

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM: 112 DRAFT LOCAL ENVIRONMENTAL PLAN - ERECTION OF A
DWELLING - LOT 1 DP 824014 - OFF COROMANDEL ROAD
EBENEZER - FALSON AND ASSOCIATES

FILE NUMBER: LEP1/96, P814/3 PT01/EVD

REPORT:

An application has been received for Council's support to prepare a draft local environmental plan in respect of Lot 1, DP824014 off Coromandel Road, Ebenezer to allow the erection of a dwelling on the site.

Lot 1 was created by the closing of parts of 2 Crown Roads and Clause 15(5) of Hawkesbury LEP1989 states:

"(5) A person shall not erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) created by the closing of a road".

Lot 1 is zoned as 7(d1) and contains an area of 1.62ha and has adequate area above the floor height standard for erection of a dwelling. There is no vehicular access to the site from Coromandel Road and it is considered that, if the local environmental plan is supported, a suitable clause should be included requiring the provision of satisfactory access to the lot.

In support of the proposal, the applicant states as follows:-

"We act for Mr V Brown who owns the subject land and adjoining land to the south. Mr Brown has used the subject land in conjunction with his land for many years and in fact it is fenced as if it were one parcel.

The land was recently purchased from the Lands Department at which time the separate title was created. Mr Brown wishes to erect a dwelling on the land however appears to be precluded from gaining Council approval because of the working clause 15(1)(c) of Councils LEP. Whilst it is conceded that the land title was created by the closing of a road, the fact is that the land comprising the title has existed at least since 1895 as indicated on one of the attached plans.

It was for convenience sake that Mr Brown purchased the land and so tidied up a situation that had existed physically for many years.

The land existed in its current state of non road requirement prior to the implementation of planning laws and therefore obviously predated the current restriction. This being the case there is, we believe, a case to be put for some dispensation of the rules so as to allow Mr Brown the opportunity to obtain a building permit.

The land contains an area of 1.62ha (one point six two) and is more than adequate to contain a dwelling.

Would you please give this matter your consideration as we believe that there are extenuating circumstances that make this a proposal of merit and one in which no adverse precedent would be created.

We would be pleased to discuss this matter with you at your convenience."

RECOMMENDATION:

1. Council support the preparation of a draft local environmental plan to allow the erection of a dwelling house on Lot 1 DP824014 off Coromandel Road, Ebenezer.
2. A suitable clause be included in the draft plan requiring suitable access be provided to Lot 1 DP824014,
3. Council resolve that, due to the minor nature of the proposal, an environmental study is not required,
4. Council exercise its delegation under Section 65 and 69 of the Environmental Planning and Assessment Act, 1979.

ATTACHMENTS:

AT-1 Locality Map.

FN:EN130LAX.V20

******* END OF ITEM 112 *******