



general purpose committee

Section 1 Environment

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ITEM: 67

PROPOSED AMENDMENT TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989 - RURAL RESIDENTIAL SUBDIVISION OF LOT 11 DP 607233 COMLERROY ROAD, KURRAJONG

FILE NUMBER: LEP20/96/EVD/ENK26NBX.V02

REPORT:**1. Introduction**

Council is in receipt of an application to rezone the above property known as “Belltrees” at Kurrajong. The proposal is based on the concessional allotment philosophy espoused by the “Our City our Future” strategy. This report examines the current proposal in the context of the broader concessional allotment issue. The land has two existing subdivision approvals for a total of 13 allotments, one of which was from the excision of an existing dwelling on 0.4 ha, the remainder being in excess of 3.6 ha.

2. Proposal

The proposal seeks to create a twenty lot subdivision through sixteen 1 hectare allotments; one 2.6 hectare allotment; one 4 hectare allotment; one .4 hectare allotment and a 24 hectare residue allotment. The applicant is seeking to achieve this subdivision by way of a special provision inserted into HLEP 1989 with the residue allotment zoned Rural 1(b). The submission argues in favour of the proposal on the concessional allotment concept supported by Council through the adoption of the “Our City Our Future” strategy. However, the property only has an area of 49.9 hectares and under the current 1(c1) zoning, its potential yield is twelve lots. Under the concessional allotments concept, with a fifty percent bonus, the property could achieve another 6 lots, a total of 18 lots. Therefore the proposal involves an additional 2 lots on top of the concessional lots concept.

The application was supported by a “Landscape Master Plan” report, a “Feasibility of Land Application for Waste Water” report, a “Flora and Fauna” statement and a letter from the University of Western Sydney - Hawkesbury, School of Agriculture. The applicant states in part:

“In summary the supported advice is conclusive that the proposed variation in development standards will achieve a development which does not compromise the agricultural potential of the land by fragmentation and that there will be a reduced impact on the visual amenity of the area by comparison to the already approved development.

The significant aspect of effluent disposal is assessed as being capable of being contained within the site, the flora and fauna statement states that there is minimal impact from the development.

In making submissions for the support of the proposed development, a 50% increase in allotments is made on the basis of “concessional allotments”. This increase is partly justified by the shortfall in the return of small allotments should the approved yield only be allowed. More significantly the proprietors of the land, Oswald Park Pty Ltd, and as contained in the supporting statement by the Company, wish to not only continue their rural pursuits at Kurrajong but, to invest further moneys into the residual lands to provide a change in direction from past practices, and in accordance with

the advice of Mr Graham Richards, develop an agricultural regime for the property which has the potential for a financial return. The proposed plantings would be consistent with low impact farming methods, which are compatible with the soil types, terrain and climatic conditions of the property.

It is proposed that the concessional allotments be released on a staged basis in accordance with the "farm development".

Stage 1 would create sixteen 1 hectare allotments and one residual allotment. Stage 2 would subdivide the residual allotment such as to create three farm management lots of 0.4 hectares, 2.6 hectares and 4 hectares and a residue. As stated previously the existing dwellings are contained in the proposed 0.4 hectare and 2.6 hectare allotments.

Precedents for this form of concession have been previously established at "The Islands" and the golf course development in Comleroy Road.

Whilst the proposed agricultural development does not require high water usage, nevertheless water is required in the establishment of the development.

In this regard, the Department of Land and Water Conservation have advised of the continuation of the existing water license from the change in use and further that should supply be available due to less demand than the current quota, that no objection would be made for the difference to be applied to a non potable supply to the rural/residential component."

3. Current Zoning

The site is currently zoned Rural 1(c1) under the Hawkesbury Local Environmental Plan 1989. Under the subdivision provisions of this zoning the 49 hectare property has a 12 allotment entitlement. However due to the excision of an existing rural worker's dwelling, a 13 lot subdivision approval exists. The relevant zone objectives are as follows:

- (a) To provide for a rural/residential living style with "on-site" collection of water and disposal of waste;*
- (b) To ensure that development does not create unreasonable demands, in present or in the future, for the provision or extension of public amenities infrastructure;*
- (c) To ensure that development maintains the rural character of the locality and to minimise disturbance of the landscape through clearing, earthworks and access roads.*

The consistency of the proposal with these objectives is addressed in the following assessment section.

4. Assessment

The issues of relevance to the assessment of this proposal are the agricultural viability of the residue allotment, the impact of the development on the site of any threatened species, on-site waste disposal capability, impact on the landscape, and the precedent the proposal would create for the broader Hawkesbury Local Government area.

4.1 *Agriculture*

The applicant submits that the property is currently used for grazing and cattle stud pasture and has provided only a limited return to the owner due to the marginal agricultural capability of the land for this type of purpose. The proposed residue allotment will be used for primarily a horticulture plantation. It will be a non traditional orchard and is proposed to occupy approximately 30 hectares of the site and be comprised of olives, citrus orchard, lavender, nuts and a wood lot of furniture grade trees. The proposed plantation is based on advice that has been given from Graham Richards, Lecturer in Pomology and Plant Breeding, Curator Fruit and Nut Crops from the University of Western Sydney - Hawkesbury Campus. Mr Richards concludes that the property is capable of such plantation and agricultural use and would provide a better outcome for the property than the current grazing use.

However, the applicant has provided no information to justify the viability of such agricultural operation on this property. In this respect, if a viable economic or commercial return cannot be gained, then the property may very well become redundant once again. If Council is to pursue the rezoning of this property it will be suggested that the applicant provide some detail on the commercial viability of the agricultural residual allotment. In this respect Council needs to be assured that a genuine agricultural proposal is being made, not just a maximisation of financial return from subdivision. It will also become necessary for Council to obtain comments from the Department of Agriculture.

4.2 *Threatened Species*

The rezoning application is accompanied by a Flora and Fauna statement prepared by Blue Mountains Wilderness Services. The report states that while there are some important areas on the site in terms of habitat, especially along Little Weeny Creek. The majority of the site is highly disturbed and consequently subdivision of the site is unlikely to pose a significant impact to any threatened species. The report concludes with recommendations to minimise any impacts including revegetation programs and weed removal which would actually improve the environmental qualities of the site.

4.3 *On-Site Effluent Disposal*

The application is also accompanied by a report prepared by Toby Fiander and Associates on the feasibility of land application of waste water for the site. The consultants carried out the investigations into the site and concluded that the proposed subdivision that would result from the rezoning would result in allotment sizes that would enable waste water disposal to be feasible. The consultant report also concludes with recommendations to ensure that any potential impacts would be negated. Consequently objective (a) of the Rural 1(c1) zone can be satisfied (see Section 3 of this Report).

4.4 *Landscape Analysis*

The objectives of the Rural 1(c1) Zone include the preservation of landscape amenity. In order to address this issue the applicant has had a landscape master plan report (prepared by Edan Pty Ltd) to support the application. The report addresses the relevant issues detailed in the Our City Our Future strategy in the context of this property. It also elaborates on how the proposed development will protect and enhance the rural landscape character of the local area.

The area of the proposed subdivision has limited visual exposure from Comleroy Road, however is visually accessible from Kurrajong Heights and the Blue Mountains Escarpment. The impact from this area will be minimal and in keeping with the more intense uses on surround properties. Furthermore, the mixed rural uses of the property may even improve the visual aspect of the area.

4.5 *Location*

One problem that sometimes occurs from rural residential subdivisions is that the resulting community becomes isolated. However, this site is located in close proximity to the village of Kurrajong minimising this effect.

4.6 *Precedent*

There is nothing unique about this proposal that would set it apart from other potentially similar situations in the Hawkesbury Local Government area. Therefore it sets a precedent, although not necessarily a negative one. Furthermore it represents an ad hoc spot rezoning which has potential to produce inconsistent outcomes.

Furthermore, by not having a general provision within the Hawkesbury Local Environmental Plan 1989 to facilitate such developments, and therefore withdraw the need to process separate amendments and deal with the same debates every time such proposals are presented to Council, is actually lengthening the development approval process. Council has supported a number of one-off rezoning proposals similar in nature to this current application. Therefore it is arguable that a precedent has already been set. However, given the problems outlined above with the processing of spot rezonings, it is probably now timely to address these issues in a more holistic manner.

5. *Concessional Allotments*

There appears to have been some confusion over the difference between the concepts of “lot averaging” and “concessional allotments”. Consequently the following explanations are provided.

Lot Averaging occurs where a site is subdivided into a number of smaller lots with a large residue parcel. Under this concept the lot yield of the zone is retained, for example a site has a potential lot yield of say 6 lots and instead creating even 4 hectare lots over the site, the subdivision is condensed into 5 smaller allotments, of say 1 hectare, in one section of the property with a large residue of, 19 hectares. The residue can then be used for agricultural purposes, conservation of environmental, historical or landscape features or used for the development of some other appropriate rural use.

Concessional Allotments occur where the developer is given an additional 50% of the potential lot yield of a site in return for retaining a large residue lot for the same reasons as the lot averaging concept. For example, a landowner has a sixty hectare site with a zone that has a minimum allotment size of ten hectares. Instead of subdividing the property into six 10 hectare lots, the property is subdivided into eight 1 hectare lots and a fifty-two hectare residue lot (i.e. 9 lot subdivision where the developer is granted a concessional 3 lots which represents the 50% concession).

Appendices 1 and 2 illustrate these examples.

The lot averaging concept should apply to smaller rural lots where some flexibility is needed in the minimum lot sizes to achieve principles such as agricultural use, conservation of environmental

landscape or historic features, or the development of some other appropriate rural use. The concessional allotment concept should then apply to larger holdings where an incentive is needed to encourage the retention of large rural holdings, again for one of the rural principles.

Council is currently in the process of processing a DLEP to facilitate lot averaging and at this stage a certificate from the Department of Urban Affairs and Planning is awaited to enable its exhibition.

In order to facilitate this current proposal at “Belltrees” on Comleroy Road and similar future proposals, it is recommended that Council prepare a general amendment to its HLEP 1989 to facilitate concessional allotment proposals. In this respect the DLEP should reflect the following principles:

- C It should apply to large rural holdings of more than 40 hectares in size;
- C The subdivision should facilitate agricultural purpose or the conservation of environmental, landscape or heritage features;
- C The concessional lots should only be released after a minimum two year period from the initial subdivision proposal if Council is satisfied that a genuine progress has been made on the agricultural development of the site, or rehabilitation of those features of environmental, landscape or heritage significance;
- C The residue parcel cannot be subdivided further by way of restriction on the title.

RECOMMENDATION:

- A. That Council resolve to prepare a DLEP to amend Clause 11 of the HLEP 1989 so as to facilitate concessional lot subdivisions that are in accordance with the principles stated in this report, and to allow lot averaging to apply to smaller rural holdings.
- B. That Council advise the applicant that it supports, in principle, an eighteen lot subdivision of the subject property.
- C. That in the event a Section 65 Certificate is not received within a reasonable period for A. that a separate Section 64 submission be made for this application with the Draft LEP only to permit the concessional lots (maximum 6) in a staging equivalent to the development of the proposed agricultural activities.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 67 Oooo

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Meeting Date: 26 November, 1996

Item: **67**

ITEM: 68**EXTENSION OF HOURS APPLICATION - AMENDED
APPLICATION REQUEST - TRADING COUGAR NIGHTCLUB -
10 WEST MARKET STREET, RICHMOND****FILE NUMBER:** P2338/45 PT01/EVD/ENK26NBX.V11

REPORT:

Council at its meeting of 12 November 1996, in consideration of a request for extension of trading hours, resolved that:-

- "1. *The applicant and the Licensing Court be advised that Council raises objection to the request to extend the trading hours of Cougars Nightclub to 6.00am Monday to Sunday.*
2. *The reason being that Council is concerned with the anti-social behaviour of persons late at night leaving licensed premises in the Richmond area."*

The applicant has formally amended the application for extension of trading hours to 3.00am. The same reasons have been submitted as previously mentioned in the earlier report, (copy of previous report is attached).

The main reason being given is to seek to have the same hours as the nearby Jupiters (as 3.00am). Accordingly, both Cougars and Jupiters as nightclubs should be operating on the same hours of trading.

The applicant has also advised that the Liquor Licensing Court had previously issued a license to "Samantha's" for 3am and the only reason he is applying is for registration under his name and a "clean slate" to the previous operations.

RECOMMENDATION:

The request to 3.00am be supported for a trial period of 12 (twelve) months on the basis of another similar operation in the area. The matter would be reviewed in 12 (twelve) months to determine any public nuisance caused by the extended trading.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 68 Oooo

ITEM: 69**HAWKESBURY-NEPEAN CATCHMENT MANAGEMENT TRUST
- CONCERNS ABOUT LANDFILL OF DEMOLITION MATERIAL****FILE NUMBER:** GT070/003PT02/EVD/ENK26NBX.V06**REPORT:**

The Hawkesbury-Nepean Catchment Management Trust has commented on the recently approved landfill of demolition material on Cornwallis Road and also an application for a landfill on George Street, South Windsor. The Trust has commented as follows:-

“The Trust notes that the Council has approved an application for landfill on Cornwallis Road, Windsor, and is considering an application for a landfill on George Street, South Windsor.

Having regard to its goal of achieving a healthy, productive and diverse Hawkesbury-Nepean River System and catchment, the Trust wishes to express three issues of concern:

- 1. Applications for landfill are being made on an ad hoc basis without the benefit of a Council strategy for their location. Approval of such proposals may act as a precedent. Therefore the Trust urges Council to prepare a policy for the location and development of landfill sites and to take the long-term view having regard to the relevant provisions of Sydney REP No.20- Hawkesbury Nepean River and the draft amendments to that REP.*
- 2. The Trust considers that the location of waste landfill in the floodplains of the river and its tributary creeks, in an area subject to frequent flooding and potential erosion, is inappropriate.*
- 3. In the absence of a strategy, proposals for landfill may well limit the future best use of the land.”*

The general issue was reported to Council at the Ordinary meeting on 8 October 1996 with similar sentiments being expressed, ie, as a matter of principle it was considered that flood free land should be used in preference to flood liable land for such landfill activities.

The issue is of regional significance both in terms of waste policy and environmental considerations. The disposal and/or recycling of demolition material will be an increasingly important waste issue as landfill opportunities across Sydney diminish.

It is recommended that Council forward the correspondence from the Hawkesbury-Nepean Catchment Management Trust together with this report to the Western Sydney Region Waste Board seeking their views on a proposed prohibition in Council's local environmental plan on the disposal of demolition material on flood liable land.

RECOMMENDATION:

1. That Council forward the correspondence from the Hawkesbury-Nepean Catchment Management Trust together with this report to the Western Sydney Region Waste Board seeking their views on a proposed prohibition in Council's local environmental plan on the disposal of demolition material on flood liable land.
2. That the Hawkesbury-Nepean Catchment Management Trust be advised of the above action.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 69 Oooo

ITEM: 70 **VINEYARD DEVELOPMENT STRATEGY****FILE NUMBER:** LEP017/96PT03/EVD/ENK26NBX.V09**REPORT:**

At Council's meeting on 13 August 1996 it was resolved that:

- “1. Council write and make representations to the Minister and Director for Urban Affairs and Planning to have the Vineyard area and relevant areas in the Blacktown City Council Local Government Area declared as areas under investigation on the Urban Development Program.
2. Council write to Blacktown City Council inviting them to make a joint representation to the Minister and Director in accordance with 1 above.
3. Negotiations continue with Sydney Water to find a solution to providing reticulated water to the area.”

There have also been discussions and correspondence with Blacktown City Council seeking its support for Hawkesbury City Council's investigations and the supply of cadastral maps for the area and other relevant property information at no cost. Blacktown City Council has also been invited to participate on a Steering Committee which would meet on a regular basis, perhaps monthly.

The support of the City of Blacktown to investigations by the City of Hawkesbury is essential given that the major part of the likely development area is within the City of Blacktown.

Blacktown City Council has now responded as follows:

“ I refer to your letter of 14 October 1996 in relation to the possible release of the Vineyard area for urban development.

As you are aware, this Council has sought the release of land in the Riverstone/Vineyard/ Marsden Park areas over a number of years, via submissions to successive State Governments.

Whilst Council's requests have yet to achieve the release of the land, Council has recently been advised that the Department of Urban Affairs and Planning is now assessing future options for the land in light of the Mitchell McCotter report and Angliss proposals.

In Council's view, it is essential that such work be conducted by DUAP in view of the major regional environmental planning implications the future of this land has. The co-ordination of such work is clearly desirable in order to avoid duplication of effort.

Accordingly, it is suggested that DUAP be approached in the first instance in order to co-ordinate work on this issue.”

If both the Cities of Blacktown and Hawkesbury are keen to pursue the release of the Vineyard area for urban development, it is not agreed that the Department of Urban Affairs and Planning should necessarily conduct and co-ordinate the needed investigations. The second paragraph of the correspondence from Blacktown City Council admits as much in relating its lack of success in promoting the release of the area over a number of years and with successive State Governments.

As it stands, Hawkesbury City Council has been unable to obtain any cadastral and property information from Blacktown City Council for that part of the Vineyard area within its LGA. Without that information it is impossible to undertake any investigation of servicing or financing for a possible release of the whole area for urban development.

Nevertheless, the Department of Urban Affairs and Planning has been approached and reminded of Councils' interest in the release of the land and an offer has been made to them to the effect that Hawkesbury City Council is willing to provide any necessary assistance in furthering the investigations of service provision and also the financing of the development.

RECOMMENDATION:

1. That the property owners in the area be advised of the lack of progress in furthering the investigations and that Council has approached the Department of Urban Affairs and Planning offering assistance in furthering the investigations into servicing and financing the development of the area.
2. Following advice from the Department of Urban Affairs and Planning about its progress with investigations into the release of the Vineyard area for urban development that Blacktown City Council be again approached to provide support for Council's proposed investigations

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 70 Oooo

ITEM: 71 RESIDENTIAL DEVELOPMENT - VERMONT AREA**FILE NUMBER:** LEP012/95PT01/EVD/ENK26NBX.V07**REPORT:**

At its Ordinary meeting on 12 November 1996 Council resolved that this matter be deferred to this meeting *“and that all property owners be notified of the event to give them the opportunity to come and address the Committee, if they so wish, and also notification to the Pitt Town Progress Association.”*

The property owners within the Vermont area and the Pitt Town Progress Association have been written to and invitation extended to them to attend this meeting and address the Committee.

The report to the previous meeting is reproduced below:

Background

At its meeting of 13 February 1996, Council resolved to request that the Department of Urban Affairs and Planning (DAP) give final approval for a rezoning for rural residential development in the Vermont area. On a Notice of Motion from Councillor Books, it was also resolved further that investigations be undertaken into the possibility for urban development in the area from "Fernadell Orchard to Clary's property in Hall Street.

1. Location and Site Description

The area subject to these investigations is generally bounded by Buckingham Street, Bathurst Street and Hall Street in the Vermont area and is shown Appendix 1. The area is generally flat, being located on an elevated plateau above the floodplain and is, therefore, not subject to flooding. The area is relatively clear of natural vegetation and contains a number of horticultural activities including Fernadell Orchard. There is an area of some ha which would have the potential for up to 2,000 house sites if urban development was to proceed.

2. Planning Assessment

Preliminary investigations have identified a number of problems for the release of this area for urban development. These are discussed below.

3.1 Provision of Water and Sewer

There is insufficient capacity in both the water and sewerage systems to cater for development of this area. Any development would require significant amplifications to both the trunk and treatment systems which could prove cost prohibitive. If Council was to pursue rezoning of the area it would have to commit funds towards the necessary investigations.

3.2 Agricultural Impacts

The land is classified as prime agricultural land being under classes 2 and 3. The area is also a significant orcharding area. Although some of the orcharding operations appear to have been abandoned, the area would still be suitable for a range of other horticultural uses.

The fragmentation and pressure for urban encroachment into such areas is something Council should strongly resist. Furthermore, if Council is to pursue policies aimed at conserving the local agricultural industry, it should consider adopting a policy not to rezone prime agricultural land for higher density subdivision. Those who have seen Dr Kelleher from the University of Western Sydney - Hawkesbury presentation on the Rural Land Use Study he is undertaking, should appreciate this. Prime agricultural land should, therefore, be considered a constraint to rural residential and urban development in the Hawkesbury.

3.3 Pitt Town

If Council were to pursue a rezoning in this area for an additional 2,000 house sites, it would have a significant impact on the character of Pitt Town. Pitt Town has a distinctive village atmosphere and along with heritage significance provides its residents with a unique sense of place. It is, therefore, unlikely that the residents of this area would be supportive of such a plan.

4. Conclusion

Given the issues raised in this report, it is recommended that Council not proceed with any action for urban development of this area. Furthermore, it is recommended that Council give an indication of its strong support for the agricultural industry by considering prime agricultural land as a constraint to rural residential and urban development and not support any rezoning in such areas until the Hawkesbury Sustainable Development Strategy is completed.

Should Council seek to pursue urban development of this area it must first request that the State Government place the area on the urban development program. This would require significant investigations to justify. Given the problems with this area, and the fact Council is already trying to have the Vineyard area placed on the program with significant difficulty, it is considered that such an attempt would be unsuccessful.

RECOMMENDATION:

That Council not pursue urban development of the Vermont area as the rezoning would affect prime agricultural land and there is insufficient capacity for servicing.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 71 Oooo

ENVIRONMENT

Meeting Date: 26 November, 1996

Item: **72****ITEM: 72 DUAL OCCUPANCY DEVELOPMENT WITHIN HAWKESBURY CITY AREA****FILE NUMBER:** GT125/001 PT2/EVD/ENK26NBX.V10**REPORT:**

The purpose of this report is to investigate dual occupancy development within the Hawkesbury City area and examine whether dual occupancy development has been concentrated in one locality.

Dual occupancy development is permissible in the Residential zones of 2(a), 2(a1) and 2(c) of HLEP 1989. Council has a Dual Occupancy/Duplex Housing Development Control Plan which was adopted on 12 March 1991. Under the controls of the Development Control Plan the minimum allotment size for an *attached* dual occupancy is 400m² and a *detached* dual occupancy is 600m².

The following table is the number of dual occupancies approved between 1 January 1995 and 15 November 1996, with reference to their locality.

No. of Dual Occupancies Approved Between 01/01/95 - 15/11/96			
Bilpin	2	Oakville	1
Bligh Park	6	Pitt Town	1
East Kurrajong	2	Richmond	7
Ebenezer	2	South Windsor	3
Glossodia	1	Vineyard	2
Grose Vale	1	Wilberforce	3
Kurmond	1	Windsor	7
Kurrajong	2	Windsor Downs	3
McGraths Hill	3	North Richmond	8
TOTAL		55	

It is noted that the majority of approvals have been within the main towns of North Richmond, Richmond and Windsor. It is also noted that 6 applications have been approved in Bligh Park, which equates to approximately 11% of the approvals. This figure is not considered to be high given the availability of vacant land that exists for dual occupancy development in Bligh Park.

From the dual occupancy applications a total of 23 submissions were received pertaining to these applications. This figure is not considered to be high given that the period of approximately 2 years for the number of applications.

A search of Council's applications has also revealed that there were 77 dual occupancy applications over this same time period. As such some 22 applications have either been refused, withdrawn or not processed.

Overall, the number of approvals is not considered high given that the number of development applications is approximately 300 each year.

In conclusion, Council is currently undertaking a strategic review of its Housing Policy as required by the State Government. The Residential Strategy involves investigation of land audit, vacant land, development trends and population demographics. Investigation into housing choice and types of controls will also form the basis of a Residential Housing Development Control Plan.

It is recommended that the present Dual Occupancy Controls remain and form part of the strategic review of residential housing currently being investigated.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 72 Oooo

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Item: 73

ITEM: 73 **SAND EXTRACTION - LOT 2 DP 628806 - NO 6102 SINGLETON ROAD, COLO HEIGHTS**

FILE NUMBER: DA134/95/EVD/ENK26NBX.V08

Applicant: Birdon Contracting Pty Ltd
Applicants Rep: David Wilson
Owner: Thomas L Bruce
Stat. Provisions: Hawkesbury LEP 1989, EPA Regulations 1994 - Designated Development
Area: 90 Hectares
Zone: Rural 1(a)
Advertising: Proposal exhibited from 22/11/95 to 12/1/96 - adjoining owners were notified and Government Agencies
Date Received: 14 June 1995

Key Issues: Acceptable finished landform
 Sediment and erosion controls
 Impacts on groundwater and natural watercourse
 Revegetation and rehabilitation plans
 Impacts on Yengo and Wollemi National Parks

Action: Staged approval subject to suitable rehabilitation and revegetation over the next two years.

REPORT:

Proposal

Extractive Industry "Sand Mining"

- Proposed 50,000 tonnes up to 100,000 tonnes annually.
- Lifespan of 25 years.
- Truck movements of 8 up to 16 (two-way) daily.
- Final landform being rural grazing and large lake.
- Extraction relates to rear portion of land only.

Site Description

The existing "Tinda Park" Sand Mining site is located on 90 hectares of land identified as Lot 2 in DP 628806, being No. 6102 Singleton Road (Putty Road), Colo Heights. The area of the site identified for sand mining purposes is located in the eastern portion of the land, adjacent to an existing electricity transmission easement, and occupies 18 hectares of the site.

The site is bounded by Singleton Road to the west, National Park to the east and existing rural holdings to the north and south. The local rural land use is predominantly for grazing purposes and the western portion of the subject land continues to be utilised for this purpose.

The area identified for sand mining has been extensively disturbed, with the total area apparently used at various stages in the past for mining. The resultant landform is of dams and sedimentation ponds with on-going sand mining.

Site History

In 1986 Council, approved development for the purpose of creating a dam at “Tinda Park”. In this instance the Dam has not been completed although some water bodies have been formed, and the extraction of the sand in forming the dam has become the owner’s priority.

It is evident that the sale of sand is more financially viable than agricultural pursuits (grazing) in this locality. The land would typically be classified as Class 5 Agricultural Land with little or no agricultural potential. Hence, the current lease operator, Burdon Contracting Pty Ltd, now seeks to formalise the activity through the Designated Development process.

Proposed Development

To formalise an existing sand mining operation and to intensify the activity to cater for current demand/markets. The applicant has not provided recent figures for mining of the site, being annual tonnage.

It is projected that the mine will have a lifespan of 25 years and produce 2,000,000 tonnes, at a rate of 50,000 per year initially and increasing to 100,000 tonnes maximum. This equates to daily production rates of between 200-400 tonnes, requiring 16-32 truck movements daily.

It is to operate from 7.00am to 5.00pm Monday to Friday only. The site currently employs 6-10 persons and this will increase by an additional five (5) persons when production increases to 100,000 tonnes annually.

The sand mine is located some 104 kilometres south of Singleton and 67 kilometres north of Windsor. Truck haulage is estimated to be 60% south to Western Sydney and 40% north towards the Hunter Valley.

The operation of the sand mine is to be in 4 stages with the final finished landform being a large lake some 15 hectares in area with a maximum depth of 12m at high water level.

Statutory Considerations

The subject site is zoned Rural 1(a) under the Hawkesbury LEP 1989. Extractive Industries are permissible with Council Consent.

Sydney REP No. 20 - Hawkesbury-Nepean River deals generally with the issue of Extractive Industries and, more particularly, with extractions in close proximity to the River. The proposal is on the upper reaches of Tinda Creek and proposes a generally closed system, involving diversion drainage channels and sedimentation ponds. The site has the capability of retaining the majority of spoil within the

development area, provided adequate revegetation programs are implemented and should pose minimal risks to downstream water quality.

Advertising/Notification

Adjoining owners, occupiers and relevant public authorities were initially notified of the development application/EIS and renotified following subsequent amendments to the EIS. A notice was placed on the property and notification was given in the Sydney Morning Herald (22 November - 12 January 1995 and 26 June - 27 July 1996) and the Hawkesbury Gazette (22 November - 12 January 1995 and 26 June - 27 July 1996).

At the close of these periods a total of 21 individual or authority submissions were received. A summary list of these submissions issues and listing of the submitter is annexed to this report.

The Public Authority issues will be discussed in detail as follows whilst issues raised by residents will be considered as part of the "Planning Considerations" section of this report.

Public Authorities' Comments (Council comments in brackets)Sydney Regional Development Advisory Committee

This Committee considered the regional traffic implications of the development and recommended the following:

1. The access road shoulder should be widened at the intersection with Putty Road; and
2. Use of warning signs 200 metres north and south of this intersection to advise "Trucks Existing/Entering Side Road".

(The applicant accepts these recommendations and has submitted formal plans for the road shoulder widening.)

Transgrid

Raised no objections subject to compliance with transmission easement restrictions.

Singleton Shire Council

Raised no objections subject to the developer paying suitable Section 94 contributions for road maintenance.

Department of Land and Water Conservation

Made two submissions and a number of matters raised have been subsequently addressed. In essence, the issues outstanding are:

1. Sediment basin is required to be appropriately designed (this basin is in effect existing);
2. Drainage channel should be fertilized and seeded prior to laying jute mesh or bitumen emulsion (possible condition of consent);

3. Revegetation should include mixed seeding for short-medium term soil stability and straw mulch should be fixed to ground with slow breaking anionic bitumen emulsion (possible condition of consent).

Environment Protection Authority of NSW

Made two submissions and comments are as follows:

1. A "Closed Water System" is required to reduce pollution and a license to discharge waste water is required (condition of consent);
2. Dust Controls - Roads to be dampened and trucks covered (condition of consent);
3. Possible noise, groundwater and effluent disposal concerns (these issues to be addressed elsewhere in report);
4. Stormwater diversion channels should be protected and stabilised with endemic plant species (condition of consent).

Department of Mineral Resources

General letter of support.

Department of Agriculture

No objections as does not reduce available prime agriculture land.

National Parks and Wildlife Service

1. Concern raised at potential pollution/erosion/sedimentation problems for Tinda Creek, which drains to the Colo River via the Wollemi National Park. (The current operation causes such concerns and the proposed development, if suitably controlled

environmentally, may reduce these impacts. The concept now before Council is proposed to be a Closed Water System and this should maintain or improve water quality emanating from this locality. Suitable conditions of consent may resolve these concerns of the Service);

2. Recommended that a qualified Bush Regenerator be engaged to specify and supervise all revegetation works (conditions of consent);
3. Detailed monitoring of ground and creek water quality should be required along with a contingency plan should Water Quality Control measures fail (conditions of consent);
4. a professional archaeological survey being carried out for the site by a qualified person to assess the sites Aboriginal Heritage (condition of consent);

5. Recommended that approval be based on a staged development approach to ensure the adequacy of environmental safeguards and suitable site rehabilitation (conditions of consent).

Hawkesbury-Nepean Catchment Management Trust

1. Excavations should be a minimum of 20 metres from the northern and western boundaries to protect the natural swamp (condition of consent);
2. Stormwater drainage channels should not exceed 1:3 bank slopes and be stabilised (condition of consent as part of Stage 1);
3. Perimeter mounding should be stabilised via intensive planting (condition of consent as part of Stage 1);
4. Any sand stockpiles shall be protected by bund and drainage water directed to sediment pond (condition of consent Stage 1);
5. Formulation of a site environmental management plan (condition of consent Stage 1).

Department of Urban Affairs and Planning

The Department has advised that this matter is appropriate for determination by Council in conjunction with advice received by CALM and NPWS in formulating conditions of consent.

Environment and Development Referrals:

Building and Development, Environment and Waste and Engineering conditions of consent are included in the recommendations of this report.

Planning Assessment and Section 90 Considerations

Various issues were raised by local residents and Action Groups during public notification, some of which have been addressed via the Government Authority submissions. Those issues remaining to be discussed, and relevant heads of consideration under Section 90 of the Environmental Planning and Assessment Act 1979, are addressed as follows:

Section 90 (1)(b) Alleviation of Impact of Development on Environment

Many of the issues have been addressed as part of Government Authority submissions, however in summary it is recommended that any conditional approval by Council should be subject to the following control measures:

1. A Ground and Stream Water Quality Monitor program to ensure that the proposal does not adversely affect water quality and to enable early remediation measures to be implemented if required;
2. A Sedimentation and Erosion Control Plan be implemented and monitored to ensure the works do not pollute the water system;

3. A Revegetation and Rehabilitation Plan to stage and monitor the revitalisation of this disturbed site, incorporating the services of a suitably qualified Bush Regenerator;
4. A Site Environmental Management Plan being prepared to plan for materials management, dust suppression, daily operating procedures and emergency contingency plans;

The control plans and how they are administered during Stage 1 of the development will partially determine whether future stages of the development may proceed.

Section 90 (1)(c) Effect on Landscape or Scenic Quality of Locality

The site is currently extensively disturbed from past sandmining/dam construction works and no additional portion of the site is to be disturbed. The area fronting Putty Road remains agricultural in nature.

The sandmining activity is not visible from the Putty Road.

Section 90 (1)(c2) & (c3) Effect on a "Critical Habitat" or Endangered Species

Council has not been made aware of a "Critical Habitat" which will be affected by the proposal. No endangered species were recorded on the site.

Section 90(1)(c4) Any Recovery or Abatement Plan

The applicant has submitted a site Regenerative Plan and intends to proceed on the basis of this plan. The plan has been considered by Officers of CALM and HNCMT who have raised concerns at the lack of monitoring of control measures. It is proposed to conditionally require that a suitable monitoring plan be implemented.

Section 90 (1)(d) Social and Economic Effect in Locality

The locality is predominantly rural in nature with Wollemi National Park as a backdrop. The development is unlikely to adversely effect the social amenity of the locality as there are only few residences. The development will, however, increase heavy vehicle movements along Putty Road which has traditionally been a major concern for residents. Putty Road, however, is a main road suitable for traffic of this nature. Clearly any economic benefit resulting from this proposal is less likely to be utilised in the local area but will be a benefit to the State economy generally.

The major local benefit socially and economically will be the finished landform of a dam which can be beneficial to surrounding properties and fauna/flora habitat.

Section 90 (1)(f) Siting of Buildings

The majority of buildings/machinery associated with the mine are to be located within the confines of the existing worked area and will generally not be visible from public ways.

Section 90 (1)(g) Subject to Flooding

The site is subject to low velocity flood flows during peak rainfalls, the majority of which will be channelled around the site. The remainder may enter the work site and pass through the sedimentation control ponds mechanism. The erosion controls implemented, as suggested, should reduce concerns of any downstream pollution occurring.

Section 90 (1)(j) Traffic Generation

The applicant has assessed traffic generation on the basis of likely haulage tonnes. Various objections have been raised to the increase in heavy traffic usage of Putty Road due to the past traffic history of the road. A summary of likely truck generation, excluding the 6-10 worker vehicles as some will reside on site, is tabled as follows:

Tonnage per Annum	Truck Loads Daily	Truck Movements Daily
50,000	8	16
100,000	16	32

Note: Tonnage equates to 50 work weeks and 5 day weeks = 200 tonnes.

Truck loads equates to 25 tonnes (conservative) per trip

Truck movements equates to Empty Truck In/Loaded Truck Out.

The applicant contends that these figures equate to only a 1% increase in overall traffic on Putty Road and approximately 4% of all heavy vehicle movements. This is a relatively low figure for change of land use to an established road system.

As previously stated, Putty Road is a main road and has the capability and capacity to cater for this increase in traffic. Safety concerns raised by residents over the increased heavy traffic usage historically would have basis, however the amount of heavy traffic has significantly reduced in recent times. Hence the same level of concern cannot be related to this particular development, although it is acknowledged that heavy traffic would increase. This alone is not an adequate basis for refusal of a proposal.

The increase in heavy vehicle movement along Putty Road should not adversely affect the movement of vehicles along Putty Road. This opinion would partly be supported by the Sydney Regional Advisory Committee's comments which did not raise this as an issue of concern.

Section 90(1)(m1) Soil Erosion

The site involves the removal of topsoil, stockpiling and sand mining and hence soil erosion may occur. Various authorities have commented on the proposal and consequently conditions of consent are proposed to minimise erosion concerns. They include:

- Preparation of a Sedimentation and Erosion Management Plan;
- Seeding and stabilising drainage channels, banks and mounds;
- Creating the work site as a "closed system"; and
- Preparation of a Regeneration/Revegetation Plan.

It is believed that these procedures shall be adequate to contain any soil erosion concerns. They will assist in the rectification of erosion/sedimentation problems associated with the previous activities which had taken place on the site, and continue to do so.

These conditions of consent reflect Government Authority recommendations, in particular the Department of Land and Water Conservation and National Parks and Wildlife Service.

Section 90 (1)(h) Public Authority Submissions

These submissions were addressed earlier in this report.

<u>Section 90 (1)(o)</u>	Amenity of the neighbourhood;
<u>Section 90 (1)(q)</u>	Circumstances of Case;
<u>Section 90 (1)(r)</u>	Public Interest;
<u>Section 90(1)(p)</u>	Public Submissions.

Other matters relevant to consideration of this designated development include:

Noise Generation

The applicant has had sound tests carried out on the existing machinery utilised on site, and tabulated these on pages 24-25 of the EIS. These readings indicate that at the boundaries there will be minimal disturbance with readings of only 50dB(A). These noise levels can be further reduced by the retention of machinery in the lower work areas. It is unlikely that the developer can achieve the existing rural background noise levels of 36-42 dB(A) although they will not be significantly louder and should be lower actually at the residential buildings.

A major concern for residents is the early hour commencement of operations. Opening at 7.00am would result in trucks arriving prior to 7.00am to pre-empt the opening. It should be required as a condition of consent that no vehicles should attend the site prior to the 7.00am opening or exit after 5.00pm.

Sewer and Water Servicing

The site is well catered for with water, as a large existing dam and sedimentation ponds are established on site. This water is suitable for use for irrigation and dust control measures. Drinking water is currently provided by tank rainwater from the existing house tank. This would appear to be adequate to cater for daily needs of the 6-15 employees.

Sewer servicing is also via the existing house accommodation on site and this should be adequate to cater for the 6-15 employees, which in essence is no more than could be reasonably expected for a large residence.

Should employment numbers increase this may require separate consideration by Council.

Dust Control

The site is generally open to the elements and hence dust control measures should be implemented.

Recommended methods of dust control for developments of this nature include:

1. Stabilising topsoil stockpiles (14 days or older) by grass seeding;
2. All stockpiles treated by way of diversion channels and screen filters;
3. All unsealed roads being regularly dampened; and
4. All trucks being covered to reduce dust emissions.

These control measures are considered to be appropriate and are recommended for inclusion as conditions of consent should Council determine to approve the proposal.

Illegality of Previous Use

Concerns were raised that this activity should not be legalised as it results from an “illegal” sandmining operation. It is noted that the previous approved use for this portion of “Tinda Park” was the creation of a farm dam and for the extraction of sand and transportation of the extracted material from the site. The dam has not been constructed but extractive works have been undertaken. An extension of this extractive works was also approved for a two-year period in 1989.

The site is now in a poor state of repair due to the manner in which it has been managed previously and now requires substantial works to rectify. The proposed use is also a permissible use within the Rural 1(a) zone subject to Council consent. Notwithstanding that the current activities have escalated beyond that which may have been approved it is now of priority that restoration/revegetation works be undertaken on the site. Any approval that may be granted by Council would be on the basis that the applicant has prepared a satisfactory Environmental Impact Statement with the Development Application. Subject to certain prescriptive conditions of consent, this is the case.

Recent Development Refusals

Reference is made to various decisions by Council, including the recent Mushroom Composting Development, which were refused on environmental grounds. Certainly the subject proposal does raise environmental issues, which may be controlled via various measures, but it also relates to a site which is currently significantly disturbed and a threat to the environment. This application is clearly different, being an application dealing with a new development on a site and has been assessed in this manner.

Finished Landform

The proposal is to form the mined area into a lake with a depth of between 9 and 12 metres, depending on seasons. Initially such a lake was considered excessive, however, when viewed on site this option was considered a reasonable response to the existing disturbed landform situation. The lake area would represent only approximately 15% of the site area of Tinda Park with the remaining area continuing to be for grazing purposes.

The water bodies currently on site do attract birdlife and the finished regenerated lake system may provide some benefit to birdlife and fauna in the locality. Further, the establishment of the lake will provide some relief for properties in this locality during droughts or bushfire periods.

The final lake form is now considered to be acceptable.

Staged Development

The applicant has indicated that the proposal will be carried out in four stages (basically each quarter of the area). In recognition of concerns raised by residents and Government Agencies as to the potential for the development to pollute, it is recommended that only a staged development consent under Section 91AB of the EPA Act 1979 be permitted.

Any stage after stage 1 should only be permitted where the developer can illustrate that revegetation/rehabilitation is taking place in accordance with the approved Plan and within an acceptable time frame.

RECOMMENDATION:

It is recommended to Council that a staged development consent be permitted for Development Application number 134/95 for a Sand Mining Extractive Industry on Lot 2 in DP 628806, No. 6102 Singleton Road, Colo Heights, subject to the following:

- A. Pursuant to Section 91AB(1) of the Environmental Planning and Assessment Act 1979, consent is granted for Stage 1 of the Sand Mining proposal as identified in Figure 7.5 (Job No. P591/E130) of the Environmental Impact Statement, subject to the following conditions:

General Conditions for Extractive Industry

1. The development shall be carried out in accordance with Plan No. PS91/E130, dated April 1996 and documentation of Environmental Impact Statement dated 1 November 1995 as amended.
2. The area to be used being limited to the area shown on the submitted plans.
3. The development approval being limited to a period of two years. Subsequent stages will require formal submission, under Section "B" of this consent, to Council and supported by evidence that the operation has complied with the conditions of the Stage 1 consent.
4. Erosion and sedimentation control devices shall be installed and maintained during construction and on-going operations. Details shall be submitted and approved prior to any works commencing.
5. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.
6. All trucks arriving or leaving the site shall have their loads/trays suitably covered to prevent spillage from the truck onto the road.

7. Council reserves the right to impose a condition to have a mechanism installed whereby wheels of trucks leaving the site are washed to minimise dust and debris being deposited on roads, however, it shall monitor the operation for 3 (three) months without such a facility to ascertain whether such is required.
8. Payment to Council of a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979, towards the maintenance of roads based on 3 per tonne per kilometre of all material transported to the site. The contribution shall be paid prior to the commencement of any works and shall remain fixed for a period of 3 (three) months from the date of this consent, after which time it will be reassessed at the rate applicable at the time of payment.
9. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
10. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse.
11. Submission of a building application, plans and specifications complying with the Building Code of Australia for any future building construction.
12. 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.
13. 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.
14. Operating hours shall be limited to 7.00am to 5.00pm Mondays to Fridays and 7.00am to 1.00pm Saturdays. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.
15. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
16. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
17. An ambient water quality analysis is to be carried out in accordance with the Australian Water Quality Guidelines for Fresh and Marine Waters - "Protection of Aquatic Ecosystems", and submitted to Council.
18. No fertilizers or pesticides are to be used without prior consultation with Council.
19. Maximum number of on-site employees, other than employees/contractors involved in

truck haulage, shall be restricted to fifteen (15). Any increase in employment would require reassessment of the adequacy of on-site facilities for sewerage, water, carparking and the like.

20. All road and driveway surfaces shall be regularly watered to dampen the surface in order to reduce dust generation.

Conditions to be completed Under Stage 1

21. Local grass seeds shall be collected from surrounding area to be used as part of the revegetation program.
22. The intersection of the existing driveway and Putty road shall be upgraded generally in accordance with the amended plan No. PS91/E130 (1 of 3) dated April 1996. All works to be carried out to the requirements of an under the supervision of the RTA and any fees, securities or contributions paid.
23. Proposed and existing drainage channels shall be seeded and fertilized prior to Jute, Mesh and Bitumen emulsion being laid. All drainage channels shall be constructed to an even grade to avoid turbulence and scouring.
24. Revegetation Plan shall include the use of seed mixes (including endemic plant material) which reflect the changing seasons and provide short to medium term soil stability. Native grasses should be used as a supplementary secondary stabiliser.
25. Straw mulch shall be fixed to the surface through the application of a slow breaking anionic bitumen emulsion.
26. Banks of the diversion drainage channel and perimeter mounding shall not exceed a slope of 1:3.
27. Perimeter mounding shall be stabilised by intensive fast growing plantings.
28. The batter of the ponds and dam shall not exceed a slope of 1:3.
29. A site environmental management plan shall be prepared within six (6) months of the date of this approval to address:
 - a. On-site materials management;
 - b. Daily operating procedures;
 - c. Erosion and sediment controls;
 - d. Emergency contingency plans;
 - e. On-site drainage processes to ensure water quality.
30. A professional archaeological survey being carried out for the site by a suitably qualified person to particularly assess the site's Aboriginal Heritage potential.
31. A qualified Bush Regenerator shall be engaged to specify and supervise all revegetation works.

32. Submission of details on a monitoring program for ground and creek water quality and a contingency plan should the proposed water quality controls fail.
33. Any soil or sand stockpiles should be treated as follows:
 - a. All stockpiles should be catered for with diversion banks and screen filters;
 - b. Topsoil stockpiles (14 days or older) must be grass seeded.
34. All general stormwater shall be diverted around the work site other than any controlled inflow to maintain water levels within the work site.
35. All water falling on or contained within the work site shall be retained within the work site and not permitted to leave the site otherwise in accordance with a license issued by the EPA.
36. The erection of truck warning signs with distance plates located 200m on approved sites to the access to the development.

B. 'Deferred Commencement' approval under Section 91AA of the Environmental Planning and Assessment Act 1979 to stages 2, 3 and 4 of the sandmining operation, subject to:

1. Compliance with the "General Conditions for Extractive Industries" provided as part of this approval.
2. Completion of the "Conditions to be Completed as Stage 1" provided as part of this approval.
3. The Sand Extraction not exceeding a yield of 100,000 tonnes per year.
4. The sand mining operation shall cease upon extraction achieving 2,000,000 tonnes or a period of 25 years expires.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 73 Oooo

ENVIRONMENT

Meeting Date: 26 November, 1996

Item: 74

ITEM: 74 **723-727 GEORGE STREET, SOUTH WINDSOR, DESIGNATED DEVELOPMENT APPLICATION - WASTE MANAGEMENT FACILITY (LANDFILL)**

FILE NUMBER: DA194/96/EVD/ENK26NBX.V13

Applicant: Bowdens on behalf of Mr Keith Willoughby

Applicants Rep:

Owner: Mr H and Mrs K Kourkoutis
Waycorp Pty Ltd
Mr J Tanti

Stat. Provisions: HLEP 1989

Area: 8.3 ha

Zone: Rural 1(c)

Advertising: Adjoining owners and relevant public authorities notified

Date Received: DA received 20 August 1996

Key Issues: location
proximity to environmentally sensitive area of Rickaby's Creek
change in flood levels
flooding affectation of subject land
cumulative effect of development on flood levels and Rickaby's Creek surface water management
precautionary principle
changes to natural landscape

Action: Refusal

REPORT:

History

On 22 August 1995 the General Purpose Committee considered a development application (DA224/94) for landfill on 721-731 George Street, South Windsor.

The recommendation of the report was that the application be refused for the following reasons:

- C the land, even after filling, will not be capable of being developed with buildings in accordance with Hawkesbury LEP 1989
- C the filling could have an impact on the flood velocities of Rickaby's Creek
- C the previous land fill operation carried out by the applicant's client was inappropriate in terms of its overall management, material in the landfill and general compliance with Council requirement
- C impact on localised drainage

C appearance of the development

The Committee resolved to support the application in principle subject to an Environmental Impact Statement (EIS).

On 20 August 1996 Council received a “designated development” application with associated EIS for land contour alterations and landfill at 723-727 George Street, South Windsor.

The Site

The site is located on the western side of George Street about 500m north of the Blacktown/Richmond Road and has an area of 8.3 hectares. It has an eastern frontage of 142.54m to George Street; and irregular western boundary to Rickaby’s Creek; a northern boundary of 456.3m and a southern boundary of 400.6m.

The land is zoned Rural 1(c) under HLEP 1989. Filling of land is permitted within this zone subject to Council consent.

The entire site is low lying situated between the 8m and 13m AHD contour falling away from George Street westerly towards Rickaby’s Creek in a relatively even plain. A single residence is located on each property.

The Hawkesbury Nepean Flood Study conducted for the Water Board records the following flood levels for the area:

Flood Frequency	Flood Height (m)
1:100	17.3
1:50	15.8
1:20	13.7
1:10	12.4
1:5	11.3

The flood height standard for the area is 16m AHD.

The site is extensively disturbed from ploughing, clearing, previous dumping and localised land filling. The site also has substantial weed infestation. The EIS states that the soil composition of the site comprises Berkshire Park soils towards to George Street the frontage and South Creek soil towards Rickaby’s Creek. Berkshire Park soil is generally moderately to highly acidic and presents a soil and wind erosion hazard. South Creek soil is generally moderately acidic and presents a water erosion hazard.

The Proposal

The applicant states that the single purpose of the proposal is to raise the level of the land over the site to a height compatible with the existing approved works on the adjacent land in order to achieve capital and environmental improvement.

The landfill operation will cover an area of approximately 5ha and consist of 31 landfill cells measuring approximately 70m long X 20m wide X 2.5m deep. The total amount of landfill will be approximately 110,000m³ and only material compatible with the EPA's Guidelines for Landfill Operations will be allowed to be placed on the site. The filling is proposed to start approximately 70m from the George Street frontage and progress down the site finishing approximately 50m from Rickaby's Creek.

In addition to the landfill, the applicant also proposes the storage of non-putrescible green waste for shredding and use as mulch. The applicant states that the mulch would then be used in either site rehabilitation works or sold to the landscape supplier to recover the cost of separation and recycling. The schematic layout plan in the EIS shows the green waste stockpile and shredding area on the adjacent property known as 729 George Street, South Windsor approximately 100m from Rickaby's Creek. It should be noted that the applicant's client operates a landscape supply business on this land and hence the landfill operation could be seen, in part, as an extension of the landscape supply business. The applicant has not provided any information about the amount of green waste to be stored on 729 George Street. Council should be aware that this activity would require separate development application and may, depending on the amount of material, be defined as "designated development" and require a EIS to be undertaken.

Access to the site is to be via the entry/exist point on the adjacent property 729 George Street. The total number of anticipated vehicle movements per day is relatively low, being 20 truck movements per day with a peak of 3 vehicles per hour.

Dust control will be by way of spraying down the exposed surfaces with water recycled from the two (2) existing dams and from the sedimentation pond to be constructed.

The EIS states that on completion of the landfill the local catchment flood waters may rise by around 60mm in the vicinity of the landfill site in the 1% AEP event. The applicant has not provided data relating the cumulative effect of similar landfill operations on other properties adjoining Rickaby's Creek.

Justification of the Proposal

The applicant has provided the following justification for the proposed activity:

"The existing amenity of the neighbourhood is degraded by the present state and value of the land. The future amenity of the neighbourhood will benefit from the improved aesthetic nature of the locality, the improvement in drainage, the improved and extended flood free levels. The final result will be an improved landscape with improved visual and environmental qualities having an improved capital value and where the frequency of flooding will be reduced."

"The proposal will not affect the condition of any natural waterbodies. The land raising operation is restricted to areas well clear of Rickaby's Creek and its associated wetlands as setdown by compliance with requirements of legislation and relevant local government and State Government agencies. The various reports on environmental assessment and technical assessment all confirm that no impact is likely to occur on the Creek and Wetlands systems as a result of this project."

"An existing approved landfill operation is being conducted on the adjacent Lot 2 DP 719658 [No. 729] George Street, South Windsor. This operation was approved in October 1992 and the work is

nearing completion. The existing operation carries a current EPA licence to operate as a landfill depot”

“Priority environmental issues have been identified and addressed in detail. There are no adverse environmental impacts to report. Flora/Fauna and archaeological impacts are also negligible. In relation to the overall site environmental state, the project will improve both the visual and actual environmental value of the area by rehabilitation with endemic flora. The Rickaby’s Creek riparian regime will not be impacted upon in any way.”

Exhibition of EIS

The application was publicly exhibited from 17 September to 21 October 1996. No objections were received.

The application was also referred to the following public authorities:

- C Hawkesbury Nepean Catchment Management Trust
- C Land and Water Conservation
- C Environment Protection Agency
- C NSW Fisheries
- C Sydney Water
- C NSW Agriculture
- C Roads and Traffic Authority
- C National Parks and Wildlife Service

Summary of Public Authorities responses**Hawkesbury Nepean Catchment Management Trust**

The Trust has recommended that the application be refused because:

The Trust is concerned that applications for landfill are being made on an ad hoc basis without the benefit of a Council strategy for their location. This action may well limit the future best use of the land for a short term gain. The trust urges Council to take the long-term view in establishing a policy on this issue

The Trust considers that there should be no reduction in the floodplain of the river or tributary creeks without an assessment of the impact on other land. It is not adequate to compare the effect of the 1% AEP event, there should be an assessment of the local concentration of flows/velocities and inundation for lessor floods.

The location of waste landfill in an area subject to frequent flooding (ie 5% or higher) and potential erosion next to a creek is unsatisfactory.

Land and Water Conservation

EIS does not state the expected life of the project.

The details of the size of dams and sedimentation ponds is not clearly described - details are required on the amount of runoff, size of the proposed ponds and drainage patterns so that it is clear as to whether all runoff will flow to these ponds and dams.

It is not clear how sedimentation control will be implemented during the periods without the ponds.

The EIS does not outline how water supply to the site will be achieved for dust suppression during dry seasons. Water drawn from Rickaby's Creek will require a licence under the Water Act, however, at present there is an embargo on the issuing of further water extraction licences in the Hawkesbury Nepean catchment.

The EIS has not addressed the discharge of wastes from the workshops, washing down facilities and the plant and equipment area, nor does it address fuel and chemical storage and the potential for leakage or spillage of chemicals.

The EIS also needs to address the disposal of garbage from the site and sewerage collection and disposal measures. It is not clear from the EIS whether the site is provided with a reticulated sewerage disposal system. The disposal of sewerage needs to be addressed, particularly as the site is prone to flooding.

The main concern regarding groundwater is the impact on Rickaby's Creek from shallow groundwater which is likely to migrate to the creek. This impact is in addition to the concerns for groundwater quality and its potential for contamination as a resources.

Environment Protection Agency

"The Protection of the Environment Administration Act maintains that ecologically sustainable development (ESD) requires the effective integration of environmental and economic considerations in decision making and also that ESD can be achieved by the implementation of such principles and programs as:

- the precautionary principle - namely, that if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as reason for postponing measures to prevent environment degradation;*
- the intergenerational equity - namely that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;*
- conservation of biological diversity and ecological integrity ; and*
- improved valuation and pricing of environmental resources.*

The EPA, therefore considers that the planning process and any subsequent development should incorporate objectives and mechanisms for achieving ESD."

"The location of a landfill is a primary determinant of the extent to which a landfill poses an environmental risk. It should be noted that the EPA is generally not prepared to issue licences for

landfill in sensitive or inappropriate areas, which are listed in Table 1 on p.8 of the EPA's *Environmental Guidelines: Solid Waste Landfill* (1996). This site would be included under two of the listed inappropriate areas. These are:

1. Sites within a floodway which may be subject to washout during a major flood (considered to be a 1:100 year event);
2. Sites within 250m of a residential zone or dwelling.

This site is within the 20 year ARI and the nearest residence is 150 metres away. Therefore, the EPA would be unlikely to grant a licence unless it was satisfied that the environmental threats associated with such a location would be adequately controlled."

"The EPA considers that there is inadequate information in the EIS to demonstrate that the proposal could accord with the EPA's expectation for the management of surface water on the site

Additional information that would be required to access the adequacy of the water management and sediment and erosion controls would include, but not necessarily be limited to the following:

- the design capacity of the sedimentation ponds;
- measures to divert uncontaminated surface water around the disturbed work area; and,
- sediment and erosion control measures such as:
 - locating stockpiles within the catchment of sedimentation ponds; and
 - timeframes for the rehabilitation of exposed areas."

"The EPA encourages Council to consider the cumulative impacts on water quality in its assessment of individual developments. Council should consider the potential cumulative pollutant load in relation to other activities in the Rickaby's Creek catchment, as identified on p.1 of Appendix 10, which includes Council's South Windsor Landfill and the Richmond Sewerage Treatment Plant."

"The proponent would also need to ensure that soil and other inert material received is not contaminated by pesticide residues, PCB's and other harmful chemicals."

"The proponent has not determined the present ambient noise levels at nearby residential dwelling nor predicted the noise levels and vibration effect at the most affected residences or other noise sensitive premises."

"The EPA recommends that the development application be considered by Council in light of the EPA's and Council's statutory responsibilities discussed above. The planning decision made by Council now will determine the environmental amenity and sustainability of future generations."

NSW Fisheries

No objections.

Sydney Water

No comment.

NSW Agriculture

No objection however, Council should carefully consider the potential impacts of the placement of this facility in proximity to Rickaby's Creek.

Roads and Traffic Authority

No response.

National Parks and Wildlife service

No response.

Discussions with Applicant

Before the exhibition process and referral to public authorities, Council staff had discussions with the applicant regarding a number of concerns including the future use of the land, concerns of the EPA, use of 729 George Street, Draft Regional Environmental Plan No. 20 1996, changes to flood levels.

The applicant responding in writing advising Council that:

- C the single purpose of the proposal is to raise the level of the land over the site to height compatible with the adjacent land. The current use is rural, the end use proposes retaining the same rural zone. Therefore, the future use of the land need not be considered.
- C an assessment of the property as per the eight (8) point test under the Threatened Species Conservation Act 1995 is being undertaken

Comment: At the time of writing this report the assessment had not been received.

- C the owner of 729 George Street (Mr Keith Willoughby) has provided consent for use of the property as outlined in the development application and EIS. Note: the original application did not include 729 George Street.
- C the provisions of Draft Regional Environmental Plan No. 20 do not have to be considered because of the plan's Savings clause (Clause 11) that states the plan does not apply to a development application that was lodged with a consent authority, but was not finally determined, before the commencement of this plan.

Comment: Section 90 (1)(i) of the EPA Act 1979 requires that a consent authority take into

consideration any draft environmental planning instrument that is or has been placed on public exhibition. The Draft REP No. 20 went on public exhibition on 29 July 1996, this application was received on 20 August 1996. Council is therefore obliged to consider this plan in its assessment of the application to ensure that the proposed development is generally in accordance with future planning directions and controls.

- C Council requires a statement as to why this development should stand on its own for flood affect consideration. In our view, the flood study has adequately addressed the cumulative effect. Any further work can only hypothesise on height and extent of work by other completely outside the proponents control. This request goes beyond the ambit of the EIS required content.

The site is well below the 1 in 20 year flood level. During major storm events substantial flood scouring would occur during the period of fill placement. The soil erosion and sedimentation control practices proposed would be ineffective considering the level and location of the sediment pond and tail in drains to Rickaby's Creek in major storm events. The application does not address the effect of the 1 in 1 year, 1 in 5 year or the 1 in 10 year storm events on the development.

The type of filling proposed is that of "clean fill" which includes building materials such as bricks, mortar, tiles etc. It would be extremely difficult to monitor the type of fill being deposited in terms of metallic construction material such as nails, reinforced iron bars etc. Contamination through leakage of trace elements through the ground water may occur.

The use of pesticides, gypsum, lime and fertilizers to rehabilitate the site would have a detrimental effect. Especially if the sedimentation pond is inundated by Rickaby's Creek in a major storm event.

Conclusion

The client of the applicant has expressed his desire for Council to consider the application at this General Purpose Committee meeting.

The concerns identified by staff and the public authorities cannot be dealt with via a "deferred commencement consent" or by conditions of consent and given the location of the landfill and potential environmental effects it is considered that these concerns cannot be resolved by the applicant. It is therefore recommended that the application be refused.

RECOMMENDATION:

That the designated development application for landfill on 723-727 George Street, South Windsor be reused for the following reasons:

1. The EIS is inadequate in its assessment of the likely environmental effects of the proposed development on Rickaby's Creek.
2. The proposed landfill may have an adverse effect on the downstream properties in terms of local flooding.
3. The land, even after filling, will not be capable of being developed with buildings in accordance with Hawkesbury LEP 1989

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4. The applicant has not provided information regarding the final use of the development
5. The location of the landfill within the floodplain and is considered inappropriate and the applicant has not adequately justified the location of the development.
6. The cumulative effect of further landfilling along Rickaby's' Creek has not been adequately addressed by the applicant.
7. The applicant has not provided an assessment of the area in accordance with the provisions of the Threatened Species Conservation Act, 1995.
8. The location of the landfill in an area subject to frequent flooding and potential erosion next to a creek is unsatisfactory.
9. The details of the size of dams and sedimentation ponds is not clearly described - details are required on the amount of runoff, size of the proposed ponds and drainage patterns so that it is clear as to whether all runoff will flow to these ponds and dams.
10. It is not clear how sedimentation control will be implemented during the periods without the sedimentation pond.
11. The EIS does not outline how water supply to the site will be achieved for dust suppression during dry seasons.
12. The EIS has not addressed the discharge of wastes from the workshops, washing down facilities and the plant and equipment area, nor does it address fuel and chemical storage and the potential for leakage or spillage of chemicals.
13. The EIS does not address the disposal of garbage from the site and sewerage collection and disposal measures.
14. There is inadequate information in the EIS to demonstrate that the proposal could accord with the EPA's expectation for the management of surface water on the site
15. The applicant has not provided an assessment of the proposal development in relation to the provisions of Draft Regional Environmental Plan No. 20, 1996.
16. The applicant has not provided sufficient information relating to the stockpiling and shredding of green waste.
17. The proposed development would create an undesirable precedent.
18. The proposed development is not in the public interest.

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ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 75 **AMENDED DEVELOPMENT APPLICATION NO 215/96 -
EXTENSION TO RICHMOND MALL - COLES ADDITION,
LIQUORLAND AND SPECIALITY SHOPS WITH CAR PARKING
FACILITY - NO. 271 WINDSOR STREET AND NOS. 122-128
FRANCIS STREET, RICHMOND**

FILE NUMBER: DA215/96/EVD/ENK26NBX.V12

Applicant: A & A Lederer Pty Ltd
Applicants Rep: None advised
Owner: Hawkesbury City Council, A & AD Lederer Pty Ltd, P A Dunn, R & J
 Hadfield and G Biddle
Stat. Provisions: HLEP 1989 and Heritage Item under Schedule 1
Area:
Zone: Part General Business 3(a), Part Special Uses 5(a) Parking and Part Special
 Business 3(b)
Advertising: Yes, 11 November to 21 November 1996
Date Received: Original Application 10 September 1996, amended application 8 November
 1996

Key Issues: Amended carparking layout
 Carparking contribution
 Demolition of Heritage Item
 Owners' consent being given by Council

Action: * Support subject to resolution of the demolition of Heritage Item
 * Deferred commencement Consent

REPORT:

Council has received an amended development application for extensions to Richmond Mall. The amendments involve the following:

- (i) Deletion of properties in Bosworth Street, namely 8, 10 and 12-14;
- (ii) Inclusion of properties in Francis Street, namely 122, 124 and 126;
- (iii) Inclusion of a loading bay in front of Victoria Arcade;
- (iv) Consideration for the movement of rigid vehicles in the vicinity of the new dock behind the speciality shops to ensure the availability of deliveries to the tenants and adjoining owners;
- (v) Provision of bicycle parking areas; and
- (vi) Reconfiguration of carparking spaces and aisle widths.

The plans of additions to Coles including a Liquorland and speciality shops are the same. The car park layout is considerably different.

History

Council, at its meeting of 12 November 1996, resolved to not support the proposal submitted to the October Ordinary Meeting, however it does support the principle of extending the supermarket operation in a modified form.

The previous plans provided for a carparking area on Bosworth Street (nos. 8, 10, 12-14) and an access and carpark on no. 128 Francis Street.

The previous application was not supported on traffic grounds due to inadequate traffic flow throughout the carpark and parking problems with the layout. The parking location was considered inappropriate due to its remoteness to the other shops and malls along Windsor Street.

Council also resolved at its meeting of 8 October 1996, in respect of the rezoning of Paull's (Coles) carpark, Richmond, that the draft Local Environmental Plan - Amendment No. 59 be submitted to the Department of Urban Affairs and Planning for final determination and gazettal. The land the subject to this application for the Coles addition is over part of this land.

Submissions

The amended application was advertised to adjoining and adjacent property owners, together with the people who had made a submission to the rezoning of the carpark.

A total of fifteen (15) persons were advised with only one (1) submission being received at the time of writing this report. With the close of submissions on 21 November 1996, any further submissions will be separately reported.

The only submission is concerned with the replacement of a property boundary fence. This is a matter between adjoining property owners and can be resolved at the building stage.

Issues

The following issues and matters for consideration are to be addressed, including zoning, parking provision, traffic issues, heritage and owner's consent.

Zoning

The building of additions to Coles Supermarket is dependent on the rezoning of the carpark from special Uses 5(a) - off-street parking to General Business 3(a). Any determination of this application is dependent on the gazettal of the rezoning.

With respect to the provision of a carparking area on the Francis Street properties, such an activity is not listed as prohibited within the Business Commercial 3(b) zone and accordingly Council may issue consent for such a use.

Parking

The carparking provision is shown on the following table:

Required

- Existing Council carparking spaces	271
- Required additional spaces due to extensions	<u>54</u>
- Total carparking required	<u>325</u>

Provided

- Regular carparking provided	302
- Disabled carparking spaces	<u>13*</u>
- Total carpark provided	<u>315</u>

(*Disabled provision rate is discussed below)

The above table shows a deficiency of overall 10 car spaces. This is as a result of reconfiguration of the carparking area to improve accessways by increased aisle widths and manoeuvring areas. In addition, car spaces adjacent to Magnolia Mall are in fact vehicle loading spaces and should not be included in carparking provision.

In consideration of the disabled parking provision, the applicant has provided above Council's off-street carparking rate of 2% for shopping centres requiring six (6) car spaces. However, Council has adopted an Access Code for people with disabilities which requires carparking provision at 5% or approximately 15 car spaces. The provision of 13 disabled car spaces is considered acceptable given the provision is above the carparking rate and the spaces are easily accessible at the front of the extended centre.

The disabled car spaces have been included as part of the total carparking provisions which is shown as being ten (10) spaces deficient. The applicant indicated only three (3) spaces deficient.

The option is available for Council to accept the deficiency in carparking provision or seek a contribution in lieu of the carparking spaces. The current cash contribution is equivalent to \$9,800 per space and Council may seek to impose the requirement for a Section 94 contribution to carparking in the area.

Traffic

The amended application was submitted for comment to the Local Traffic Committee on 15 November with the Committee supporting the proposal subject to the following matters:

- restrictions on the use of the loading dock adjacent to Liquorland so that the fruit shop is not blocked;
- payment for the deficiency in car spaces;
- negotiation with Jewels on carparking access to each car park; and
- raised pedestrian threshold at the entrance to the mall for pedestrian safety.

Heritage Item

The building on No. 128 Francis Street, Lot 1 DP 568122, is a heritage item listed under Schedule 1 of the HLEP 1989. The applicant seeks to demolish the heritage item as part of the development for access/exit to the carpark.

The basis of the applicant's submission is on a previous resolution of Council of 10 September 1991 which resolved to amend Hawkesbury Local Environmental Plan 1989 by the deletion of the subject property from Schedule 1 of the LEP and that such be a submission by Council to the Department of Planning at the time of dealing with other amendments to the LEP currently on exhibition. It would seem that the property was never deleted from the listing of heritage items of the LEP.

A heritage report prepared in 1994 by Jeff Maddan and Associates in conjunction with a previous shopping centre proposal recommended:

"Arising out of the Statement of Significance and preliminary observations of the proposed development of the new Shopping Centre, we believe that the removal of the listing of 'Rosmoyne' from the various heritage instruments and the demolition of the cottage would not adversely affect the Streetscape or the setting of the adjoining well detailed Victorian Cottages or be a particularly significant historic or cultural loss.

It is recommended, however, that a permanent record of the property should be obtained for posterity through:

1. *A detailed photographic study, and*
2. *The preparation of a measured drawing.*

The records listed above should be submitted to Council for their records."

Council's Heritage Adviser, Robert Staas, inspected 128 Francis Street on 4 October 1996.

He advises that the building is late Victorian or early Federation and estimates the building to be circa 1890 to 1900.

The rendered brickwork at the front has been disguised to imitate stone.

The barn at the rear of the property is likely to be original although it has been substantially modified through brick recladding and other work. There are also a number of significant trees on the site.

Mr Staas' view is that the heritage significance of the building is understated in the North West Sector Heritage Report and that it should be retained.

On the basis of the files covering the property and the North West Sector heritage items there is no evidence of the Council resolution being carried out. As a consequence the property remains an item of environmental heritage and its demolition requires not only the consent of Council but also notification to the Heritage Council. Under the Heritage Act, the Heritage Council has power to override any consent for demolition by issuing an Order under the Heritage Act.

Preliminary contact with the Heritage Council has indicated that an application to demolish needs to be

accompanied by a “heritage impact statement”. The applicant will need to provide this with the application to the Heritage Council which will take twenty-eight (28) days to be processed.

Landscaping

The development concept plan has provided minimal landscape treatment to the carpark and surrounds. Should the development be approved a landscape plan is required with the building application to show provision of screen tree planing and landscape treatment to Francis Street.

Valuation

The question of valuation of Council’s land for the Coles additions and the exchange of additional land is yet to be resolved. This additional land on Francis Street for carparking needs to be valued and the issue of valuation and any cash settlement is a separate matter to the issue of development consent.

Council’s valuer has valued the Council’s land and the previous land in Bosworth Street. New valuations are required for the Francis Street properties for parking area.

However, the principle of the valuation is very similar in that Council’s land being located beside the existing shopping centre should attract a premium over adjoining residential properties, i.e. Francis Street. Council’s land is in the centre of the development proposal and the application to extend Coles cannot proceed without Council’s land. Accordingly, Council’s land is considered to have an intrinsic value above a nominal land exchange.

Owner’s Consent

Council is the owner of the land and, should support be given to the development application, it will be necessary to endorse the owner’s consent.

Conclusion

The amended development application with an alternate carparking arrangement is considered a substantial improvement on the previous scheme. The carparking is more centrally located to serve not just the Coles addition but also the surrounding shops and malls. The circulation and parking layout is generally satisfactory and the Traffic Committee does not raise any significant objections.

With the carparking deficiency, it is recommended to seek a Section 94 contribution with such money being used on the acquisition of off-street parking in the area. The final amount of contribution will be determined at building application stage, subject to modification to the carparking layout including landscaping which may result in losing additional spaces.

Overall the proposal is supported and is seen as a vital development to enable the Richmond Mall and surrounding shops to continue to be viable. The additions to Coles are also seen as promoting a competitive environment for supermarkets in Richmond.

The main issues to be resolved are the valuation of Council’s land and the request to demolish the heritage item on No. 128 Francis Street. A separate resolution is proposed to allow negotiations on Council’s land. In respect of the heritage item, it is recommended that a deferred commencement consent be issued subject to the approval of the Heritage Council to demolish the item, particularly as

Council had previously resolved to delete the heritage item.

RECOMMENDATION:

- A. Council provide owner's consent to the making of the development application over its land.
- B. The applicant be advised that negotiations are required to reach agreement on the acquisition of Council's land which will involve the proposed land swap plus a cash settlement.
- C. In the event that negotiations in item B are successful that a deferred commencement consent be issued pursuant to Section 91A of the Act subject to the issue of consent for the demolition of 128 Francis Street and the the gazettal of the plan to rezone the carpark from 5(a) Special Uses to 3(a) General Business.
- D. In the event that negotiations in item B are successful that Council support a development application for the demolition of 128 Francis Street in accordance with Clause 30 of the Hawkesbury LEP 1989.
- E. Upon satisfactory compliance with the above matters, development consent be issued subject to the following conditions:
 - 1. The development shall be carried out in accordance with Plan No. DA-00 Amendment E, dated 7 November 1996.
 - 2. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6.7m.
 - 3. Removal of the existing redundant layback crossing in Francis Street and replacement with concrete kerb and gutter and the restoration of the footway area.
 - 4. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels.
 - 5. Parking shall be provided for 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, drained, sealed and marked where not already done. Full details of works shall be submitted for approval with the building application.
 - 6. The provision of concrete medians at the end of exposed parking aisles to delineate aisles and to protect parked vehicles.
 - 7. The loading dock serving Liquorland is only to be used by small vehicles parked so as

not to obstruct the patronage to the adjoining fruitshop.

8. All unloading for the development is to be in the designated loading docks and is not to be conducted from the car park area.
9. The provision of a raised pedestrian threshold at the end of the mall to give protection to pedestrians crossing the aisleway.
10. The provision of landscaping to screen the carpark together with suitable fencing to the Francis Street frontage. In addition screen tree planting is to be provided throughout the carpark. Details are to be provided on a landscape plan submitted with the building application.
11. Payment of a Section 94 contribution in lieu of the provision of off-street carparking spaces. The contribution rate is based on the deficit carparking spaces and assessed with the building application. The contribution is to be paid prior to release of the building approval at the rate of \$9,800 per space which is reassessed at the time of payment.
12. Submission of a building application, plans and specifications complying with the Building Code of Australia.
13. 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.
14. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
15. Provision of toilets in accordance with the requirements of the Building Code of Australia.
16. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food 1989 and Regulations thereunder and Council's Food Premises Code.
17. The development shall be conducted in such a manner that noise levels measured at any boundary do not exceed 5dB(A) above background noise levels.
18. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
19. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
20. Any excavated material not used in the construction is to be disposed of to an approved landfill site. Details are to be submitted to Council prior to excavation.
21. All demolition is to be conducted in accordance with WorkCover requirements.

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22. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
23. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the Building Approval.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 75 Oooo