

HAWKESBURY CITY COUNCIL GENERAL PURPOSE COMMITTEE



Where People Make the Difference!

SUPPLEMENTARY BUSINESS PAPER

DATE OF MEETING: 28 November 1995

LOCATION: Council Chambers

TIME: 9:30am

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GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 28 November 1995

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**

GENERAL PURPOSE COMMITTEE



SECTION 1 ENVIRONMENT

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ITEM: 94 TWO LOT SUBDIVISION TO SEVER EXISTING DWELLINGS
UNDER STATE ENVIRONMENTAL PLANNING POLICY NO.1 -
LOT 16 DP 192412 N° 1 MADDENS ROAD, NORTH RICHMOND.

FILE NUMBER: SA0134/95PT01/EVD

Applicant: Falson & Associates
Applicants Reps: None advised
Owner: D & J Bonner
Stat. Provisions: Hawkesbury Local Environmental Plan 1989: State Environmental
 Planning Policy No.1
Area: 3.566 hectares
Zone: Rural 1(b)
Advertising: Adjoining owners notified with no submissions being received.
Date Received: 23 October 1995

Key Issues:

- ◆ Subdivision of mistakenly approved second dwelling
- ◆ Area of proposed Lot 2 in relation to effluent disposal

Action:

Support application under SEPP N° 1

REPORT:

It is proposed to subdivide the land to create two lots of approximately 3 hectares and 0.5 hectares each containing an existing dwelling. As the zoning requires 10 hectare lots, the application is supported by an objection under State Environmental Planning Policy N° 1.

In the objection, the applicant states as follows:

- "... The land contains two dwellings. These are separated by a distance of approximately 100 metres and have a dividing fence which further separates one from the other.*
- . Each dwelling has the appearance of being contained on separate lots. Subdivision would merely recognise this existing physical situation.*
- . Each proposed lot has adequate area for the onsite disposal of waste water.*
- . Each dwelling has its own Council allocated street number and separate garbage service.*
- . The owners reside in the newer dwelling whilst the older dwelling is tenanted.*

The newer dwelling was applied for and consent granted in 1988 to Allworth Homes. There is no condition on Council Consent that would affect the operation of the older dwelling. Our clients have never tried to hide the existence of the older dwelling and believed, at the time, that Council was aware of the existence of the older dwelling when the new one was approved.

In fact, our clients resided in the older dwelling during construction of the new dwelling and assumed Council were cognisant of the situation as many officers inspected the property during construction and were aware of the existence of the older dwelling.

Council only raised the continued existence of the older dwelling as an issue when a separate garbage service was applied for. Despite this concern the service was provided.

The proposed lots are not inconsistent with the surrounding eclectic lot pattern.

The land is of doubtful agricultural importance and the proposal, in any case, does not impact on the useability of the land.

We are of the firm belief that it would now be immoral and probably not lawful for Council to require the cessation of use of the older dwelling. This situation is exacerbated by the passage of time..."

Environmental Assessment

As indicated in the SEPPN^o 1 objection, a second dwelling was approved on the land in 1988 without any consent condition requiring the existing dwelling to be removed or rendered uninhabitable. This would appear to be an oversight with a number of contributing factors. Firstly, the inspection of the land which would have been undertaken for the development application was inadequate in not establishing the existence of the existing dwelling. However, the site plan provided with the development application for the second dwelling did not indicate the older existing dwelling and, in addition, on the development application form, the applicant being Allworth Homes, stated that the previous or existing use was vacant land.

Therefore, two dwellings now lawfully exist on the lot and are both being used. As stated in the SEPP N^o 1 objection, this has been acknowledged by the issue of separate street numbers and a new garbage service.

Hawkesbury Local Environmental Plan 1989 originally provided for the severance of existing lawful dwellings from rural land. Following a number of instances where "substandard" dwellings were proposed for subdivision, the clause was deleted from Hawkesbury Local Environmental Plan 1989 with further proposals being considered under SEPP N^o 1. A number of such subdivisions have been approved under SEPP N^o 1 where the existing dwellings are in existence lawfully and where they are reasonably substantial and would have been in continuous occupation.

The subject application involves two dwellings which are reasonably substantial and which have been in continuous occupation, the only difference being that the second dwelling has come into existence mainly as a result of an error on Council's part.

Consistent with similar approvals for the subdivision of detached dwellings, it is recommended that the SEPP N^o 1 objection be supported and that subject to the concurrence of the Department of Urban Affairs and Planning, the application be approved under delegated authority, subject to appropriate conditions.

It is considered that the area of the proposed Lot 2 should be increased to one hectare to provide more area for onsite effluent disposal, particularly given the potential for the redevelopment of the existing dwelling and the erection of other improvements on the land.

RECOMMENDATION:

1. That the applicant be requested to increase the area of the proposed Lot 2 to one hectare with a suitable ratio of frontage to depth.
2. On the basis of the amendment of the application to increase the area of the proposed Lot 2 to one hectare, the objection under State Environmental Planning Policy be supported and the application be referred to the Department of Urban Affairs and Planning for concurrence.
3. Following receipt of concurrence, the subdivision application be approved subject to the following conditions:
 1. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
 2. Dedication of a 6m (six) by 6m (six) splay corner, free of cost to Council, at the corner of Maddens Road and Slopes Road.
 3. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Divisional Manager Environment and Development.
 4. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
 5. Payment of a linen release fee of \$180 (one hundred and eighty). This amount is valid until 30 June 1996.
 6. The subdivision shall be in general accordance with the submitted plan.

ATTACHMENTS:

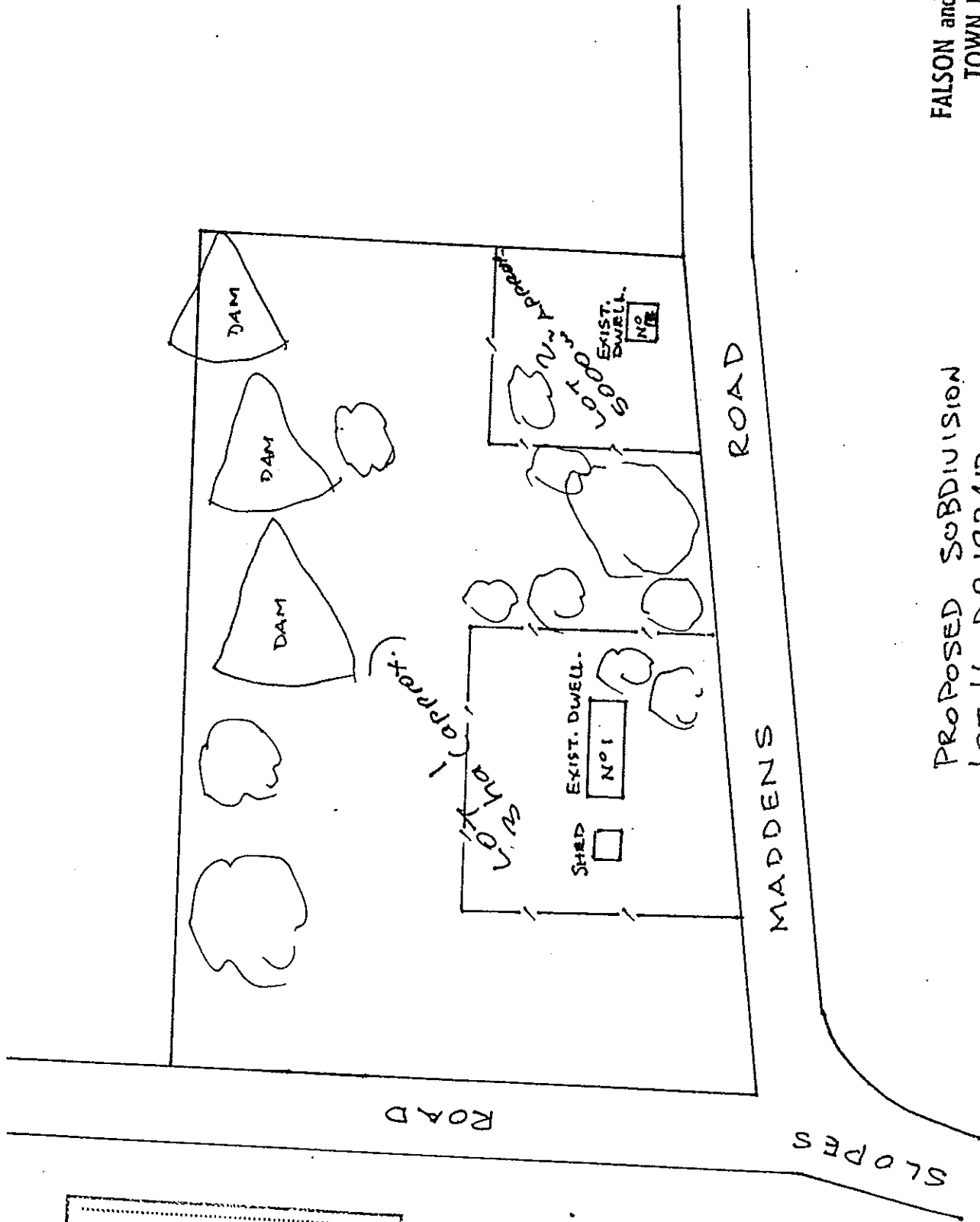
AT-1 Site plan

AT-2 Plan of subdivision

FN:ENB28LBX.V23

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

HAWKESBURY CITY COUNCIL
D.A. No. 5A134/95
Approved Plan
Officer
Date



PROPOSED SUBDIVISION
LOT 16 DP 192412
SLOPES/MADDENS RD
NORTH RICHMOND
MR & MRS BONNER

FALSON and ASSOCIATES
TOWN PLANNERS
P.O. Box 127, Grose Vale 2753
Telephone: (045) 77-6927
SS/050

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: 28 November 1995

Item: 95

ITEM: 95

SUBDIVISION TO CREATE FIVE ALLOTMENTS WITH
BUILDING ENTITLEMENTS PLUS A SIXTH COMMUNITY LOT -
LOT 18 DP 30468, N° 26 CLIFF ROAD, FREEMANS REACH.

FILE NUMBER:

SA0106/95/EVD

Applicant: Falson & Associates
Applicants Reps: None advised
Owner: J & G Taylor
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
State Environmental Planning Policy No.1 - Development Standards
Area: 2.163 hectares
Zone: Environmental Protection Scenic 7(d1)
Advertising: Not required at lodgement of application
Date Received: 14 August 1995 with additional information being provided on 26 October 1995

Key Issues:

- ◆ Non compliance with Hawkesbury Local Environmental Plan 1989
- ◆ Disposal of effluent
- ◆ Availability of reticulated water
- ◆ Precedent for further subdivision

Action:

Refusal



REPORT:

This application was reported to the General Purpose Committee meeting on 22 August 1995. At Council's meeting on 5 September 1995 it was resolved that the applicant be invited to submit a revised plan taking into consideration the concerns of the Council.

In relation to the submission of a revised plan, the applicant now advises as follows:

"We refer to your letter of 11 September 1995 and advise that we have had the benefit of discussing, with the General Manager, the provisions of Council's resolution. Mr McCully confirms, as we believed to be the situation, that Council did not, in fact, indicate that there was to be a reduction in lots, but merely that the disposal of waste water was the concern of Council and that there may be a requirement to have a reduced number of lots, depending upon what the geotechnical investigation and report produced.

Geotechnique Pty Limited, the same firm that compiled the report for the Roseleurs in Terrace Road, carried out investigations of the site and their report is attached.

Their report concludes by indicating that five residential lots are satisfactory and that either an aerated septic/irrigation system, or alternatively an Ecomax system would be suitable.

Their report further indicates that in terms of stability the land is suitable for the erection of dwellings, subject to various construction techniques being used.

We would appreciate Council's further determination of this proposal.

In this respect we understand that Council previously supported the principle of the proposal, subject to the geotechnical report being suitable and accordingly we look forward to Council's further support and submission to the Department of Urban Affairs and Planning for concurrence under State Environmental Planning Policy N^o 1."

The additional information responds to only one of three reasons for the recommendation of refusal to the General Purpose Committee on 22nd August 1995. Even on this issue, there are a number of prerequisites required to ensure that the proposed onsite effluent disposal systems do not result in pollution of the Hawkesbury River. For either the aerated septic system or the filter bed (Ecomax) system maintenance is required and in the event of faulty or infrequent maintenance, the systems will fail with runoff to the Hawkesbury River. Such design parameters are not always possible to achieve in the field as a consequence of equipment malfunction or inadequate servicing.

As this application was received before the current policy of notifying adjoining owners, in the event that the proposed subdivision is supported, adjoining owners should be notified and if there are no objections the matter can proceed under delegated authority or, alternatively, if objections are received it should be referred back for determination.

It is not considered that the additional information affects the recommendation made to the General Purpose Committee on 22 August 1995.

The following is a restatement of the report and recommendation to that meeting.

Falson & Associates act for Mr J & Mrs G Taylor who own a 2.163 hectare allotment between Cliff Road and the Hawkesbury River at Freemans Reach. Mr & Mrs Taylor wish to subdivide their land and to then reside on one of the resultant lots.

The proposed subdivision is to create 5 lots which would each have a building entitlement plus a sixth community lot which would front Cliff Road and the Hawkesbury River. The community lot would provide the area for common waste water disposal and also facilitate community walking tracks, vehicular access, bushland retention, etc.

It is proposed that the building lots have varied areas depending on topographical features ranging from approximately 1500m² to 2500m². These lots would only be used for normal residential uses. It is proposed that waste water be collected from each site and gravity fed or pumped to the community land which will incorporate a managed disposal system, preferably an "Ecomax" system which provides for nutrient removal.

Water supply is proposed to be by way of utilisation of the existing town water connection supplemented by a rain water tank at each house and river water from an existing 30 year old pump site. The town water would be supplied to the community lot, stored and reticulated to each house.

Falson & Associates justify the significant variation in the minimum area standard of 10 hectares on the basis that the existing zoning provision is superfluous to this part of Freemans Reach as all lots are already significantly smaller than the 10 hectare minimum. It is argued that as there is no consistent lot size in the locality, the proposed subdivision is not out of character.

The submission under State Environmental Planning Policy No.1 also argues that the land is not suited for any form of agricultural activity and is consistent with the philosophy of subdivision development contained within Council's "Our City - Our Future" Strategy.

It is requested that Council support the subdivision and grant a "deferred commencement" consent on the basis that the current zoning provisions are inappropriate and therefore unreasonable and unnecessary to apply to this site and proposal.

Planning Assessment

The application seeks a significant variation to the minimum area standard for subdivision from 10 hectares to lots with areas as small as 1500m².

The proposed lot sizes are far smaller than the general guideline recommended by the Department of Health for the on site disposal of effluent, being approximately 1 hectare. In addition, the land adjoins and drains directly into the Hawkesbury River and any failure in the waste water treatment system will result in pollution of the river.

There is significant bushland covering the majority of the land and the proposed 5 house sites will inevitably result in a substantial loss of tree cover and understorey.

Whilst there are numerous residential size lots on the opposite side of Cliff Road for much of the land's frontage, the remainder of Cliff Road is typified by parcels of 2 hectares or larger and the number of lots in the proposed subdivision will be a significant precedent for further subdivision along Cliff Road.

In spite of a proposed community title subdivision which seeks to avoid road frontage to Cliff Road and an existing water main, it is unlikely that Sydney Water would support the proposed subdivision for reasons of limited bulk water supply.

In summary, the proposed 5 lot subdivision is an overdevelopment of the land which lacks reticulated sewage and which is in a particularly sensitive location adjacent to the Hawkesbury River and containing remnant natural vegetation.

At best, not more than a 2 lot subdivision of the land should be supported under State Environmental Planning Policy No.1.

RECOMMENDATION:

- A. That the application under State Environmental Planning Policy No.1 for a community title subdivision of the land to create 5 (five) building lots and 1 (one) community lot be refused for the following reasons:
1. The proposed subdivision is an overdevelopment of the land.
 2. The land is incapable of adequately disposing of treated effluent without either excessive runoff to the Hawkesbury River or the destruction of existing remnant vegetation.
 3. The precedent for undesirable small lot subdivision along the Hawkesbury River.
- B. That the applicant be invited to submit an application for a 2 (two) lot subdivision of the land for consideration by Council under State Environmental Planning Policy No.1

Noting adjoining owners.

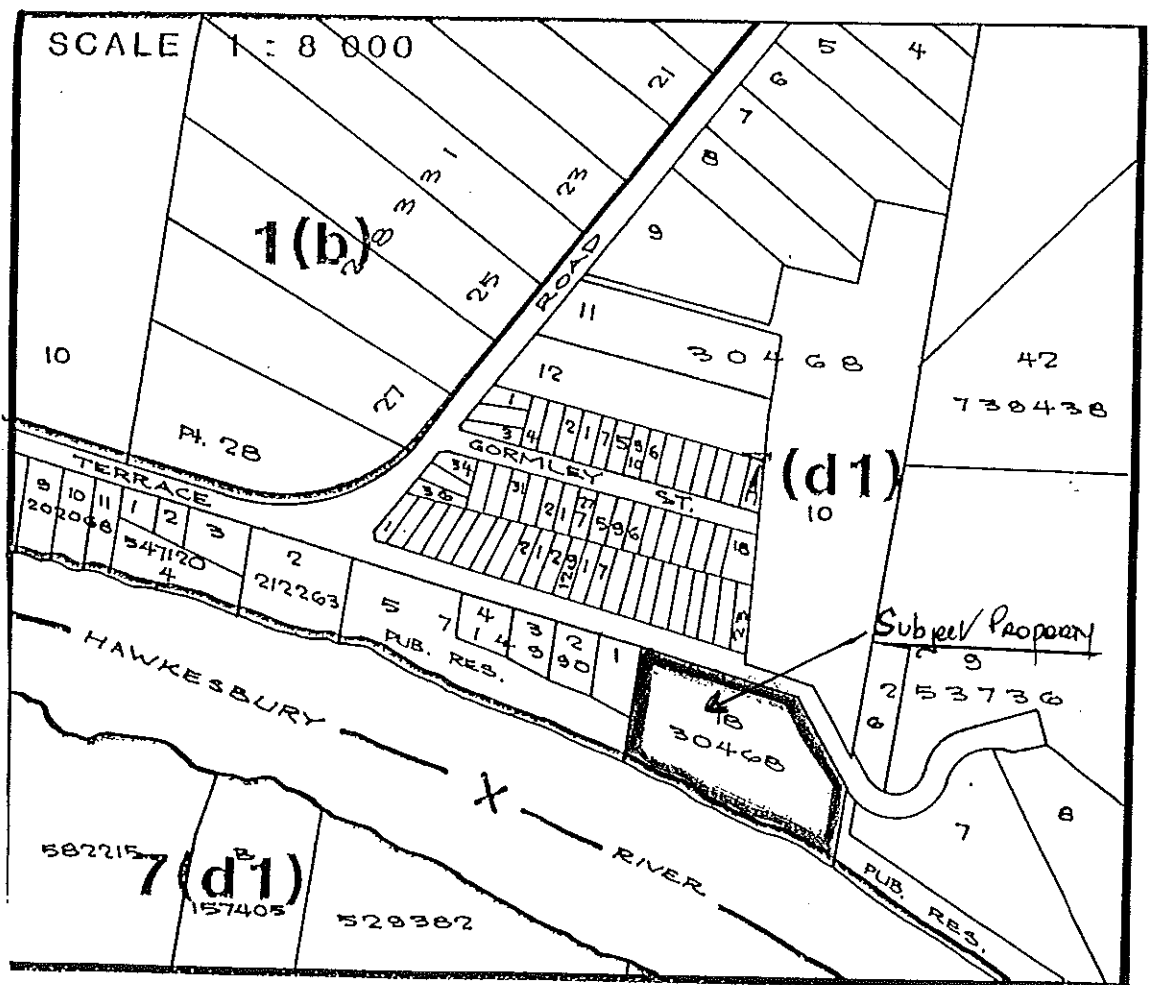
ATTACHMENTS:

AT-1 Site plan

AT-2 Plan of subdivision

FN:ENB28LBX.V24

**** END OF ITEM 95 ****



ITEM: 96 TOURIST/RECREATION RESORT AND COMMUNITY TITLE
SUBDIVISION PROPOSAL - "THE RIDGE", WISEMANS FERRY
ROAD, CATTAI

FILE NUMBER: GT090/003PT07/EVD

REPORT:

At the General Purpose Committee meeting on 31 October 1995, there was a question without notice regarding the referral of this development application to the Department of Urban Affairs and Planning with a report to be submitted to this General Purpose Committee and notification to the Department of a likely impending submission.

Information is still being sought on a number of legal issues concerning this proposal and the matter will be further reported to the Ordinary meeting of Council on 12 December 1995.

The Department has been advised of an impending submission.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB28LCX.V26

**** END OF ITEM 96 ****

ITEM: 97 TREE CLEARING PROPOSAL FOR A MARKET GARDEN - LOT 12 DP588380 N^o 133 TERRACE ROAD, NORTH RICHMOND - MICALLEF

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

REPORT:

This matter refers to Item 83 in the Environment Section of this business paper.

The following correspondence has been received from Mr Graeme Richards, Lecturer in Pomology and Plant Breeding, and Curator Fruit and Nut Crops, Hawkesbury School of Horticulture, University of Western Sydney.

"I have been asked to comment on the suitability of Lot No.133 Terrace Road North Richmond (34 acres) for the production of 'market garden' vegetables.

I understand that the area is currently zoned Rural and was purchased by Mr Emanuel Micallef for this purpose, namely the production of early or late zucchini, tomato, capsicum, egg plant etc.

I have checked the soil, and consider it to be most suitable for this purpose, as it is based on Wynamatta shale and offers one of the better soil types for orcharding, or vegetable production in the Hawkesbury Valley out of flood reach. I see no reason whatsoever from a soil perspective, why the site would not be suitable for the growing of vegetables. Water is currently the most limiting factor, and I understand that the Water Resources Commission has nominated the construction of a dam on the lower portion of the land, on the south western boundary adjacent to an intermittent creek.

The area nominated for vegetable production has recently been ripped and planted to cucurbits namely pumpkins, however, some twenty or thirty mature ironbark trees are located on this specific site, and impose a restriction on the owner with regard to it being a highly productive market garden site. These trees are now either mature or over mature, and show signs of decline. It is my recommendation that they be removed and new trees be planted to replace them in a more convenient situation on the property, namely on the boundary lines and within a 20 metre vicinity, either side of the watercourse. There is no evidence of rejuvenation of the sparse tree cover under the current farming practice, and new trees would make an added habitat for the native wildlife of the area, as well as enhancing the rural aesthetic value of the property. The owner has already planted numerous native eucalypts in this endeavour.

Providing proper and sensible contour drainage is provided, and a catchment dam constructed on the lower portion of the property, I see no good reason why a viable market garden cannot be established consistent with similar undertakings on land in the near vicinity, namely Bells Line of Road. I would however, recommend that planting of a substantial wood lot within twenty or so metres of the watercourse and adjacent to boundary lines.

Such wood lots should be consistent with current landcare recommendations for the Hawkesbury catchment area. I make no comment on the financial viability of such an enterprise as proposed, however, I consider market gardening to be consistent with the traditional land use of such areas in the Hawkesbury district. I would be more than willing to provide further details or explanation if needed."

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB28LBX.V22

**** END OF ITEM 97 ****

GENERAL PURPOSE COMMITTEE



SECTION 3 ORGANISATION & RESOURCES

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

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ITEM: 19 MASONIC LODGE PROPERTY - WEST MARKET STREET,
RICHMOND**FILE NUMBER:** P2338/105 PT01/CSV**REPORT:**

An approach has been made by the Duke of Connaught Lodge, Richmond, in relation to the possible interest by this organisation in the acquisition of the Masonic Lodge building in West Market Street, Richmond.

The Mason's are keen to relocate and have also expressed some strong interest the possibility of developing on the Council's commercial site in Bligh Park behind the Tiningi Community Centre.

In terms of the property in Richmond, the subject land has an area of 1,423m² with two attached buildings constructed thereon, which are subject to a heritage listing under the terms of the Hawkesbury Local Environment Plan. The asking price for the site at this time is \$380,000.

The approach by the Masonic Lodge to Council was on the basis that it may be converted for community purposes, however, it is considered that the Richmond district is well serviced in this regard. It has been indicated that consideration may be given to the acquisition of the premises if it was considered financially feasible. This may be possible if there was a pre-determined tenant who would operate on a commercial basis providing some longer term income stream to the Council. It is further noted that the buildings would require a varying degree of refurbishment depending on what the possible use thereof may be.

In order to test the market place and gauge what interest there may be, it is considered appropriate for Council to invite expressions of interest for such use which may include, but not restricted to, the hospitality industry, eg. restaurant and/or function centre, or an art/craft/antique centre.

The Masonic Lodge have supported this approach, however, it is highlighted that in testing the market place as to what interest there may be, the Lodge have been advised that this is not indicative of definite interest whatsoever by the Council to acquire the site, and is simply a way of gauging potential commercial interest. The Lodge have further been advised that in the event that there is no interest, it is unlikely that the Council would further consider any acquisition of the site.

In terms of the Bligh Park site, owned by Council, any future interest by the Lodge is independent of any negotiation or discussion concerning their Richmond property.

RECOMMENDATION:

That the information be received and expressions of interest be invited in terms of the possible future use of the Masonic Lodge buildings located in West Market Street, Richmond, as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OGB28LBX.C02

**** END OF ITEM 19 ****

**HAWKESBURY CITY COUNCIL
GENERAL PURPOSE COMMITTEE**

END OF BUSINESS PAPER

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* (Wes 2.00 Meeting arranged by GM.
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Recycle building materials