural areas is similar;
- . differing needs of agriculture in terms of land capability with some agricultural pursuits requiring good agricultural land whilst intensive agricultural uses such as poultry farming and mushroom growing do not require good agricultural land;
- . potential difficulties in the expansion of existing agricultural activities located outside the agricultural zones;
- . potential for spread of diseases or pests through like agricultural activities being clustered in a zone;
- . potential difficulty in controlling subdivision pressures outside the agricultural zones.

and perhaps more importantly,

- . potential economic losses through defining an inadequate area or poorly located agricultural zone.

This is particularly difficult as the definition of the zones must rely not only on past agricultural uses but some estimate of future demand for agricultural land. Given the huge variation in the requirements of different types of agricultural pursuits both currently and over time, any demand estimate is likely to be little more than educated guesswork.

changes to the Environmental Planning and Assessment Act have made a number of agricultural activities including feedlots, piggeries, poultry farms, turf farms and possibly mushroom composting either designated or potentially designated development requiring environmental impact statements and being subject to third party appeals. For these activities, the creation of a dedicated zone will not necessarily provide security to applicants as there is still the possibility of a third party appeal to the Land and Environment Court by a resident or possibly an existing farmer within the zone.

These limitations need to be balanced against the significant benefit of enhanced security which could be provided by such zones. This would presumably include a buffer area sufficient to allow normal operations without causing amenity problems.

There is potential for use of agricultural zones to satisfy the current requirements of individual industries such as mushroom composting and poultry farming. The Our City Our Future strategy incorporates Council's resolutions to prepare a rural lands study, a fundamental aspect of which will be the identification of a zone or zones to locate agricultural activities which cannot be readily located in existing rural zones.

Whilst most recent publicity has highlighted the conflicts between agriculture and residential living in the rural areas it is worth noting that the fragmentation of rural land also produces conflicts with existing and potential commercial uses. The recent application for a restaurant in Grose Vale is an example but there is a host of others including mechanical workshops, reception centres and tourist facilities including conference centres.

Development Consent for Agriculture

As previously reported there is considerable conflict and uncertainty caused by agriculture being a use permissible without development consent in rural zones but tree clearing requiring approval under the tree preservation order.

The inclusion of agriculture as an activity not requiring development consent is an historical tradition in NSW town planning schemes presumably based upon a view that it is an environmentally benign activity which would not produce conflict and therefore not warrant regulation. However such attitudes do not accord with current environmental research which sees agriculture as having environmental impacts.

The requirement for consent for agriculture will enable a proper environmental assessment to be undertaken and for consents to be appropriately conditioned. Paradoxically the requirement for consent may be beneficial to farmers in allowing decisions to be made regarding the suitability of land for a particular agricultural use before a commitment has been made to purchase land.

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It will also enable the preparation of development control plans (with the assistance of NSW Agriculture) and where a farmer complies with the provisions of the plan there will be reasonable assurance of an approval.

Accordingly it is proposed to require consent for agriculture and prepare development control plans for horticulture and other agricultural uses in consultation with NSW Agriculture.

Restriction as to User for Subdivision in Rural Areas

There has been comment that despite the existing rural zoning provisions placing priority on agricultural uses, there is increasing conflict with residential uses. This implies a breakdown in communication or a failure on the part of new residents in rural areas to properly weigh the potential for agricultural uses when purchasing property.

It is proposed to impose a restriction as to user under the Conveyancing Act on all new rural subdivisions preventing the owners of the land from objecting to agricultural or livestock activities in the locality. As Council would have the power to vary the restriction, it will not prevent objections or remove existing conflicts but at the least will alert new residents to the possibility of agricultural or livestock activities and their priority as a land use.

SUBDIVISION

Concessional Lot Entitlement to Retain Large Holdings

There are a number of large holdings in the rural areas which have subdivision potential under existing zonings. The retention of large holdings, ie a large area in a single ownership, is preferable to their fragmentation through subdivision for a number of reasons. Firstly, their area provides an opportunity for development which is inappropriate on smaller allotments for a variety of reasons. Secondly, such holdings often contain environmental features worthy of preservation and these can be more effectively preserved in a large residue lot than a number of smaller lots.

As a means of encouraging the retention of large holdings, it is recommended that a concessional lot entitlement of up to 50% of the existing legal entitlement be considered under State Environmental Planning Policy No. 1 where a land holding has an area in excess of 40 hectares and where the subdivision will maximise the area of a single residue lot through the provision of smaller rural residential lots.

It is proposed that applications for the concessional lot entitlement be considered on their merits through State Environmental Planning Policy No. 1 rather than as a "right" conferred by an amendment to the local environmental plan. This is because there will be instances where the concessional entitlement will be excessive for environmental reasons.

The major potential disadvantage of such a scheme is pressure for continued subdivision of the residue lot. It is proposed that a clause be added to the Hawkesbury Local Environmental Plan 1989 prohibiting any further subdivision of the residue lot if all subdivision entitlement is exhausted.

Vineyard

The release of the Vineyard area for urban development has been supported by successive Councils. Unlike much of the North West Sector, it is located adjacent to heavy rail and has less flooding constraints than land around Windsor. It is already significantly fragmented through 2 hectare and smaller subdivision and as a consequence there are limited alternative land uses.

The Strategy recommends that urban development with appropriate services should continue to be supported.

Grose Wold

The Our City Our Future strategy proposes the rezoning of land generally bounded by Grose Vale Road, Grose Wold Road (extending to the Grose River), the Grose River and Grose River Road. Land to the east of Grose River Road has not been included as it generally comprises only two major land holdings containing the principal agricultural land use in the area, being the Belmont Park and Bracken Farm horse studs.

The area proposed to be rezoned will create a maximum of approximately 70 additional four (4) hectare allotments.

By way of background all of the Grose Wold area was to be zoned Rural 1(c1) under Hawkesbury Local Environmental Plan 1989 which would have permitted a minimum lot size of four (4) hectares. This was consistent with part of Grose Wold and Kurrajong which had already been zoned to permit four (4) hectare subdivision.

However at the time the Local Environmental Plan was submitted for gazettal, the then Government had recently commissioned a land audit of the Sydney Region with the intention of identifying all land physically capable of supporting urban development. It was considered such land should not be further subdivided as it would be more difficult to implement any future urban land release. The Grose Wold area was identified in the audit and as a consequence the rezoning was deferred indefinitely.

The land proposed to be rezoned is generally Class 3 agricultural land with some Class 4 and Class 5 land. Class 3 agricultural land is land suitable for grazing well suited to pasture improvement and can be cultivated for an occasional cash crop or forage crop in conjunction with pasture management.

Of significance is the fact that the area is already significantly fragmented with an existing average lot size of 3.9 hectares. In addition many of the lots are long and narrow with houses and house sites closer than the average area would suggest. There are 43 lots in the area out of a total of 204 which would be provided with some subdivision potential as a result of the proposed rezoning with the majority being a single additional lot.

The majority of submissions received in response to the exhibition of the draft Our City Our Future strategy were from residents of the area requesting a reduction in the minimum area for subdivision.

Refusal of Subdivision Applications Below Minimum Area

The Strategy recommends that all subdivision applications which do not comply with the minimum area requirement (except if one lot, or the aggregate area, is not less than 90%) be refused under delegated authority. A number of SEPP 1 subdivision approvals in the past year have been perceived as being inconsistent with the requirements of Hawkesbury Local Environmental Plan 1989 and in turn have generated other enquiries and applications. Given the pressure for subdivision and the large number of enquiries dealt with by staff it is important that they be dealt with consistently under the minimum area standards rather than other considerations which are subjective and can result in perceived inconsistencies.

Subdivision of Separate Buildings Approved as Dual Occupancy

The subdivision of detached dwellings on rural land has been undertaken since 1989 where the second dwelling had been approved as a rural worker's dwelling or where there are existing use rights. It is proposed to extend this principle to a number of instances where separate buildings have been approved as dual occupancies.

So as to ensure that the potential for such subdivision in the future is minimised, it is also proposed to require that in rural areas dual occupancy be a single building containing 2 (two) dwellings and either share a common wall or be under the main roof and, in the latter instance, the closest walls of the dwellings be not more than 6 (six) metres apart.

Deletion of Requirement for Development Consent for Dwellings in Environment Protection Zones

Currently a large part of the City is affected by Environmental Protection Zones 7(d) and 7(d1). In these zones development consent is required for the dwellings despite the fact that the approval process is integrated with the building application with both applications being assessed and approved by Health and Building Surveyors. A fee of \$175 is charged for the development application in addition to the building application fees. As both processes are integrated and given the broad heads of consideration for structures under the Local Government Act 1993, it is considered that the requirement for consent for dwellings under the Environmental Planning and Assessment Act can be abolished without any effective loss of control or inconvenience to customers. This will provide a saving to applicants of \$175.

Review of Escarpment Boundary Separating the Rural 1(c1) and Environment Protection 7(d) zones

From observation there appear to be a number of anomalies with the definition of the Blue Mountains Escarpment. The proposed review will assess its location in relation to appropriate topographical features such as creeks and east facing slopes.

ENVIRONMENT

Preservation of Remnant Cumberland Plain Vegetation

The Cumberland Plain is now largely developed, and most of the original vegetation has been cleared. Of the 1,800 km² of original native vegetation, only about 92 km², or 5 per cent, remains. Therefore the retention of remaining remnant vegetation is important for maintaining biological diversity and slowing or even reversing land degradation through erosion, pests etc.

A study prepared by Cohn and Hastings for the Australian Nature Conservation Agency in 1993 identified a number of small pockets of remnant vegetation on mainly privately owned land. It is proposed that these be conserved through a draft local environmental plan.

Investigations to Document Significant Vegetation

Funding for this investigation has been provided as part of the Australian Government Heritage Grants and a brief has been prepared and advertised for expressions of interest.

INFRASTRUCTURE

Provision of a Reticulated Sewerage System to Unsewered Towns and Villages

There are currently approximately 1,700 properties relying on a pump out service for septic tanks which generate approximately 3.2 million litres of effluent per week. The pump out system has relatively high on going costs being approximately double normal sewerage rates in reticulated areas. It is also environmentally unsatisfactory with potential for surcharge from septic tanks and illegal discharge.

Whilst environmental health concerns with the service have greatly diminished since the change to a flat rate fortnightly service rather than service on demand, the cost of the service has increased with the potential for further significant increase if a higher standard of treatment is required and particularly if the maturation ponds at Blaxlands Ridge are decommissioned.

The Strategy recommends that Council seek funding for the provision of a reticulated sewerage system to unsewered towns and villages.

RECOMMENDATION:

That the individual recommendations in the document titled "Our City Our Future" be adopted.

ATTACHMENTS:

AT-1 "Our City Our Future" Strategy.

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