

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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LOT 1 DP824014 - OFF COROMANDEL ROAD, EBENEZER -
FALSON AND ASSOCIATES

FILE NUMBER: LEP1/96/EVD

REPORT:

Council at its Ordinary Meeting of 13 February 1996, resolved to prepare a draft local environmental plan to allow the erection of a dwelling house on the above lot, containing 1.62 ha, that was created following the closure of part of two Crown roads.

Clause 15(5) of Hawkesbury LEP 1989 prohibits the erection of a dwelling house on land resulting from the closure of a road.

The Section 65 Certificate was issued on 28 April 1996 and the proposal was advertised between 13 March 1996 and 12 April 1996. No submissions have been received.

Under Section 62 the proposal was referred to Telstra and Integral Energy and no replies have been received.

The matter can now be forwarded to the Department of Urban Affairs and Planning for gazettal.

RECOMMENDATION:

1. Council exercise its delegation under Section 69 of the Environmental Planning and Assessment Act, 1979 for the report to the Minister.
2. The local environmental plan as exhibited be forwarded to the Department of Urban Affairs and Planning for gazettal.

ATTACHMENTS:

AT-1 Site Plan.

FN:EN423NBX.V03

****** END OF ITEM 134 ******

ITEM: 135 DRAFT LOCAL ENVIRONMENTAL PLAN 10/95 - ADDITIONAL
HERITAGE ITEMS, LOWER PORTLAND

FILE NUMBER: LEP10/95/EVD

REPORT:

Council at its Ordinary Meeting on 5 September 1995 resolved to prepare a draft local environmental plan to formally identify properties in Lower Portland as Heritage Items in Schedule 1 of Hawkesbury Local Environmental Plan 1989.

The draft plan encompasses five properties which were assessed by Council's Heritage Advisor and the Heritage Advisory Committee. The properties included in the draft plan are:-

1. "Ventiaville", 1235 West Portland Road
 Lower Portland, Lot 101 DP739219
2. Slab barn, 1281 West Portland Road
 Lower Portland, Lot 1 DP586231
3. Lower Portland Public School
 1930 Wheelbarrow Ridge Road, Lower Portland
 Lot 1 DP794605
4. Stone Cottage, Greens Road, Lower Portland
 Lot 18 DP753784
5. St Johns Anglican Church
 No 1932, Part Portion 19 Parish of Hawkesbury

The Lower Portland area is significant in a heritage context due to its association with the general Hawkesbury themes of early settlement, agriculture and later settlement. The locality was also used as a staging post for river transport, particularly for the transportation of agricultural produce.

The assessment process was undertaken by Council's Heritage Advisor and included a review of history of the locality, field work and preparation of inventory sheets. Individual inventory sheets identify each property and describe the heritage item, incorporating a statement of significance.

Pursuant to Section 62 of the Environmental Planning and Assessment Act, 1979 the plan was referred to the Heritage Branch of the Department of Urban Affairs and Planning for comment. The Heritage Branch responded, fully supporting the plan for listing the additional heritage items and congratulated the Council.

The draft plan was exhibited from Wednesday 24 January 1996 to Friday 23 February 1996.

Two submissions were received in relation to Stone Cottage, Greens Road, Lower Portland, generally objecting to the inclusion of the property. Both are from the owner's representative, Mr D Hooker.

Comment:

A submission enclosed a report prepared by Graham Edds and Associates assessing the architecture of the Stone Cottage. This report concludes that the description of the cottage prepared by Council is incorrect and outlines the characteristics of the four main construction phases of the building.

Although the report disagrees with councils description of an "intact Victorian House", it clearly states that *"the cottage demonstrates early settlement along the Hawkesbury River and is considered worthy of inclusion in LEP for additional heritage listing"*.

Mr Hooker has requested that the matter defer the inclusion of the property until the aspects can be clarified and properly assessed. Council's Heritage Advisor has visited the site twice and on the 10 April made further comments in relation to the historical significance of the building. Although there has been some difference in the descriptions of the building, all reports indicate that the building is significant and should be included in Hawkesbury LEP 1989. It is therefore not considered necessary to defer the item. In relation to the inventory sheets, they should be reviewed by Councils Heritage Advisor to consider the Graham Edds and Associates comments.

Pursuant to Section 68 and 69 of the Act, Council should exercise its delegate to prepare reports to include the five additional heritage items in Lower Portland in Hawkesbury LEP 1989.

RECOMMENDATION:

1. Council exercise its delegation to submit a report pursuant to Section 68 and 69 of the Environmental Planning and Assessment Act 1979 to the Department of Urban Affairs and Planning.
2. The plan be forwarded to the Minister of Urban Affairs and Planning requesting gazettal.
3. The inventory sheet for stone cottage be reviewed by Councils Heritage Advisor taking into consideration the comments made by Graham Edds and Associates.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V06

****** END OF ITEM 135 ******

ITEM: 136

DRAFT LOCAL ENVIRONMENTAL PLAN 4/95 - AMENDMENT 41 -
REZONING OF THE RESIDUE ALLOTMENT IN THE SUBDIVISION
OF LOTS 4 AND 5 DP786671, LOT 7 DP738354, LOTS 80 AND 90 IN
DP834019 AND LOTS 22, 24, 26-29, 32-41 INCLUSIVE DP17870 -
"KEMSLEY DOWNS", GROSE VALE ROAD, NORTH RICHMOND

FILE NUMBER: LEP 4/95, LEP4/96/EVD

REPORT:**Action**

This draft plan aims to prohibit further subdivision on the subject land as resolved by Council in February 1995. The plan has been placed on public exhibition with three submissions received. The plan is now ready to be forwarded to the Minister of Urban Affairs and Planning for gazettal.

Background

At its Ordinary Meeting of 14 February 1995 Council resolved to support a 24 lot boundary adjustment on the subject property. The "Kemsley Downs" property is located directly behind the existing township of North Richmond, stretching along Grose Vale Road up to Bells Road, Grose Vale.

The approved subdivision provided for 22 allotments ranging from 8000sqm to approximately 3 hectares. The 2 remaining residue allotments, being proposed lots 23 and 24 consist of 89 hectares and 123 hectares respectively. It is the large residue allotments that are the subject of the draft local environmental plan.

In approving the above subdivision, Council also resolved to amend the Hawkesbury LEP 1989 so as to restrict any further subdivision of the large residue allotments (lots 23 and 24).

New zone

To facilitate the prohibiting of further subdivision of the residue allotments, it was considered necessary to add a new zone to Hawkesbury LEP 1989. The zone is called Rural 1(d) (Consolidated Land Holding) which aims to "prohibit further subdivision of the land other than by minor boundary adjustment".

The new zone was publicly exhibited at the same time as the draft plan.

Pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 the draft plan was referred to the following Government Authorities:

Transgrid
Sydney Water
NSW Agriculture
Prospect Electricity
NSW Department of Housing

The following responses have been received.

Transgrid

Transgrid have requested that the rezoning should not compromise the current Liddell-Sydney West 330kV transmission line which transverses the property. As the draft LEP prohibits any further subdivision of the land, it is considered that the draft plan satisfies TransGrids concerns.

Sydney Water

Sydney Water provided guidelines and conditions in relation to any further subdivision that will occur on the site. As the draft plan prohibits further subdivision on the land, it satisfies the requirements of Sydney Water.

No replies were received from NSW Agriculture, Prospect Electricity or NSW Department of Housing.

Exhibition

Council's delegate issued the Section 65 Certificate on 23 January 1996 and the draft plan was exhibited from Wednesday 24 January 1996 to Friday 23 February 1996. Three submissions were received and the relevant issues are summarised below:

- Restrictions on subdivision may limit the potential for surrounding land to be subdivided.
- Requiring development consent for agriculture in the Rural 1(d) zone may encourage weeds and feral animals.

Two of the submissions requested that Council allow subdivision of land adjoining the site for the draft plan. One of these submissions supported the draft plan provided that Council "accommodate to our reasonable expectations for land subdivision". The land involved in these submissions consists of approximately 45 hectares and has road frontage to Redbank Road. It is considered that these proposals are not entirely relevant and are actually inconsistent with the aims of the draft plan which are to prohibit subdivision. However, the concerns and proposals expressed should be considered in any future development that may occur in the locality.

It is considered that the plan does not require further amendment and can now be forwarded to the Minister requesting its finalisation.

RECOMMENDATION:

1. Council exercise its delegation in respect to Section 68 and 69 of the Environmental Planning and Assessment Act 1979 and prepare a submission to be forwarded to the Department of Urban Affairs and Planning.
2. The plan be forwarded to the Minister of Urban Affairs and Planning requesting gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V07

****** END OF ITEM 136 ******

ITEM: 137 MINUTES OF THE ISLANDS COMMUNITY CONSULTATIVE COMMITTEE MEETING - HELD ON 28 FEBRUARY 1996, 7.30PM IN THE COUNCIL CHAMBERS GEORGE STREET, WINDSOR.

FILE NUMBER: LEP2/96; LEP3/96; LEP4/96; SA65/94, DA65/95/EVD

REPORT:

PRESENT:

Councillor (Dr) R Sahasrabuddhe (Chairperson), D Fox, D Knowle, A Crombie, C Everingham, B Jagoe, B Coombe, L Harris, L Hulbert, D Crust, K Steadman, M Conquest, R Richmond, C Dunne, R Duncan, W Hutchings, M Dawson, I Cort, M Coulter.

APOLOGIES:

Professor R Holland

The applicant, Mr D Fox, provided a briefing on the application and indicated the grounds of objection to the proposed draft local environmental plans. He objected to the draft local environmental plan restricting land uses on Middle Island and Big Island as being contrary to Council's resolution, unworkable and an unnecessary infringement on the rights of the owner. Alternatively, he suggested that the land uses should be restricted on both parts of the property identified as scenic reserve on an overall concept plan prepared by McKinlay Morgan and Associates. The scenic reserve included the escarpment and creek lines.

There was discussion about the proposed equestrian development on Middle Island and concern was expressed about the environmental impact of the proposed 200 horses together with truck and float access. L Harris advised that the proposed equestrian facility was to be detuned and the number of horses reduced.

There was discussion about the draft local environmental plan for Little Island and earlier reported statements from Mr Harris that the clearing on Little Island was for the purpose of grazing with there being no intention of subdividing it.

There was discussion about the water balance for the proposed sub-division. Mr Fox advised that the Department of Urban Affairs and Planning was insisting on the provision of a reticulated sewerage system which provided the potential for re-use of treated effluent for garden watering. He also advised that the subdivision would not require water to be drawn from any creeks in the area.

Concern was expressed about the standard and safety of Hermitage Road for the proposed sub-division and equestrian development. M Coulter advised the committee that a priority list of roadworks would be provided to the next meeting. There was general agreement that the major priorities were the intersection of Hermitage Road and Bells Line of Road, and the sections of

Hermitage Road either side of the Diamond Hill subdivision where the pavement was narrow and there were a number of bends.

B Jagoe advised that there had been a large number of lots created by road severance on Douglas Farm Road and that Douglas Farm Road was in need of upgrading.

L Harris is to provide details of the revised quarantining arrangements for horses - numbers involved and duration etc.

Next Meeting:

The next meeting was set down for Monday 18 March 1996. M Coulter advised that a draft of the report to the General Purpose Committee Meeting on 26 March 1996 would be posted out for consideration at the meeting on 18 March.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V15

****** END OF ITEM 137 ******

ITEM: 138

MINUTES OF THE "THE ISLANDS" COMMUNITY CONSULTATIVE COMMITTEE - HELD ON TUESDAY 19 MARCH 1996 IN THE COUNCIL CHAMBERS, GEORGE STREET, WINDSOR COMMENCING AT 7.30 PM.

FILE NUMBER: LEP2/96; LEP3/96; LEP4/96; SA65/94, DA65/95/EVD

REPORT:

PRESENT: Clr R Sahasrabuddhe (Chairperson) ; B Jagoe, W Hutchings, C Hulbert, C Everingham, D Crust, L Harris, H Harris, I Cort, M Dawson, I Holland, M Seldom, K Steadman, R Duncan, C Dunne, M Coulter.

APOLOGIES: B Coome, M Conquest, J Conquest, Professor Holland

MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were adopted.

GENERAL BUSINESS

1. M Coulter outlined the provisions in the draft local environmental plans and in particular the proposed 7(e) zone to apply to Big Island and the escarpment areas.
2. There was considerable discussion about the provisions of the 7(e) zone. Objections to the restrictions imposed by the 7(e) zone were expressed by H Harris, R Duncan and others.
3. The Committee considered that an assertion made in a letter of objection that horses on "The Islands" were allowed to graze in a National Park should be corrected. D Crust from the National Parks and Wildlife Service confirmed that he was unaware of any grazing on the National Park.
4. There was discussion about the deficiencies of Hermitage Road such as the single lane bridge and tight bends. It was suggested that the next meeting of the Consultative Committee be held on site to look at the condition of Hermitage Road, its deficiencies and signage.
5. It was queried whether Hermitage Road is on Council's Works Program and particularly the corner of Douglas Farm Road and Hermitage Road.
6. A poll of those present at the meeting indicated that seven people believed the 7(e) zoning to be too restrictive. H Harris considered that such a restrictive zoning should be the subject of compensation.

7. H Harris requested that a copy of the meeting minutes be sent to him as well as Don Fox Planning.
8. No date or time was set for a future meeting being dependent upon the progress of the

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V09

****** END OF ITEM 138 ******

ITEM: 139 DEVELOPMENT CONSENT - LANDFILL - LOT 1 DP814363 NO 103
FRANCIS STREET, RICHMOND

FILE NUMBER: DA218/93 P613.309/EVD

REPORT:

Council at its Ordinary Meeting of 9 April 1996 resolved to permit a modification of Development Consent 218/93 to allow the use of bricks and concrete in the landfill material. A further report was required at the General Purpose meeting of 23 April 1996 on the status of batters that the applicant is trying to achieve, what quantity of fill is required and the approximate timeframe.

The applicant is attempting to achieve a 1:4 batter with the completion of the landfill.

At the present time the landfill has been terraced in order to permit loads of material to be distributed evenly over the entire landfill site and therefore be raised progressively, thus achieving greater compaction of material rather than pushed loosely over the embankment. The western end of the landfill is to be completed first and terracing assists in this regard.

The 1:4 batter is achievable at the eastern end of the fill site provided the top of the batter does not exceed 25 metres from the shed wall and fill is not placed beyond the toe of the proposed batter. The batter becomes less towards the western end of the property at approximately 1:5.5.

The quantity of fill required to complete the landfill has been calculated at approximately 9,500 cubic metres. This will include a quantity of top soil to cover the fill material.

It is extremely difficult to place a timeframe on the activity as it is dependent on the availability of suitable material. The landfill is however expected to be completed by 10 May 1997.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V11

**** END OF ITEM 139 ****

ITEM: 140 PORTLAND COUNTRY CLUB - CARAVAN PARK**FILE NUMBER:** P717.60;GL061/017/EVD

REPORT:**Background**

Prior to the introduction of Ordinance 71 "Caravan Parks and Camping Grounds" in 1986, each local government area controlled and regulated caravan parks by local policy.

With the introduction of Ordinance 71, each council was responsible for ensuring that each caravan park compiled a list of works to bring it into line with the requirements made under the Ordinance. The list was called a "Program of Works". Exemptions were permissible under the Ordinance for existing caravan parks and included such items as widths and treatments of internal roads, number and type of amenities provided, and fire fighting facilities for non-mains supply premises, etc.

The 'Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993' was introduced in the lead up to the final Regulation, and the changes consisted mainly of:-

1. deletion of the licensing section (now require an Approval under Section 68 of the Local Government Act 1993);
2. substitution of:
 - "agreed" for approved
 - "permission" for approval
 - "approval" for licence; and
3. changes in some definitions.

The now finalised Regulation 1995 has been introduced and the Transitional Regulation 1993 has been repealed. Any consent, permission or exemption granted under the Transitional Regulation or Ordinance 71 has effect under the new Regulation.

History

The owner of Portland Country Club was requested to compile and submit a Program of Works in 1987, and again in 1988.

In December 1988, the then manager of the property indicated that a development application for strata units had been refused and that he was able to discuss the upgrading of the park and compile a Program of Works. It was not submitted and a 'Notice of Irregularity' under Ordinance 71 was issued on 2/11/1989. To date the Program of Works has not been received and no further action beyond the issue of the Notice was taken.

In 1994 the length of time since the introduction of Ordinance 71 in 1986 was approaching ten years and the standard of the park had not noticeably increased. The owner's agent was notified of the unsatisfactory state of the park in February 1994 and later advised in April 1994 that an Approval to Operate a caravan park would not be granted.

A Notice of Intention to serve an Order was issued in December 1994. The park has continued to operate to date without an approval, and no Program of Works was ever received.

Recent Situation

The decision of Justice J. Pearlman on 23/10/95 in relation to a tourist facility means that other avenues for the upgrading of the caravan park have been eliminated, and the application of the caravan park legislation must be enforced.

Mr Hooker requested in December 1995, an Approval to operate the caravan park under Section 68 of the LGA 1993. An application was submitted on 5/1/96.

As the park has been operating without approval but has continuously operated, Council's solicitors were approached as to whether the application should be treated as an existing caravan park or whether it should be considered as a new caravan park in which case the new Regulation 1995 would apply in full, without exemptions. The solicitor has indicated that the Transitional Regulation 1993 is no longer in existence and the new Regulation 1995 is to be applied in full.

The requirements under the new Regulation are more onerous in regards to capital investment (roads, lighting, drainage, services etc) than the previous legislation. Mr Hooker has indicated that he is willing to undertake some upgrading of the caravan park, and his position is that the new legislation does not apply and the exemptions provided to existing caravan parks at the introduction of Ordinance 71 in 1986 apply to Portland Country Club. He would be unwilling to comply with the new regulations and would contest their application.

There has been some improvement to the appearance to the grounds over the last few years including the provision of Fire Hose Reels (FHR's). Mr Hooker has proposed some minor upgrading consisting of connecting the unsewered sites to septic tanks and absorption trenches, and the construction of a communal amenities and laundry block. The general appearance of the park and structures would remain the same.

Mr Hooker was provided with a list on 23/12/95, detailing the suggested upgrading works required. A letter was received in response.

The main areas that were of concern were:-

1. Operating without an Approval

Under Section 68 of the LGA 1993, operating a caravan park requires an Approval from Council. Mr Hooker was informed in April 1994 that an Approval would not be issued due to the unsatisfactory state of the park. In December 1994 a Notice of Intention to serve an Order

requiring the closure of the park was issued. The park has continued to operate without an Approval to date.

2. Effluent Collection, Treatment and Disposal

All sites have "ensuite" facilities which have been constructed and installed without approval. The method and location of effluent treatment and disposal is unknown. The "ensuite" facilities are generally located within 50m of the river bank and are located on sandy alluvium soils. It is unknown if treatment facilities such as septic tanks exist for the majority of the sites.

The HNCMT was contacted on 16/01/96 for comment/opinion on the proposed effluent treatment and disposal system by the use of septic tanks (one septic tank per 3-4 sites) and absorption trenches. The Trust's opinion is that a package or centralised treatment system is preferred and disposal by trench would not be suitable given the location and soil type.

3. Unapproved Structures

The park is located in a 7d(1) Environmental Scenic Protection Zone and as such any building work requires the submission of a combined Development/Building Application.

In the past and at present the construction of such structures as sheds, BBQ huts, carports, "ensuites", private laundries, a spa, caravan additions and other permanent structures has taken place on the flood-labile land without prior Council approval.

Mr Hooker has been verbally advised on several occasions that he is responsible for ensuring that all necessary approvals are obtained before any building work is undertaken by his tenants. Despite this unapproved building work was evidenced in December 1995, and again in April 1996.

Generally the structures erected are of poor standard (construction materials, methods and design) and appearance. Structures such as garden sheds are used as "ensuites" and most caravans have a carport type of cover over the vans with adjoining rooms which has rendered the caravans immovable. Mobility is a requirement for flood liable land.

4. Unightly and/or Dilapidated Structures

As mentioned previously some of the structures located on site are in a poor state of repair, or construction and require either demolition and removal or upgrading for those structures permitted on site. The poor construction method and/or use of second hand materials causes the unsightly appearance of some structures.

Present Situation

Discussions regarding outstanding matters were held on several occasions with agreement being reached on most issues. The issues still to be determined are:-

1. Whether the application is a new application under the recently introduced Regulation governing caravan parks (as contended) or as a renewal of the Approval to operate a caravan park on the basis that park has continually operated (as contended by Mr Hooker. Mr Hooker is currently seeking legal opinion in this matter).
2. The number of moveable dwellings permissible on one site. The new Regulation clearly states that only one caravan may be installed on a single dwelling site (Clause 97) with a maximum of twelve (12) persons allowed to occupy a dwelling site at any one time (Clause 54).

The management of the park in the past has allowed for multiple occupancy of a single site. The Regulation is very clear that only one caravan/dwelling is permitted per site.

3. The upgrading of existing effluent collection, treatment and disposal. Padaso Pty Ltd have agreed to connect all the individual facilities into a disposal system and provide a common ablution and laundry block. The proposal is to connect all facilities to septic tanks (one septic tank for every 3-4 sites) with disposal by absorption trenches. The result would result in approximately seventeen (17) separate septic tanks and absorption trenches being located onsite along approximately 1km of riverfront, about 40m inland of the River bank.

Considerations

This Council agreed to a request from the HNCMT to all councils in the catchment area to not approve any more caravan parks on the river bank. For this reason and other considerations such as visual amenity, flood liability, consumer demand, bank stabilisation and effluent disposal, an application to develop a caravan park on this site would not be approved.

Any new caravan park (irrespective of its location) would require a package treatment plant for effluent disposal.

Under the Clean Waters Regulation 1972 Clause 11A, liquid wastes other than a domestic single household are of a prescribed class/description and as such, any work to upgrade the existing effluent system at the caravan park requires a Section 17K Approval under the Pollution Control Act 1970, prior to any work commencing.

The EPA is then the consent authority for effluent disposal, as the liquid wastes arising from the caravan park are of a prescribed class/description.

RECOMMENDATION:

Council institute legal action to require the existing caravan park to be upgraded in accordance with the Regulations, including the provision of a reticulated sewerage system to the "ensuites" or alternatively close the caravan park.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V12

****** END OF ITEM 140 ******

ITEM: 141 HAWKESBURY HOSPITAL, WINDSOR - CONSERVATION PLAN
AND ASSESSMENT - DRAFT SUBMISSION**FILE NUMBER:** P731/3005/EVD**REPORT:**

Council has received a Draft Conservation Plan and Planning Assessment for Hawkesbury Hospital, Windsor.

The report was prepared by Stafford Moor and Farrington (Architects & Planners) in association with Brian McDonald and Associates and Wendy Thorp on behalf of the Department of Health. The report is being finalised and will shortly be submitted to the Heritage Council of NSW for its endorsement. A copy of the final report will be forwarded to Council upon endorsement by the Heritage Council.

The report examines heritage conservation matters such as historical analysis, physical evidence, archaeological assessment and cultural and heritage significance. The report also proposes a number of policies and guidelines to manage the future re-development and re-use of the site and those buildings identified as having cultural significance.

The report states that the next significant items on the site are the Main Hospital Building, the Former Mortuary, the Convict Barracks Gable Store, and the fence at the south west corner. The cottages at No 308 and 310 George Street are also considered significant as contributors to the historic streetscape of George Street. Overall the site is considered significant for its historic associations and archaeological potential.

The plan proposes 35 recommendations. The major emphasis of the recommendations is to ensure that any future use recognises the cultural significance of the site and identified buildings and that subsequent development be carried out in a manner which maintains the integrity of the heritage precinct, the character of the historic township of Windsor and conforms with the recommendations of an adopted conservation plan.

Below is a summary of the main points of the conservation plan:-

Heritage Items (Constraints)

The main hospital building (1911 footprint), the old mortuary and corner fence are of high significance and they should be retained within an appropriate visual curtilage.

The cottages at 308 and 310 are of historic and aesthetic significance therefore their retention would be the most appropriate heritage conservation strategy. If this is not possible than any new development in this location must be as complimentary to the townscape as the cottages are.

The Main Building

The building is to be restored to a state which enables its Federation period (and earlier phases) to be interpreted.

Recommendations

1. Post 1911 additions and alterations should be removed to the maximum extent practicable. This includes verandah enclosures, the southern administration addition and the Johnston Wing.
2. The integrity of the main ward spaces, operating theatre suite spaces, and corner rooms should be preserved without further subdivisions.
3. The overall form of the building should be retained including the roof form.
4. Additions to the south, east and west of the main building should not be permitted. The limits of the "no building" curtilage should be:
 - i. West - to the boundary
 - ii. South - to the boundary
 - iii. East - the same dimensions as the southern boundary setback
5. Additions to the northern side near the kitchen wing are to be designed in a manner complimentary to the main building, or the kitchen wing could be retained and adapted to some other use.
6. The existing fabric of the construction phases up to the 1911 additions and alterations found to be in poor condition or requiring maintenance is to be restored eg restoring elements of the western verandah and restoration of timber windows to the wards at both levels.

Adaptive Re-use

The types of activities which may be considered must be tested against the constraints and conservation policies set down in the conservation plan to ensure their compatibility re the future use must adapt to the building more than the building adapt to the use.

The main constraints affecting the future use will be the form and appearance of the restored external envelope and the spatial characteristics of the significant rooms.

Possible uses for the main building are:-

- * Public uses - community group meeting rooms and facilities, museum, library, exhibition facilities, or convention centre

- * Commercial uses - specialty retail, offices for small business or small corporate centre, hospitality uses, commercial design or teaching institute
- * Institutional uses - school, college or aged care nursing home accommodation.

The Former Mortuary

This building dates from the 1920's and is of a high level of heritage significance and worthy of preservation. Removal of the Johnston Wing, water tower and boiler house will improve its curtilage.

Should an addition be made to the main building it should be low scale and not extend further north than the south wall of the present boiler house or further west than the alignment of the east wall of the Former Mortuary.

Recommendations

1. The early C19th form and fabric of the Former Mortuary is to be preserved.
2. Restoration should be restricted only to those processes which will aid its preservation addressing defects which threaten the long term survival of the significant fabric of the building. This includes restoration of the roof, ceiling, windows, and lost internal and external detail on the building. It is also recommended that the south eastern door opening be bricked up using compatible materials.

Adaptive Re-use

The scope for adaptive re-use of the Former Mortuary is limited by the fragility of its fabric and its small size. Examples of suitable uses are: common room, meeting room, dining area (associated with a detached food service facility), small exhibition space. Examples of inappropriate uses are: storeroom, kiosk, plant room and garden shed.

Should no compatible use be found, it should simply be preserved in its own right.

The Kitchen Wing

The kitchen wing is not considered of such significance that preservation is necessary. Retention of the building may be considered if it is of value to the adaptive re-use of the Main Building or the Former Mortuary.

Nos 308 and 310 George Street

The retention of the cottage's streetscape value within a redevelopment should be considered.

Adaptive re-use for retail or commercial purposes or residential use is possible.

Other Buildings

All other buildings and structures are considered to have such limited heritage significance that conservation is not warranted.

Archival Recording

The significant buildings and structures to be preserved should be archivally recorded in their existing state.

The kitchen wing, boiler house, water tower and Nos 308 and 310 George Street are not necessarily to be preserved, however should be archivally recorded.

All other buildings do not require archival recording.

Archaeological Resources

In the event that archaeological investigation is warranted, the below ground artifacts, structures and the like will need to be accurately plotted and recorded in accordance with an excavation permit issued under the NSW Heritage Act 1977.

Curtilages

Site development should allow an appropriate curtilage for the heritage items to be retained on the site ie the Main Building (1911 footprint), the Former Mortuary, the fence at the corner of Macquarie and Christie Streets. An appropriate curtilage should also be retained around Mrs Cope's house at 312 George Street.

Statutory Measures

The report recommends that the Main Hospital Building, the Former Mortuary and the fence at the south west corner of the site, together with the proposed curtilage should be listed as items of heritage significance under HLEP 1989.

Redevelopment of Remainder of Site

The remainder of the site lends itself to a range of use which include:-

* Residential

- detached housing
- medium density housing such as townhouses/villas or cluster housing
- retirement or aged care housing

* Commercial

- small/neighbourhood style commercial development such as banking, accounting or serviced business more than likely combined with some form of retail development.

* Retail

- small specialty retail development incorporating shops, food and beverage outlets
- larger scale department stores and discount stores, supermarket and retail outlets.

The **preferred** development options identified by the study are:-

* Housing

- self funding retirement housing estate utilising the Main Building as a communal facility for dining, recreation, library and administration
- medium density housing utilising the Main Building for communal facilities and the Former Mortuary as an exhibition space depicting the history of the site

* Commercial/Retail

- mixed retail/commercial development with the Main Building and Former Mortuary being used for specialty retail, offices, restaurants.

Attached to this report are the 35 (thirty-five) recommendations of the draft conservation plan.

RECOMMENDATION:

That this report be received and noted.

ATTACHMENTS:

AT-1 Draft plan.

FN:EN423NBX.V13

****** END OF ITEM 141 ******

ITEM: 142 FORTNIGHTLY GARBAGE COLLECTION AND RECYCLING SERVICE PROPOSAL FOR THE MACDONALD VALLEY AND COLO HEIGHTS**FILE NUMBER:** GW010/017PT05/EVD**REPORT:**

At Council's meeting on 12 December 1995 it was resolved that letters be written to property owners in the Macdonald Valley and at Colo Heights advising them of a proposed change in their garbage collection and recycling service from weekly to fortnightly at 60% of the applicable garbage and vacant land charge and providing them with a suitable period for comment.

The background to this resolution concerns the costs of providing a weekly garbage and recycling service to these remote areas. It was reported to Council's meeting that the cost of providing a weekly garbage and recycling service to the Macdonald Valley was at least \$265 compared to the adopted garbage charge of \$126. The St Albans garbage and recycling service involves a round trip from Windsor of 185 kilometres in which there are 195 services. Council's garbage trucks can hold in excess of 400 services.

The following table indicates the cost of providing the service:

Cost Component	Cost per service per annum (\$)
Vehicle Running	149.97
Wages	38.13
Overheads	8.56
Sundry Collection Expenses	6.78
Disposal Costs	33.36
Purchase of Plant	14.11
Recycling Service	20.66 ¹
GROSS COST	271.57
Less Non Attributable Income	6.25
NET COST PER SERVICE	265.32
ADOPTED GARBAGE CHARGE	126.48
COST OF SUBSIDY	138.84

¹ This is the cost of the recycling service to Council but it would not be the cost borne by the contractor. The recycling service is also based on a flat charge throughout the City of

Hawkesbury irrespective of distance per service. It is certain that the urban areas would be subsidising this figure and hence the total cost of the subsidy would exceed \$138.84

Therefore, there is currently a subsidy well in excess of \$138 applying to each service in the Macdonald Valley and a total subsidy for the 195 services well in excess of \$27,000 per annum.

It is likely that a similar result would be obtained for Colo Heights where there is a round trip of approximately 80 kilometres for approximately 80 services.

Property owners in the Macdonald Valley and at Colo Heights were notified of the proposal and the following is a summary of the comments received.

Telephone Calls

- . Doesn't agree with change in service and also fact that if you were going to halve the garbage service, the fee should be halved and not be 60%.
- . No great difficulty with concept but for half a service should only pay half the charge.
- . Agrees with concept. Suggested a clean up service and expressed concern about recycling service.
- . Should only be 50% charge.
- . Should only be 50% charge and will need larger bins.
- . No problems with the fortnightly service but don't take service away.
- . If there is a fortnightly service could a larger recycling container be provided.
- . Smell will be horrific, unhygienic. Also it is a holiday area (Walmsley Road) and did not want to ask visitors to take their rubbish with them.
- . Has been paying a vacant land charge for garbage and would be happy with any reduction .
- . Would prefer no service at all.
- . Recycling service is a waste of time and requires a garbage pick up every week.
- . Can fit all waste in 2 bins, once a fortnight, but has concerns about odour and health.
- . Macdonald Valley School - fill 2 bins weekly, compost as much as possible but concerned about health implications. Cost of fortnightly service should also be 50%.
- . Will need 2 bins. Recycling service should be improved.
- . Does not use garbage service, takes garbage back to Sydney from weekender.

- . Will need 2 bins and also the charge should be 50% for half a service.
- . Only use half a 240 litre container - suggest that residents have the option of two 240 litre containers or improved recycling service.
- . Would prefer no garbage service at all.
- . Fortnightly service an outrage, unsanitary and obnoxious to store waste for 14 days. Suggests that the recycling service could be once every four weeks.
- . Glad that Council has finally put some of the responsibility on owners of properties to dispose of their waste environmentally.
- . Would like two bins for a fortnightly service and would pay the normal charge. Hawkesbury residents should be able to use the landfill at Wisemans Ferry.
- . Should be weekly service in school and Christmas holidays. Requests a recycling service for juice bottles, milk cartons etc.
- . Doesn't mind the fortnightly service as only uses half a bin a week.
- . If lose 50% of the service should only pay 50% of the fee.
- . Opposed to fortnightly service.
- . Should be half cost for half a service.

Letters

- . Garbage service should be extended down Wheelbarrow Ridge Road.
- . Objects to any reduction in the garbage service.
- . Very good idea.
- . Objects most vociferously to a fortnightly service (it wouldn't happen in Manly).
- . Objects on grounds of public health and hygiene
- . Complains about odour problems. Will Council provide a second bin?
- . Recommends fortnightly service proposal be abandoned.
- . Courthouse guesthouse - requires weekly service.
- . Objects to downgrading of the service.
- . Expresses concern about proposal on cost and health grounds.

- . Requests retention of weekly service.
- . Objects to fortnightly service on grounds that a single bin would not be sufficient. Also odour and fly problems.
- . Objects on grounds of health and the environment.
- . Settlers Arms Inn - requires weekly service.
- . Objects on grounds of increased littering.
- . Objects to fortnightly service but if service is to proceed request 2 bins instead of one.

The community consultation indicates a relatively even split between those who disagree in principle with a fortnightly service and those who raise no in principle objection but rather query certain aspects such as cost and the effectiveness of the recycling service.

The majority of households in the Macdonald Valley and Colo Heights garbage runs did not provide any comments to the notification of a change in service.

Those objecting to the change in service generally raised health and hygiene as reasons for their opposition. A fortnightly collection service will require more consideration in the disposal of waste, particularly in summer, but provided garbage is placed in sealed bags there should not be a problem with vermin or flies. A fortnightly collection service already applies in the Upper Macdonald from St Albans to Gorricks Run and to date there has been no cause for complaint from residents on health and hygiene grounds.

The total savings which will accrue from altering these runs to fortnightly pickups for both garbage and recycling will be in the order of \$30,000 to \$40,000 per annum. The precise savings will be dependent upon the outcome of the recycling tender (elsewhere reported). The current contract provides an extraordinarily low cost of \$20.66 per household per annum for recycling irrespective of location. The real cost of providing a recycling service to the Macdonald Valley and Colo Heights would greatly exceed this figure.

Whilst the actual saving is comparatively small in terms of the total operating expenses for Waste Management of \$2,602,368 in 1995/96, presuming the fortnightly service for these two areas is successful, further extension of fortnightly collection would produce more substantial savings.

It is likely that in the 1996/97 budget there will be a significant increase in the garbage charge as a direct result of an increase in operating expenses at the South Windsor Waste Depot. This can be attributed to the large capital investment in excavating deeper cells and constructing them in accordance with the EPA's new guidelines for solid waste landfills. However, there may be significant further additional expenditure required to provide an effective recycling facility and to increase the buffer area around the Waste Depot.

It is a matter of concern that the finance for such improvements can only be obtained by further significant increases in the garbage charge or alternatively some reduction in collection costs or a combination of both.

Historically, the City of Hawkesbury has been able to offer its rural residents at a very reasonable price a level of garbage and recycling service far superior to most of our adjoining Councils. For example Baulkham Hills and Hornsby Shire Councils do not provide a garbage service to their rural areas. The provision of a garbage service to residents in these LGAs as a means of funding a continuation of the weekly service in the Macdonald Valley has been discussed with officers of both Councils but cannot proceed for a number of reasons.

Baulkham Hills Shire Council is currently preparing a tender for the provision of a garbage service by locality to its rural areas. Therefore Council would need to tender for a locality. Hornsby Shire Council has sanctioned private contractors to enter into direct arrangements with residents and does not wish to infringe on these arrangements. In any case, it is likely that Hawkesbury City Council would need to charge \$300 per service per annum for residents in either Baulkham Hills or Hornsby Shire Council areas to allow the cross boundary arrangement to operate. It is unlikely that such a charge would be acceptable to their residents even if it was supported by the Councils.

In these circumstances it is recommended that Council implement a fortnightly garbage collection and recycling service for the Macdonald Valley and Colo Heights runs and that depending upon the success of the service that consideration be given to its more widespread application to other outlying rural areas.

In response to a number of comments, the fortnightly charge should be fixed at 50% of the applicable 240 litre garbage charge and provision be made for residents to have a second garbage bin at no cost for 100% of the applicable 240 litre garbage charge.

Arrangements can be made with the Parks Section to empty bins from commercial properties in St Albans on alternate weeks to the fortnightly garbage service. This arrangement would provide a continuation of the weekly garbage service to the Settlers Arms, the Court House Guesthouse, the Fickle Wombat and the Macdonald Valley School.

RECOMMENDATION:

That Council proceed to implement a fortnightly garbage collection and recycling service for the Macdonald Valley and Colo Heights in 1996/97 for 50% of the applicable 240 litre garbage charge with residents being provided with the opportunity of having a second bin at no cost for 100% of the applicable 240 litre garbage charge.

Further that a weekly garbage collection service be rendered for the Settlers Arms, the Court House guesthouse, the Fickle Wombat and the Macdonald Valley School for 100% of the applicable garbage charge. The vacant land charge would accordingly be reduced by 50%.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V14

****** END OF ITEM 142 ******

ITEM: 143 EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLANS - "THE ISLANDS", HERMITAGE ROAD, KURRAJONG - PROPOSED 32 LOT COMMUNITY TITLE SUBDIVISION ON LITTLE ISLAND - PROPOSED LIMITS ON DEVELOPMENT OF MIDDLE ISLAND AND BIG ISLAND

FILE NUMBER: LEP002/96;LEP003/96;LEP004/96;SA065/94;DA65/95/EVD

REPORT:

Background

At Council's meeting on 11 July 1995, it was resolved as follows:

- "1. That Council support the principle of a 32 lot community title subdivision (30 lots with building entitlement) generally as proposed with the final lot boundaries and conditions to be determined by the Divisional Manager Environment & Development under delegated authority in consultation with the Hawkesbury Nepean Catchment Management Trust with particular attention to effluent disposal, water supply, erosion control, runoff and proximity of development to the creek.
2. That the final application and conditional approval be referred to the Director of Urban Affairs and Planning for concurrence under State Environmental Planning Policy No.1.
3. Council resolve to prepare a draft local environmental plan to:
 - . prevent any subdivision of Middle Island and Big Island
 - . prevent vegetation clearing on Big Island
 - . prevent vegetation clearing on the escarpment being that area above the existing cleared areas of Little Island and Middle Island
 - . limit development on Big Island to a single dwelling with consent and recreational use not involving the felling of trees and/or removal of vegetation
4. That Council chair a consultative committee of the applicant and community members in relation to the progress of this matter and the committee operate for 12 months with quarterly reports to Council."

Subsequently, the Department of Urban Affairs and Planning advised that they would not consider the application for subdivision under State Environmental Planning Policy No.1 but would require the preparation of a Draft Local Environmental Plan.

A draft local environmental plan was subsequently referred to the Department and a Section 65 Certificate allowing the draft local environmental plan for the subdivision to be placed on public exhibition was received on 28 December 1995.

The Section 65 Certificate required that the draft local environmental plan be amended to require the provision of an integrated system of waste water management to be implemented and maintained on the land and that water discharge and runoff will maintain or improve existing levels of water quality.

The LEP was also certified on the understanding that Council would proceed to consolidate the subdivision potential of Middle and Big Islands and that the LEPs be processed concurrently.

In the implementation of Council's resolution it was decided to draft two new zones for Hawkesbury Local Environmental Plan 1989 and to apply one of those zones to Middle and Big Islands. The creation of two new zones would allow Council to respond to recent requests for lot averaging or concessional bonuses by creating a residue zoning appropriate for environmentally sensitive areas and other residue zoning appropriate for agricultural land.

For the residues of Little, Middle and Big Islands, a new zone No.7(e) (Environment Protection - Consolidated Land Holdings) was created. The objectives of the 7(e) zone are:

- (a) *to prohibit further subdivision of the land other than by minor boundary adjustment;*
- (b) *to preserve areas of significant vegetation stands;*
- (c) *to protect varieties of wildlife and their associated habitats and corridors;*
- (d) *to retain the visual and scenic qualities of the escarpment ridges and footslopes;*
- (e) *to ensure that development and land management practices do not have an adverse effect on water catchments, water quality, land surface conditions, important ecosystems such as streams and wetlands,*
- (f) *to ensure that existing and future land uses and land management practices do not lead to a diminution of the environmental values of the land; and*
- (g) *to permit only minimal development to ensure that the environmental value of the land is not compromised.*

The 7(e) zone proposes a significant restriction on land uses being limited to a dwelling house; agriculture not requiring the felling of trees carried out on lawfully cleared land; home activity; recreational establishment not involving the felling of trees; tourist facility not involving the felling of trees; works for the purpose of landscaping, gardening or bushfire hazard reduction; recreational uses not involving the felling of trees.

Exhibition of Draft Local Environmental Plans

Three related local environmental plans were placed on public exhibition from 24 January 1996 up to and including 23 February 1996.

LEP 2/96 aims to permit a 32 lot community title subdivision (30 lots with building entitlement) on Part of Lot 182 DP 701978 (Little Island), Hermitage Road, Kurrajong. The proposed subdivision would be generally in accordance with that considered by Council in July 1995, although the exact lot boundaries and lot areas have yet to be finalised.

LEP 3/96 proposes to rezone the residue of The Islands (part of Little Island, all of Middle Island and all of Big Island) Environmental Protection 7(e) (Consolidated Land Holdings). This would control the use of the residue of The Islands and prohibit subdivision as outlined.

LEP 4/96 proposes to add to new zones to Hawkesbury Local Environmental Plan 1989. These are the Environmental Protection 7(e) (Consolidated Land Holdings) zone and a second zone which could be applied to the residue of agricultural land which may be the subject of lot averaging (eg the Kemsley Downs property at North Richmond). This zone is titled Rural 1(d) (Consolidated Land Holdings) and similarly prohibits subdivision but permits a broader range of land uses including agriculture.

As a consequence of the public exhibition process, submissions have been received from the applicant, residents and public authorities. The following is a summary of the submissions:

Don Fox Planning Pty Ltd (the applicant)

Objects to the proposed zoning provisions restricting land uses on the residue of The Islands because of their severe financial impact on Mr Harris, the draft plans being outside the terms of Council's resolution of 11 July 1995, loss of land use entitlements under the existing zoning and also the likely administration costs for Council, should such plans be implemented on other properties throughout the local government area.

Specifically, it is proposed that a separate local environmental plan for the 32 lot community title subdivision on Little Island be prepared, with the residue of Little, Middle and Big Islands restricted from further subdivision. Don Fox Planning recommends that the existing range of permissible land uses under the current 7(d1) Environmental Protection Scenic zone be retained for the residue.

Requests that Council reconsider its position in respect of the draft local environmental plans on exhibition.

Mr F Scharfe

Proposes that there be development only to the east of the Hawkesbury River. Suggests that there is ample land east of Windsor/Richmond, such as Pitt Town, Oakville, Maraylya and Vineyard for development.

E Conquest

Expresses concern about the narrowness and widening nature of Hermitage Road, the quality of the buildings on the proposed subdivision and the community title not being financially viable.

J Shand

Expresses concern about access to Lot 3 from the existing public road as well as from a lower entrance which is being used by agreement with Mr Harris. Accepts an assurance from M Coulter that Hawkesbury Council would not allow Lot 3 to become landlocked.

Suggests the best alternative would be for Mr Harris to dedicate the access road down to the current entrance gate or, alternatively, to the first bridge.

Hawkesbury Nepean Catchment Management Trust

Recommends that the subdivision of Little Island not be gazetted before the LEP to control the use of the residue of the property. Generally supports the provisions of the draft local environmental plans. Recommends further fauna studies and queries whether the new Threatened Species Conservation Act 1995 applies to the site.

Recommends that only a single dwelling be allowed on each lot and that development consent be required for dwellings.

The Trust strongly supports the preparation of Amendment No.72 to rezone the remainder of the property 7(e) to prohibit subdivision, vegetation clearing and limit development.

Marie Bird, Hawkesbury Action Group

Requests a response to a number of questions, being whether the developer has been granted permission to draw a water supply from the existing creeks; whether arrangements have been made to collect manure and urine from two hundred horses; has developer been requested to remove the horses at present grazing on National Park land; whether Council permitted/supervised the large amount of tree clearing undertaken; future of wildlife and flora; relationship to World Heritage listing for the Blue Mountains; consider increase in traffic if site becomes an Olympic venue; whether details have been provided to minimise soil erosion.

National Parks and Wildlife Service

The Service supports the objectives of the Council resolutions and states that the draft LEP has the potential to protect most of the values of concern to the Service. A number of minor comments were made including the scale of a dwelling on Big Island; the term "felling of trees" be replaced with "felling of trees or clearing of native vegetation"; horse riding activities should require Council consent in the 7(e) zoning; Council should consider whether any threatened species list on Schedules 1 and 2 of the Threatened Species Act 1995 occur in the area.

The Islands Consultative Committee

The Islands Consultative Committee met on 28 February 1996 and again on 19 March 1996.

The major issues which have been raised by the Consultative Committee have been access and particularly the upgrading of Hermitage Road and also water cycle concerns in relation to both the subdivision on Little Island and the equestrian facility on Middle Island.

This report concerns only proposed draft local environmental plans and the draft local environmental plan for the proposed subdivision on Little Island. The proposed equestrian facility on Middle Island will be the subject of a separate report with separate conditions and road construction requirements.

Planning Assessment

In general, there has been no in principle objection to the proposed trade-off which provides an increase subdivision entitlement for the property on Little Island in exchange for the prohibition on subdivision over the remainder of the property and the limitation on land uses.

Subject to further detailed planning, including requirements for the upgrading of Hermitage Road and the actual configuration of the allotments, there has been no suggestion that the proposed lot yield on Little Island is excessive or beyond the capability of the land.

However, as a consequence of the exhibition of the draft local environmental plans and discussions with the applicant and the property owner, it is apparent that there is disagreement as to the land use restrictions which should apply over the residue of the property.

At Council's meeting on 11 July 1995 it was resolved to prepare a draft local environmental plan to:

- . *prevent any subdivision of Middle Island and Big Island*
- . *prevent vegetation clearing on Big Island*
- . *prevent vegetation clearing on the "escarpment" being that area above the existing cleared areas of Little Island and Middle Island*
- . *limit development on Big Island to a single dwelling with consent and recreational use not involving the felling of trees and/or removal of vegetation*

The applicant takes issue with the provisions of the proposed 7(e) zone which prohibits the felling of trees on Big Island and also the limitation on development of Middle Island and Big Island to a very restricted range of activities not involving the felling of trees.

The applicant correctly indicates that the proposed restriction on development of Middle Island is outside Council's resolution.

In relation to the other issues, the applicant states the following:

"Council would be aware that there have been many discussions and, indeed, site inspections regarding the rezoning request and also a development application for the establishment of an equestrian and tourist facility on Middle Island, with recreation use also proposed on Big Island. There was, on our understanding, general agreement reached in respect to the transfer of subdivision entitlements and no further subdivision of the residue of Little, Middle or Big Islands and that there would be no development permitted generally along creek lines or, indeed, the lower Blue Mountains escarpment.

Whilst amendment 71 permits the 32 lot community title subdivision as sought, we express our grave concerns regarding the impact of Amendment 72 and 73 in respect to our client's land holdings. These amendments in broad terms are:

- . prohibit the felling of any trees on the balance of the lands outside the 32 lot subdivision and*
- . significantly reduces land uses presently permissible under the present 7(d1)(Environmental Protection Scenic) zone.*

Clearly, this will have a significant impact on the value of our client's residue land holdings and, indeed, an impact on borrowing against such land holdings to facilitate other development. Development options and any expansion of uses now proposed are severely restricted. Council should also be concerned as to the administrative costs associated with the very restricted land uses and the fact that no trees at all can be removed from the property under the draft local environmental plans.

As part of submissions to Council for rezoning and development approval, a plan was prepared by McKinlay Morgan and Associates, consulting surveyors and project managers which comprised an overall concept plan for The Islands delineating four separate parcels, parcel one being a scenic reserve or land identified along creeks of the lower Blue Mountains escarpment as land to be retained in its natural state. Our client still wishes to adhere to this principle, a copy of this plan is attached for Council's information. [Plan attached to report]

Under the present 7(d1) (Environmental Protection Scenic) zone there are five objectives regarding development of the land which, in general terms protect vegetation, scenic corridors, valley areas, hilltops and the like. These are in line with our client's proposals for development of the land. The range of land uses is extensive, with the only land uses prohibited being advertising structures, bulky goods, sales rooms or show rooms, commercial premises, extractive industries, industries, offensive or hazardous industries, light industries, motor showrooms, residential flat buildings, service stations, shops and warehouses.

Council has previously been advised of the land being logged and, indeed, areas cleared to facilitate pasture and also development proposals by the previous owner, Dr Larkin, under development consents granted by council. It would be unfair to say that the lower slopes or more level areas of the three islands themselves are in pristine condition. Council also has a tree preservation order which protects the felling of trees.

In our opinion, it would be more appropriate to have a separate local environmental plan providing for the 32 lot community title subdivision on Little Island, with the residue of Little Island, Middle Island and Big Island, restricted from further subdivision, however, retaining the existing land uses permissible under the present 7(d1)(Environmental Protection Scenic) zone. The same objectives for this zone should also apply. The local environmental plan should also show areas where development such as agriculture or other uses is prohibited in order that the areas remain in the present pristine state. We would be happy to prepare such a plan in company with Council. It is also suggested that agriculture, including the clearing of land, be a matter requiring development consent ..."

As indicated, it is accepted that the proposed additional land use controls on Middle Island are outside the terms of Council's resolution and given the extent of clearing on Middle Island are unduly restrictive. Accordingly, there is no objection to Mr Fox's suggestion that the existing permissible land uses under the 7(d1) zone continue to apply for Middle Island.

Whilst Mr Fox indicates that the prohibition on vegetation clearing on Big Island was not in accordance with agreements generally reached, it was plainly stated in the resolution of 11 July 1995. There has been logging and relatively limited clearing for pasture growth on Big Island. Mr Harris has not lodged any development applications for clearing on Big Island but seeks to retain the right for Council to consider such an application, possibly for grazing purposes.

Big Island contains a substantial area of land which has been classified by NSW Agriculture as Class 4. In an agricultural land classification rating from 1 to 5, Class 4 land is marginal land not suitable for cultivation and with low to very low productivity for grazing. Overall level of production is low and environmental constraints make arable agriculture uneconomic. Any agricultural use is generally based on native pastures or improved pastures established using minimum tillage techniques.

On the basis of contour maps and an inspection of Big Island, its definition as Class 4 agriculture land is appropriate. There is perhaps in excess of 100 hectares of reasonably level land which could be cleared to provide relatively poor to average pasture for grazing. The productivity of the land would be dependent upon the extent of clearing and pasture improvement including the use of introduced grass species and fertiliser.

The environmental cost/benefit of substantial clearing on Big Island is questioned, given the extensive area of natural vegetation and the fact that it is more marginal agricultural land. It should also be considered that the owner has been provided with a 50% increase on the properties lot entitlement through the proposed 32 lot (30 lots with building entitlements) subdivision of Little Island.

There is no objection to the use of Big Island for purposes of passive recreation, including horse riding.

Accordingly, it is not considered that the draft local environmental plan should be amended for Big Island. In response to other issues raised in the submissions, the proposed subdivision of Little Island will not permit any water to be drawn from the existing creeks. The proposed subdivision would occur on land which has been extensively cleared and there is no basis to assume that its subdivision would be affected by the Threatened Species Act 1995.

The proposed subdivision on Little Island results in a relatively minor addition to existing traffic flows on Hermitage Road and Council may require reasonable works and/or contributions under Section 94 of the Environmental Planning and Assessment Act as a condition of development consent.

In summary, the exhibited draft local environmental plan should be amended to retain the existing permissible land uses on Middle Island below the escarpment, but retain the restricted 7(e) zoning for Big Island, the escarpment and creek lines including a prohibition on the felling of trees.

RECOMMENDATION:

- A. That Draft Local Environmental Plan 2/96 to permit a 32 [thirty two] lot community title subdivision (30 [thirty] lots with building entitlement) on part of Lot 182 DP 701978 (Little Island), Hermitage Road, Kurrajong, be referred to the Department of Urban Affairs and Planning for final gazettal.
- B. That Draft Local Environmental Plan 3/96 be amended to retain the existing Environmental Protection Scenic 7(d1) zone on that part of Little Island proposed to be subdivided and that part of Middle Island below the escarpment. Otherwise, the provisions of Draft Local Environmental Plan 3/96, including the prohibition on the felling of trees be retained. Further, that Draft Local Environmental Plan 3/96 as amended be referred to the Department of Urban Affairs and Planning for final gazettal.

ATTACHMENTS:

AT-1 Site Plan.

AT-2 Development Plan.

FN:EN423NBX.V08

****** END OF ITEM 143 ******

ITEM: 144 GUIDED HORSE TRAIL RIDES ALONG EXISTING FIRE TRAILS -
LOT 202, 203 DP206301 - NO 380-382 LIEUTENANT BOWEN DRIVE
- BOWEN MOUNTAIN

FILE NUMBER: DA288/95/EVD

REPORT:

This matter was deferred from Council's ordinary meeting of 9 April 1996 to allow the applicant the opportunity to have further discussions with the Bushfire Brigade and the residents of Bowen Mountain.

Discussions have now taken place between the parties involved. The Bushfire Brigade is not prepared to support the proposed activity due to the high fire risk and the deterioration of the fire trails.

The Bowen Mountain Association sought an extension of time to respond due to the short notice given, which reads:-

"I refer to your recent letter concerning a proposal for commercial horse trail rides on Bowen Mountain. The Bowen Mountain Association Inc appreciates the opportunity to comment on this development application and will provide submission following our next executive meeting.

We would also like to have a representative address the GPC on the 30th April, 1996

Although we will endeavour to have our response to Council by the 16th April, it would be appreciated if you could extend the deadline until the 22nd April to allow us to formulate our response. We are inviting all residents to the next executive meeting on the 15th April and we would like the extra time to ensure we have covered all residents opinions properly."

It would seem unreasonable to defer determination of the application for another month.

The report to Council's meeting of the 26 March 1996 is reproduced below:

Applicant:	Mr S Antcliff
Applicants Reps:	Unknown
Owner:	Department of Land and Water Conservation
Stat. Provisions:	HLEP 1989
Area:	Lot 202 - 1233m ² , Lot 203 (vacant) 1239m ²
Zone:	Environmental Protection (Scenic) 7(d)
Advertising:	Advertised with 2 submissions - 1 support and 1 objection
Date Received:	19 December 1995

Key Issues:

High Bush Fire Risk Area, Restricted Access

Action:

Approval subject to conditions.

REPORT:

The applicant has provided the following, information:

"The land is currently Crown Recreational Reserve and acts as a buffer zone between the villages of Kurrajong Heights and Bowen Mountain and the Blue Mountains National Park.

Permission is sought to run an hourly and daily horse hire business consisting of six horses and one guide (on a horse) to give a relaxing and informative tour of the Lower Blue Mountains. The topics covered will be basic horse handling, local plants and flowers, local wildlife, mammals, reptiles and bird life as well as local history on the way.

*The horses will be walking on the existing fire trails only and no walking trails will be used. The customers will not be permitted to ride any faster than a walk and they must wear helmets at all times. **No customers will be permitted to ride unattended.***

The idea of the company is to promote the Hawkesbury's heritage as well as its unique flora and fauna at the leisurely pace of horseback.

The fire trails for intended use are:

- * *The Western Ridge Trail*
- * *Horse Paddock Trail*
- * *Bowen Trail*
- * *Clewetts Trail*
- * *Southern Trail*
- * *Eastern Trail*
- * *Duffy's Trail*
- * *Bunning Trail*
- * *Jamiesons Trail*
- * *Scrimmages*
- * *Burralow Fire Trail*
- * *Burralow Road*

The tours would start and finish at 382 Lt Bowen Drive, Bowen Mountain where car parking will be provided as this is my primary residence. I am offering a very personalised service and individual needs will be catered for, such as basic tuition before departure.

The guide would be in contact with the base or emergency services by mobile phone and access can be gained by car if necessary to pick up the customers or to pick up sick or injured horses if the need arose.

Tours would not be operated in extreme temperature conditions such as heat wave, or extreme wet weather and smoking would not be permitted once the tour has commenced. Tours will not be run in extreme wet so as to keep erosion of the fire trails to an absolute minimum. In addition because the horses will only be walking, it could possibly help keep weed growth down on the more seldom used fire trails. At the same time, to prevent the horses bringing in weeds, to the Reserve, every horse will be fed crushed or pellet feeds so that weeds could not be spread through the horses' faeces and each horse will have its feet cleaned at the start of each day to prevent weeds entering the Reserve by way of their feet.

I would also be more than willing to make a contribution to the upkeep and maintenance of the fire trails in use".

Statutory Situation

The proposal is permissible under Councils planning scheme.

The trails are throughout Crown Reserve Land owned by the Department of Land and Water Conservation under the care, control and management of this Council.

Community Response

One letter of support was submitted as a result of Councils advertising policy. Numerous letters of support were submitted with the application.

National Parks and Wildlife Service and the Department of Land and Water Conservation raise no objection to the proposal, subject to conditions.

Objection is raised from the Fire Control Officer for the following reasons:-

- * increased risk of fire ignition;
- * increased damage to fire trails;
- * perceived lack of responsibility of users;
- * gate keeping;
- * setting precedent; and
- * possible loss of life in the event of fire.

Planning Assessment

The activity will start from the applicants property which contains an existing stable complex located behind the existing residence. Natural bush exists behind the stables.

Five (5) carparking spaces are proposed on the adjacent vacant allotment owned by the applicant. Located at the end of Lieutenant Bowen Drive, a large cul-de-sac exists for a satisfactory vehicle turning area. Under normal circumstances, vehicles are required to enter and leave business premises in a forward direction. Given the location and low amenity, it is considered that this is not required. However, a revised parking layout should be provided so as to keep clear at an existing drainage pit.

The applicant has demonstrated that with satisfactory management of this business, the horse trail guided tours will not detrimentally interfere with the amenity of the local environment. The applicant has indicated that he is prepared to contribute towards maintenance of the fire trails.

Earth mound landscaping and bunding can be provided to enhance the carparking and stable area.

Fire controls concerns are noted however, the applicant has demonstrated a willingness and desire to manage the business in an environmentally sympathetic manner

The applicant has also provided insurance details indemnifying the Crown and Council against injury.

RECOMMENDATION:

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

1. The development be carried out generally in accordance with plans and documentation submitted with the application and where modified by conditions.
2. The activity shall be carried out in accordance with the 'National Parks Horse Riding Code'.
3. A satisfactory management plan shall be submitted and approved to the satisfaction of the Director Environment and Development detailing the care, control and maintenance of the fire trails prior to the commencement of the activity.
4. Parking shall be provided for 5 (five) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, with a dust free compacted crushed rock pavement drained, and marked. Full details of works shall be submitted for approval prior to commencement of construction.
5. The car park layout to be redesigned to provide unobstructed access to the letterbox pit located in the road shoulder. Details to be submitted and approved prior to construction.

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. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
8. 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.
9. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Director Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
10. Operating hours shall be limited to 8.00am to 5.00pm Thursday to Sundays. Any alteration of these hours will require the approval of the Director Environment and Development.
11. Not more than 6 (six) horses are to be accommodated on the premises at any given time.
12. Horses when not in use, shall be confined to their stables and manure to be removed from the site.
13. A 'Certificate of Currency' shall be submitted and approved indemnifying Hawkesbury City Council against action as a result of this approved use prior to the use commencing.
14. No vehicles shall be used as part of this activity except in emergencies.

ATTACHMENTS:

AT-1 Locality of trails plan.

FN:EN423NBX.V16

****** END OF ITEM 144 ******

ITEM: 145 RECYCLING CONTRACT - IMPENDING TENDERING FOR
RECYCLING CONTRACT - SEPTEMBER 1996

FILE NUMBER: GC270/043 PT02/EVD

REPORT:

The current contract for the provision of our kerbside recycling service is to expire on the 5 September 1996.

In order that ample time is given for the compilation of the tender, and also the exploration of the numerous methods available to provide this service, a tender for kerbside collection of recyclable materials is currently being prepared.

It is envisaged that the tender will offer a wide range of alternatives for the provision of the recycling service, including a continuation of the current service, an upgrading of the current service by extending the range of recyclables collected, and the introduction of a co-mingled 240 litre container collected on either a weekly or fortnightly basis.

Council will then have a wide variety of options with corresponding costs to choose from.

RECOMMENDATION:

That Council supports the investigation and preparation of a tender for kerbside collection of recyclable materials to commence on the 5 of September 1996.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN423NBX.V17

****** END OF ITEM 145 ******