

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM: 29 14 LOT SUBDIVISION PROPOSAL - 'PRESTONVILLE', CLARENDON**FILE NUMBER:** SA55/96/EVD

Applicant: Bowdens
Applicants Reps: Not known
Owner: Elf Farm Supplies Pty Ltd (Mr R. Tolson)
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 55 ha (approximately)
Zone: Rural 1(c)
Advertising: 14 days to adjoining owners - no submissions.
Date Received: 30 April 1996. SEPP1 Objection submitted July 1996. Noise report submitted in August.

Key Issues:

- , SEPP1 submission
- , Noise
- , Flooding
- , Access

Action:

1. Support SEPP1 submission
 2. Deferred Commencement Consent
-

REPORT:**1. Introduction**

The proposal involves a 14 lot subdivision of land known as 'Prestonville' at Clarendon. The site is located opposite the access road to the RAAF Base (Percival Street) off Richmond Road on the southern side of the railway line (see Appendix 1 for location plan and Appendix 2 for the plan of subdivision).

2. SEPP1 Submission

The proposal involves twelve 1ha allotments and two lots of 19.85ha and 23.51ha respectively. The Rural 1(c) Zone has a minimum allotment size of 2ha and consequently a SEPP1 submission accompanied the application in support of the twelve 1ha allotments.

The application and SEPP1 submission is supported because:

- the *potential* lot yield for the site is 28 x 2ha allotments and the proposal only involves 14 allotments (a substantial part of the site is subject to flooding and therefore not capable of development) and the proposal is consistent with this while maximising the remaining land for other rural uses;
- the proposal is consistent with the principles of Council's Draft LEP for "lot averaging";
- each proposed allotment has an area suitable for construction of a dwelling;
- the site is capable of obtaining flood free access;
- the lots can be fully serviced with reticulated water and sewer;
- the residue lot (the application proposes two residue lots, the recommendation proposes a condition on the consent restricting the subdivision to one residue lot) is capable of other rural activities such as grazing; and
- the proposal is consistent with the Zone and underlying standard objectives.

3. Planning Assessment

The relevant issues relating to the planning assessment of this application relate to aircraft noise, flooding, access and rural character.

3.1 Aircraft Noise

Clause 37 of Council's principal LEP(HLEP1989) relates to the protection of development from aircraft noise. This site lies between the 20 and 30 ANEF contour lines and therefore in considering this subdivision, Council needs to be satisfied that dwellings can be located on each of the proposed allotments so that it complies with Australian Standard AS2021.

In this respect the applicant submitted a "Noise Intrusion Control Report" by Day Design Pty Ltd (consulting acoustical engineers) in support of the proposal. The report not only relates to aircraft noise, but also road traffic and railway noise sources. The report concludes that the site is suitable for residential development subject to the construction of a sound barrier wall along the southern side of the railway and noise barrier construction of residences. These measures are detailed in the proposed conditions.

Flooding

A significant part of the site lies below the existing Floor Height Standard of 16m AHD. However, all of the allotments are either wholly above the standard, or, in the case of the residue lot, have a building platform above the floor height standard (FHS).

In relation to flood free access, the proposed access road to Richmond Road lies below the FHS and is therefore subject to flooding. In order to provide access during periods of flood, the owner has gained an in principle agreement with the adjacent landowner, the Hawkesbury Race Club, to gain access for future residents of this area during

periods of flood. It is proposed to issue a "deferred commencement" consent subject to satisfactory arrangements being made with the adjoining landowner in the form of a right of way.

3.3 Access

Access to the subdivision is proposed via a new intersection with Richmond Road and Percival Street. The applicant proposes to construct a roundabout which will improve the existing intersection's performance.

RECOMMENDATION:

- A. That Council support the SEPP1 submission.
- B. That Council seek the concurrence of the Department of Urban Affairs and Planning (DUAP) to approve the application.
- C. That, subject to Council receiving DUAP's concurrence, Council issue a "Deferred Commencement" consent subject to:
 - Legal flood free access being gained over adjoining land in the form of a right of way or some other similar legal method.
 - Consent being provided from the SRA for the access road for the subdivision to cross SRA land.
 - Consent being provided from the RTA for the proposed intersection on Richmond Road.
 - The submission of a study of the existing sewerage system in the area identifying any upgrading required to Council's system as a consequence of this and likely development showing that the system is adequate or able to be economically upgraded.
- D. That the following conditions apply to the consent:

Approved Plans

1. To confirm and clarify the terms of Council's approval, the development shall be carried out in accordance with the approved, stamped plans (prepared by Bowdens, numbered 17337A/01 and dated drawn 27.3.96) submitted with SA55/96.

Note: Modifications to the approved plans will require the lodgement and consideration by Council of a separate application.

Contributions

2. Payment of a cash contribution of \$52,250 for recreational buildings, park improvements and community facilities as a consequence of the subdivision of

land. This sum will remain fixed for a period of 3 (three) months after which it will be recalculated at the rate applicable at the time of payment.

Amendments to Plan of Subdivision

3. In order to ensure the residue land is left in as large an allotment as possible for agricultural viability in accordance with the principles of lot averaging, either allotment 7 or 14 be reduced in size to 2ha with the remaining land consolidated into the other allotment.
4. In order to ensure a large enough platform is provided for a building platform for lot 14 the eastern boundary of lot 13 be moved 15m to the west and the remaining boundaries of the allotment be adjusted to a minimum of 1 ha in area.

Noise Attenuation - Sound Barrier Wall

5. That a 4m high sound barrier wall be constructed along the south side of the railway line in accordance with the recommendation contained within the Noise Report prepared by Day Design Pty Ltd for this site. Details of acoustical design to be submitted with engineering details and the wall is to be constructed prior to the release of the linen plan. Design and construction of the wall is to also take into account landscaping to soften the impact of the wall

Section 88B Instrument

6. A Section 88B Instrument is to be prepared and is to accompany the titles for each allotment, and shall read as follows:

Noise Attenuation of Dwellings

This property lies within the 20 ANEF contour and in accordance with Hawkesbury Local Environmental Plan, 1989, the building has to be built in accordance with the Australian Standard AS2021.

Day Design Pty Ltd, acoustical engineers, have prepared a Noise Report for this area and any dwelling constructed on this site will have to conform with the recommendations of that report. Design features may include double glazing, heavy single glazing, double thickness plasterboard, solid core timber doors fitted with acoustic seals, air conditioning etc.

Environment

7. In order to protect the wetland and Rickaby's Creek, a fence is to be constructed to provide a 40 metres buffer to these areas. Details are to be provided with the engineering design details and constructed prior to the release of the linen plan.
8. A Section 88B instrument is to accompany the allotment fronting the wetlands and Rickaby's Creek stating that no stock are to be kept or allowed to graze

within 40 metres of these areas, and that a fence is to be provided at all times protecting the area.

9. A landscaping plan is to be provided with the engineering details and is to address the access road, entrance point, Rickaby's Creek and woodlot planting on the residue lot. Landscaping to be completed prior to the release of the linen plan.
10. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetative debris or other water borne pollutants. Details shall be submitted and approved prior to any works commencing.
11. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

Engineering

12. Compliance with the requirements of the Roads & Traffic Authority.
13. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
14. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
15. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
16. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
17. Payment of a linen release fee of \$660.00. This amount is valid until 30 June 1997.
18. Each allotment created shall have an area of not less than 1 ha with the exception of the residue lot.
19. The creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act requiring the road severed parts of each lot created to be capable of development only as part of the whole lot, and not capable of separate disposition or development.
20. The construction of a roundabout at the intersection of Richmond Road and the new road to the requirements of the Roads and Traffic Authority including the dedication of any necessary road widening free of cost to Council. Design plans are to be submitted to and approved by the Roads and Traffic Authority and all

fees, contributions and securities required by them lodged.

21. The amplification of the existing sewerage plumbing stations, rising mains and carrier mains between the site and the treatment works as required by Council following assessment of the report required by the deferred commencement condition.
22. Payment of a contribution, to be calculated following full assessment of the needs, towards sewer headworks. This sum will remain fixed for a period of 3 (three) months after which it will be recalculated at the time of payment.
23. The construction of sewerage reticulation, including junctions, pumping stations, rising mains and carrier mains, to each lot in the subdivision where not already provided.
24. The dedication and full construction of the new roads and the drainage thereof.
25. Construction of a 3.5m wide compacted crushed rock pavement and any necessary drainage along the access strip and across the footway to Lot 11 together with any necessary drainage.
26. The creation of easements to drain water over the site of drainage discharge from roads 4m wide and 10m long free of cost to Council.
27. All fill including existing fill must be compacted to 98% standard compaction and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.

Alternately the creation of a future covenant on each of the filled lots requiring that any dwelling or structure be pierced to a suitable uniform bearing strata on natural ground

28. Street name signs to be provided at the junction of the new road/s.
29. The new road to be named (to be advised).
30. The new road be classified as rural road/s.
31. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
32. A design checking and inspection fee of \$1.20 per metre of sewer reticulation, must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1997.
33. A design checking and inspection fee calculated at \$40 per hour covering road, drainage and any sewer pumping station and rising mains must be paid prior to the release of the linen plan. This rate is valid until 30 June 1997.

34. The construction of a turning area and provision of necessary road widening at the end of the new road.
35. The emergency access through the race track to be constructed with an all weather compacted crushed rock pavement unless already constructed to a similar or better standard.

ATTACHMENTS:

AT-1 Plan

AT-2 Plan

FN:EN924NAX.V10

****** END OF ITEM 29 ******

ITEM: 30 EXTENSION TO RICHMOND MALL COMPRISING AN EXTENSION TO THE EXISTING COLES SUPERMARKET OF 1,100sqm, A NEW LIQUORLAND OF 188sqm & NEW SPECIALTY SHOPS OF 188sqm PLUS PARKING - 271 WINDSOR STREET, RICHMOND

FILE NUMBER: DA215/96/EVD

Applicant: A & A Lederer Pty Ltd
Applicants Reps: None Advised
Owner: Hawkesbury City Council, Mr A Velio, Mr P Luscombe and A & A Lederer Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: Approximately 1.09ha
Zone: Part General Business 3(a), Part Special Uses 5(a) Parking and Part Special Business 3(b)
Advertising: None undertaken as proposal is not supported
Date Received: 10 September 1996

Key Issues:

- , Configuration of Proposed Additional Off-street Parking
- , Proposed Landswap
- , Location of Off-street Parking
- , Viability of the Richmond Mall Shopping Centre Post Opening of the Woolworths Market Place
- , Promoting a Competitive Environment for Supermarkets in Richmond

Action:

That Council not provide its consent as owner to the proposal and that the development application be rejected. Note: as Council is part owner of the land, the development application is not valid without Council's endorsement as the owner, and hence there is effectively no right of appeal.

REPORT:

A and A Lederer Pty Ltd have submitted a development application for a proposed extension to the Richmond Mall. The application involves extending the existing shopping mall onto Council owned car park with replacement parking (both for the existing spaces lost and for the additional floor space) being provided through the acquisition of three properties fronting Bosworth Street.

The composition of the proposed extension of the Richmond Mall is as follows:-

Coles extension - 1,100sqm;

Liquorland - 188sqm; and
New shops - 188sqm.

The application poses a number of issues and these are discussed in the following section.

Off-street Parking

There are some differences between the applicant's approach to calculating off-street parking requirements and that of Council's staff. For example, a number of assumptions need to be made in calculating loss/gain of off-street parking including what consideration if any should be given to the existing loading zone in front of Coles which provides for parallel parking. Similarly there are some spaces lost to landscaping. In calculating the parking requirement generated by the additional floor space, separate provision is made in Council's Parking Code for shops/shopping centre (4.5 spaces per 100sqm gross leasable floor area) and supermarkets (1 space per 30sqm of gross floor area). Depending upon whether a differential calculation is undertaken, ie. assessing the supermarket at the lower rate, or assessing the whole extension as a shopping centre provides a different result.

The Code suggests that where development incorporates a number of related uses, a separate calculation should be made for each component.

It is considered that the additional floor space generates a requirement for an additional 54 off-street spaces. The applicant contends that the new additional spaces required is 52 as they have included the Liquorland in the differential supermarket car parking requirement and not the requirement for shops.

It is agreed that there are 271 existing car spaces in the car park and that the proposed expanded car park contains 322 spaces. However, these 322 spaces have been achieved by use of reduced isle widths below Council's normal standard (6m instead of 6.7m) and one way circulation.

In summary, the proposed expanded car park is 2 spaces short of the required total, but more significantly relies on significantly reduced isle widths and one way circulation.

It should also be noted that the additional parking spaces are located slightly more distant to some of the existing shops although they would provide a locational advantage to the Magnolia Mall and the other shops on the corner of Bosworth and Windsor Street.

Proposed Land Swap

The applicant is proposing to give Council approximately 2,709sqm in exchange for approximately 2,036sqm of the off-street parking area. It may be argued that Council's public car park should attract a premium in valuation given its location adjacent to the existing shopping centre.

Given the concern about the configuration of the car park, an opinion from a valuer has not been sought.

Location of Off-street Parking

As indicated, the location of the additional off-street parking provides relative advantages and disadvantages in terms of distance to the existing shops. Given the location of the spaces lost through the extension, it would have been preferable to locate the additional parking on the non-heritage properties between the extension and Francis Street. The applicant had approached these property owners but failed to secure options for the provision of parking at this location.

Viability of the Richmond Mall Shopping Centre Post Opening of the Woolworths Market Place

Whilst the provision of a competitive supermarket environment is to the advantage of the City's residents as a whole, the opening of the Woolworths Market Place in 1997 provides further justification for encouraging a competitive shopping environment in the Richmond Mall area. The Woolworths Market Place will result in a significant loss in turnover for other shops in Richmond (on average) and the proposed extension would make the Mall a more attractive shopping environment in terms of choice with likely flow-on effects to traders in surrounding shops.

Promoting a Competitive Environment for Supermarkets in Richmond

The provision of supermarkets with modern standards of floor space and particularly across different ownerships will have some effect on grocery prices. Whilst the various chains provide different standards of convenience and associated pricing, Peter Leyshon in earlier work for Council provided evidence that notwithstanding the differing sub-markets addressed by the major chains, increased competition generally acts to provide keener pricing. A significant benefit in the Market Place development is that not only is Council being provided with a competitive discount department store to capture escape expenditure, but it is also introducing a third supermarket chain into Richmond in addition to the existing Coles and Jewels.

Summary

In considering these competing issues, the proposed extension of the Richmond Mall is not considered to be in Council's interests or the community's interests as a consequence of the configuration of the replacement and additional off-street parking not being in accordance with Council's standards.

RECOMMENDATION:

That Council not provide its consent as owner to the proposal and that the Development Application be rejected.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NAX.V16

**** END OF ITEM 30 ****

ITEM: 31 HAWKESBURY NEPEAN CATCHMENT MANAGEMENT TRUST -
DRAFT HAWKESBURY NEPEAN CATCHMENT STRATEGY**FILE NUMBER:** GR060/067 PT2/EVD**REPORT:**

The Hawkesbury Nepean Catchment Management Trust has forwarded a copy of a draft document titled "Hawkesbury Nepean Catchment Strategy". The Trust has produced the document to provide a strategic viewpoint from which to develop detailed policies. The strategy provides a series of goals and objectives for various resources and a set of principles to guide actions.

The draft strategy is on public exhibition until the end of October 1996.

The strategy suggests the Hawkesbury Nepean must be a catchment where:

- *People are aware of their actions*
- *People can use and enjoy the catchment's resources*
- *Natural life can exist*
- *People think and act in an intelligent way*
- *Water is clean and healthy*
- *The benefits of floods are recognised*
- *Rivers are natural, not drains*
- *Our fine? soil is protected*
- *People don't pollute*
- *We all work together*

The draft strategy covers a comprehensive list of resource management issues being agriculture, air quality, aquatic eco-systems, bio-diversity, environmental flows, flooding, ground water, heritage, cultural sites and scenic amenity, on-site waste water, point source pollution, riparian corridors, sand, gravel and soil extraction, stormwater, urban development, vegetation, waste, water demand, water quality, weeds, constructed wetlands, natural wetlands and wild and scenic rivers.

It is not possible to comment on all of the goals, objectives and principles in the space of this report however comment is made on several issues which have recently been considered by Council, being agriculture, flooding and water demand.

The strategy identifies that the catchment is an important source of fresh food for Sydney with 90 per cent of Sydney's perishable vegetables market grown in the catchment. It states that the Richmond lowlands provides 46 per cent of the best quality agricultural land remaining in the Sydney region, the only large pocket of high quality land left. Much agricultural land is beside streams and is flood prone and this rich and alluvial soil is in demand for sand, gravel and soil extraction and for urban development.

The strategy proposes that:-

- *Good agricultural land should not be lost to production by inappropriate development.*
- *The agricultural use of land should be maintained without loss of equity for existing landholders.*
- *Agriculture that compromises the environmental values of the catchment and cannot be effectively managed should be phased out within a specified period.*
- *All agricultural operations to use certified best management practices and this includes protection of soils and optimum use of chemicals and fertilisers.*
- *Agricultural land must include refuges for native flora and fauna and should be considered as potential assimilation areas for existing and proposed urban development.*
- *Agricultural practices should optimise use of waste stream products from other catchment industries.*
- *The value of agriculture for the economic and social wellbeing of the catchment, as well as for the scenic, recreation and education industries should be considered as part of any development or activity.*
- *Information on best practices and on agricultural issues must be widely available to both the agricultural and non-agricultural community.*
- *Agricultural industries should demonstrate effective drought management policies.*

On flooding, the draft strategy places a higher priority on the natural benefits of flooding and less or no weight to property damage. The principles for flooding are:-

- *Public safety and health is the primary consideration*
- *Flood planning is to be undertaken up to the probable maximum flood (PMF).*
- *No rezoning for urban development below the PMF shall occur until a flood plain management plan for the catchment is complete and implemented. Any infill in existing urban areas is to consider the likely impact of floods up to the PMF.*
- *Any incompatible development is not to be permitted on the flood plain planning zone as determined in the flood plain management plan.*
- *Any increase in flood free land that comes from a review of flood data and a consequent lower planning flood level should be first considered for the ecological enhancement of the catchment and its riparian corridor.*
- *Flood mitigation must be optimised at its source and not transferred downstream. Flood issues are not to be transferred elsewhere without consideration of equity principles.*
- *Capital works spending on mitigation is to be considered regionally.*
- *Flood mitigation works are not to be built without comprehensive assessments of their effect on the ecology of the system.*
- *Flood plain management decisions are to be integrated and catchment wide, e.g. flood forecasting, warning and response are to be co-ordinated catchment wide.*
- *Performance indicators are to be developed for flood plain studies and plans.*
- *A process for developing management plans is to be open and transparent.*

In relation to water demand, which is elsewhere reported in the Business Paper, there is implicit support for the moratorium in that it is proposed that a water access and allocation scheme be developed through an open and transparent process. The strategy notes that whilst there is a two year moratorium on new licenses to pump from the river, there are few other restrictions on abstraction of water from the river. People living along the river (riparian users), irrigators

and industry can generally make unrestricted use of the water. There are no practical restraints on abstracting water for urban Sydney needs.

In summary, the strategy "describes what needs to be done if we are to rehabilitate the river so we can swim in it without risking illness, and so fish and birds return to its waters, the air is free of the harmful effects of smog, the flood plain continues to contribute to social wellbeing by providing rural diversity and fresh vegetable for Sydney, and the mountains and incised river valleys continue to offer their world renowned unspoiled vistas."

RECOMMENDATION:

That the information concerning the draft Hawkesbury-Nepean Catchment Management Strategy and its goals, objectives and principles for the catchment be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V03

****** END OF ITEM 31 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENTMeeting Date: **24 September 1996**Item: **32****ITEM: 32** **OUR CITY, OUR FUTURE - REPORT ON THE STATUS OF RECOMMENDATIONS****FILE NUMBER:** GT225/013/EVD**REPORT:**

At a special meeting on 7 November 1995, Council considered the Our City, Our Future strategy. The strategy contained a number of recommendations, many of which were adopted by Council. Listed below is the current status of the adopted recommendations:

Resolution	Status
Rural Lands Study	A steering committee has been set up consisting of 19 members. The committee met on 16 September 1996 to consider the draft brief.
Draft Local Environmental Plan to require development consent for intensive agriculture.	The recommendations of SREP20-Hawkesbury Nepean River in respect of agriculture have been included in the definition of intensive agriculture. The plan now requires a Section 65 Certificate to enable exhibition of the plan.
Draft Local Environmental Plan to require development consent for dam construction.	The plan has been on public exhibition and was last reported to Council on 13 August 1996. The plan is now awaiting gazettal.
Educational campaign highlighting the importance of agriculture in the Hawkesbury.	Three articles have been published in the Hawkesbury Gazette highlighting the importance of turf farming, cut flowers and beef/dairy cattle industry.
Lot averaging for subdivision, LEP17/95	A new draft local environmental plan has been prepared and a Section 65 Certificate to allow public exhibition is yet to be issued.
Draft local environmental plan to change the 1(b) zone in the Grose Wold area to 1(c1) to allow 4 ha subdivision.	Further investigations have been requested by DUAP. A fauna and flora assessment is virtually complete and a scenic quality visual assessment is to be undertaken.
Draft local environmental plan to protect remnant Cumberland Plain vegetation. LEP19/95	A map identifying all remnant vegetation is being prepared on Council's genamap.

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Resolution	Status
Draft local environmental plan to delete the requirement for development consent for dwellings in Environmental Protection Zones.	Waiting on Section 65 Certificate to allow public exhibition.
Amendment to Council's DCP for Dual Occupancy to provide for the attachment of the 2 dwellings.	In rural areas Dual Occupancy are now required to be a single building containing two dwellings and either share a common wall or the main roof and, in the latter instance, the closest walls of the dwelling be not more than 6m apart.
Review of the minimum allotment size for effluent disposal.	Investigations are still being undertaken and this issue will be reported at a later date.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V04

****** END OF ITEM 32 ******

ITEM: 33 DRAFT ARCHAEOLOGICAL MANAGEMENT PLAN, RICHMOND

FILE NUMBER: GG021/184/PT01/EVD

REPORT:

In March 1994, Council resolved to make application under the Heritage Assistance Program for a number of projects, one of which was the Richmond Archaeological Zoning Plan.

The purpose of the study was described as follows:

"Increasingly development pressure is being experienced within Richmond. Given that Council is currently undertaking a retail study to establish the need for additional commercial floor space and the historic nature of the town, funding should be sought for the preparation of an archaeological zoning plan for Richmond. An archaeological zoning plan is basically a survey which discusses the implications of planning and development on the conservation of archaeological sites. The plan basically comprises a survey and assessment of the archaeological potential of a geographical area. Such a plan would enable the appropriate planning measures to be undertaken by Council to conserve the archaeological resource."

Subsequently, the project proceeded at a budget of \$24,300 of which \$13,000 was provided by the 1994 Heritage Assistance Program.

The objectives of the draft archaeological management plan are to:

1. Identify and locate all archaeological sites.
2. Assess the cultural significance and survival of all archaeological sites.
3. Provide a framework for the management and conservation of the archaeological sites.
4. Assist Council, property owners and developers to successfully meet their obligations under both planning and heritage legislation.
5. Promote the benefits of archaeology to the community.

Main Recommendations of the Draft Archaeological Management Plan

The recommendations of the draft plan address items 1-5 referred to above. Of significance is the recommendation for changes to Hawkesbury Local Environmental Plan, 1989 and other planning and design documents.

In relation to Hawkesbury LEP1989 the draft management plan recommends:

1. *It should be amended to extend legislative protection to the archaeological resources of the study area by:*
 - a. *making all buildings, works and above ground structures into heritage items, and*
 - b. *making the study area an archaeological conservation area, such that excavation is subject to a consent requirement, and*
 - c. *requiring applicants for development affecting important archaeological sites to submit a heritage assessment or conservation plan.*

It is also recommended that Council should review any of its codes in so far as they might encourage excavation or disturbance of sites, for example underground carparking. Alternative solutions should be made available and encouraged. As an interim measure the draft plan recommends the archaeological management plan be adopted as a development control plan.

The study area referred to in the recommendations is the majority of Richmond excluding the area East of Bourke Street and Jersey Street. The draft management plan recommends that the majority of Richmond then be an archaeological conservation area where excavations; demolishing, defacing, damaging or moving a relic or a heritage item; moving a relic, or excavating land for the purpose of discovering, exposing or removing a relic; or erecting a building on, or subdividing land would require development consent. Development consent is not required by the clause if *the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the land or the archaeological conservation area.*

The draft archaeological management plan also identifies sites of particular archaeological significance and classifies these according to local, regional and state levels. It also makes recommendations in relation to specific sites and for a number recommends that they should be conserved.

In general, the majority of the sites identified as having some archaeological significance are not currently heritage items which means that the draft archaeological management plan will significantly increase the number of properties in Richmond which are covered by heritage conservation provisions in Hawkesbury Local Environmental Plan, 1989.

Council should be aware that Section 139 of the New South Wales Heritage Act already provides that:

A person shall not disturb or excavate any land for the purpose of discovering, exposing or moving a relic, not being a relic subject to a conservation instrument, except in accordance with an Excavation Permit.

The New South Wales Heritage Act defines a relic as:-

Any deposit, object or material evidence -

- (a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and*
- (b) which is 50 or more years old.*

Therefore, whilst there is already legislative protection for archaeology, in practice this is unlikely to be achieved as neither the Heritage Council, Hawkesbury City Council or property owners are aware of potential sites and in the instance of property owners, none would be aware that an interference with a relic by excavation carries a maximum fine of \$20,000 and/or imprisonment for up to six months. The land owner may also be prohibited from using or developing that land for a maximum period of ten years.

Therefore from one view, the draft archaeological management plan provides information to better satisfy existing legal and statutory obligations.

However an alternative view is that the extension of general heritage provisions across virtually all of Richmond, the majority of sites having no heritage significance above ground, will impose significant additional regulatory burdens on both the applicants and Council and in all likelihood not be well received by the community if an endeavour was made to involve them in the process.

In terms of these trade-offs between regulation (cost and time) and heritage conservation, it is not considered that Hawkesbury Local Environmental Plan, 1989 should be amended to declare the whole town an "archaeological conservation area". However consideration could be given to limiting requirements for archaeological investigations to those sites identified as having state significance on plan 4 of the draft management plan.

It is recommended that the draft Richmond archaeological management plan not be placed on public exhibition at this stage but rather referred to Council's Heritage Advisory Committee for consideration of this advice and also to the New South Wales Heritage Council.

Council has also received an offer from the 1996/97 Heritage Assistance Program for a similar archaeological management plan for Windsor at a total cost of \$26,000 with \$13,000 being offered by the New South Wales Heritage Assistance Program. Pending resolution of the draft Richmond archaeological management plan, it is not recommended that Council accept the offer of funding for the proposed Windsor archaeological management plan and that instead the Heritage Office be requested to reallocate the funding to Council's Local Heritage Assistance Program which provides dollar for dollar grants for heritage items in the area.

RECOMMENDATION:

1. That the draft Richmond archaeological management plan not be placed on public exhibition at this stage.
2. That the Heritage Advisory Committee and the Heritage Council of New South Wales be advised of the concerns expressed in this report and be asked to provide advice on the designation of particular sites rather than the town as a whole.
3. That the Heritage Office be advised that Council has declined to accept the offer of funding for the Windsor archaeological zoning plan pending resolution of the Richmond archaeological management plan and further that the Heritage Office be requested to reallocate the funding to Council's Local Heritage Assistance Program.

ATTACHMENTS:

AT-1 Study area and base map.

AT-2 Level of archaeological significance plan 4

AT-3 Archaeological zoning plan - plan 5

FN:EN924NBX.V05

****** END OF ITEM 33 ******

ITEM: 34 DRAFT LOCAL ENVIRONMENTAL PLAN - AMENDMENT TO HERITAGE ITEM (14) "HOBARTVILLE" - LOTS 1, 2 AND 3 DP596558 AND LOTS 209 AND 210 DP260361 - WILLIAM COX DRIVE AND INALLS LANE, RICHMOND

FILE NUMBER: LEP5/96 PT01/EVD

REPORT:

On 13 February 1996, Council resolved to prepare a Draft Local Environmental Plan to correct an anomaly in Schedule 1 of the HLEP 1989 relating to "Hobartville". The draft plan was made to amend Schedule 1 by deleting Lots 205-208, 211, 213 DP260361 and inserting Lots 1, 2 and 3 DP596558 and Lots 209 and 210 DP260361.

The draft plan was forwarded to the Department of Urban Affairs and Planning and the Heritage Branch for comment and was publicly exhibited from 27 March 1996 to 26 April 1996.

The Heritage Branch advised that:

"The inclusion of "Hobartville" and its curtilage on the heritage schedule of Hawkesbury LEP, 1989 is supported and therefore no objection is raised to the subject LEP".

One objection to the draft plan was received. The objection was from Mr. Jim Borge representing Hobartville Stud Pty Ltd.

Mr Borge stated:

"We advise that the area defined as that of historical significance is not the total area of Lots 1, 2 and 3 DP596558 and Lots 209 and 210 DP260361.

Lots 209 and 210 have never been part of the heritage listed property and parts of Lots 1, 2 and 3 are not included in the plan prepared by the Heritage Council.

We object to any extension of area over and above that depicted on the Heritage Council's format plan."

Council wrote to the Heritage Branch on 13 May 1996 requesting information on the Permanent Conservation Order (PCO) relating to "Hobartville" and advice as to whether or not Lots 209 and 210 are within the curtilage of "Hobartville".

The Heritage Branch forwarded to Council a copy of the PCO which indicated that the order relates to the house and outbuildings on Lot 3 DP596558 and does not include Lots 1 and 2 DP596558 or Lots 209 and 210 DP260361.

In reference to Lots 209 and 210 the Heritage Branch stated:

"You may note that Lots 209 and 210 DP260361 do not appear to be covered by the order. However the Heritage Branch have noted that this does not necessarily mean that such land was not at any time included in the original curtilage of "Hobartville"."

Hawkesbury Council's heritage inventory gives the following reasons for listing "Hobartville":

"An outstanding early Georgian Colonial mansion remaining in a remarkable state of preservation and is situated in a beautiful landscape of mature trees, gardens and fine pastures. The building contains a great variety of finely designed original cedar joinery including unusual internal louvred shutters and extensive walk-in cupboards. The estate of Hobartville has very important links with famous exploration and pastoral families and with the beginning of bloodstock sales in the country."

The southern portion of Lot 3 contains the main house, outbuildings and gardens. Lots 1 and 2 and the northern portion of Lot 3 are cleared level paddocks and make up the majority of land used for agricultural purposes. It is clear that most of the agricultural activity occurred in this area and hence these parcels are of agricultural and historical value in the early development of the Hawkesbury area and the development of bloodstock sales in the country.

Lots 209 and 210 make up a very small proportion of the "Hobartville" stud estate. Both lots are vacant and, with the exception of a small number of trees, have been almost completely cleared. The lots are situated to the east of the main buildings and gardens and to the south of the main paddocks. The location, size and slope of the lots suggest that they were not used as intensively as Lots 1, 2 and 3 for agricultural purposes. It also appears that the significance and size of the lots has been substantially altered by the adjoining residential development.

Lots 209 and 210 are not critical to the curtilage of the main house and outbuilding and surrounding gardens, nor are they critical to the local and state heritage significance Lots 1, 2 and 3.

There is nothing inherently obvious in the Lots 209 and 210 that distinguishes them as being of heritage value and it is considered that the heritage significance of Lots 1, 2 and 3 would not be unduly compromised if Lots 209 and 210 were not listed in Schedule 1 of the HLEP 1989.

It is therefore recommended that Lots 1 and 2 remain in the draft plan and Lots 209 and 210 be deleted from the draft plan.

RECOMMENDATION:

1. That Council delete Lots 209 and 210 DP260361 from Draft Local Environmental Plan - Amendment No. 74.
2. That Council forward the amended Draft Local Environmental Plan to the Department of Urban Affairs and Planning for gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V06

****** END OF ITEM 34 ******

ITEM: 35 REQUEST FOR SUPPORT - PROPOSED RESORT - LOT 3 DP771370
AND LOT 35 DP834488 - NO 228 GREENS ROAD, LOWER
PORTLAND

FILE NUMBER: P717/110/EVD

REPORT:

Council has received a request from architects on behalf of the owners for support of a proposed resort on the abovementioned property. The applicants seek some indication of support prior to making a commitment to prepare an E.I.S. and submitting a development application.

The proposal is envisaged as:

- 82 time share two and three bedroom units in a two-storey configuration on the hillside.
- Central facilities on a built up area incorporating reception, lounge, dining room, kitchen conference rooms and gymnasium.
- On a lower level a boat store, buggy store, indoor pool, tennis and basketball court, driving range and boating facilities.

The subject site is zoned Environmental Protection (Scenic) 7(d) and tourist resorts are permissible with Council's consent. Under the provisions of the Environmental Planning and Assessment Act, Regulations, Schedule 3 - Designated Development, development involving sewerage works for more than 20 people on a flood plain requires the preparation of an Environmental Impact Statement (E.I.S.).

The preparation of an E.I.S. is essential for Council to consider a development application. An E.I.S. would consider the following main issues:

- physical constraints i.e. topography, drainage, vegetation and land capability.
- potential flooding risks.
- potential bushfire risk.
- water quality and impact on the Hawkesbury River.
- traffic impacts
- the provisions of R.E.P. 20 and draft R.E.P.20(1996).
- consultation with public authorities.

The subject site is also affected by an identified wetland under the provisions of R.E.P.20.

The preparation of an E.I.S. is a costly exercise with no guarantees of support for the development.

The applicant has requested support in principle for the proposal, prior to making a formal

application. Council usually supports appropriately sized tourist development with minimal environment impacts. A problem with this approach is that for Council to give consideration to an application the preparation of an E.I.S. is fundamental. Other issues with respect to the proposal are the size of the development and the siting of the dwellings in the hillside which may be visually prominent when viewed from the river. The development proposed is considered an over development of the site.

It is considered that the development concept not be supported due to its size, possible impacts on the wetland and the unsatisfactory nature of the site.

RECOMMENDATION:

That the applicant be advised that the development concept is not supported due to its size and the need for an E.I.S.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V07

****** END OF ITEM 35 ******

ITEM: 36 REZONING OF PAUL'S (COLES) CARPARK, RICHMOND -
DEVELOPMENT APPLICATION TO EXTEND RICHMOND MALL**FILE NUMBER:** LEP7/96, DA215/96/EVD**REPORT:**

On 12 March 1996 Council considered a proposal to extend the Richmond Mall onto part of Council's carpark. The extension to Richmond Mall covers an area of approximately 1,700m² and the proponent proposes to swap with Council an area of 2,770m² being 3 allotments adjacent to the existing carpark access off Bosworth Street; namely Nos 8, 10 and 14 Bosworth Street.

To permit this type of development, the carpark has to be rezoned from 5(a) Special Uses Parking to 3(a) General Business. Council therefore resolved to prepare a draft local environmental plan to rezone the carpark.

It is important to appreciate that Council may or may not decide to support the proposal to extend the Richmond Mall but while ever the carpark is zoned Special Uses 5(a) Parking it cannot approve any other use of the land no matter the merits of the particular proposal. Council retains complete control over the carpark as owner which effectively precludes any appeal against a refusal to issue development consent.

The draft plan was prepared and referred to the following public authorities:

- * Environment Protection Agency
- * Heritage Council
- * Sydney Water
- * Telstra
- * Roads and Traffic Authority
- * Integral

No objections were received from the public authorities.

The draft local environmental plan was placed on public exhibition for the period 31 July - 28 August 1996. Seven (7) submissions were received as a result of the exhibition period.

The submissions are from:-

Noel Hemmings QC, Allen Allen & Hemsley (on behalf of JR & EL Fleming and Jewel Food Stores)
Mr David Upton, Misujuka Service Company Pty Ltd (own No. 9 West Market Street)
Mrs B El Derzie, (owns 257 Windsor Street)
Richmond & District Chamber of Commerce (requests exhibition time be extended)
F & J Mansour (part owner of Victorian Arcade)
Don Fox Planning (on behalf of JR & EL Fleming)

G Paull (seeks explanation of benefits of rezoning)

The main objections concerned the following:

- * the aim of the plan is unreasonable in that it permits a public carpark to be used for the erection of private retail premises;
- * there already exists a shortage of both on-street and off-street carparking in the area;
- * the rezoning and proposed extension of the Mall will create further demand in the locality for carparking;
- * no assessment of current carparking demand has been carried out;
- * no reference has been made to Section 94 trust monies expended on the land to provide carparking;
- * no assessment has been made of the impact upon existing retailers either as a consequence of the closure and sale of the carpark or the convenience or utility of any land that may be exchanged for that land;
- * no traffic report has been provided or considered by Council;
- * Council should prepare a Development Control Plan for the Windsor/ West Market/Francis/Bosworth Street precinct which details sites for commercial/retail development, carparking, pedestrian links between existing and proposed developments and carparks, retention of heritage buildings, etc;
- * the locality may suffer economically unless convenient and sufficient carparking facilities are provided to meet the demands of residents using this shopping precinct;
- * no assessment has been made of the economic impact this additional floorspace may have on the Richmond Commercial Centre.

In any redevelopment of the carpark Council will require that the amount of parking lost to the redevelopment is provided for by the provision of parking within the immediate locality. This is to ensure that the amount of public carparking behind Richmond Mall is not reduced as a result of redevelopment.

Any redevelopment of the carpark will also require additional parking to be provided in accordance with Council's Parking Policy DCP No. 2. The required additional parking is calculated on a fixed number of spaces per additional floor space. This will ensure that adequate off-street parking is provided for all vehicles generated by the new development. Therefore the net effect will be a considerable increase in off-street parking.

The integrity of Council's Section 94 Contributions Plan will not be adversely effected by the proposed rezoning and/or resultant redevelopment. As stated above, no existing carparking will be lost as a result of redevelopment. Existing parking spaces will be relocated, however, before Council can approve a proposed development, Council will have to be satisfied that the new parking spaces are located within the immediate area and will not significantly reduce the convenience of retailers and/or shoppers.

Concerns raised about traffic generation and the economic impacts redevelopment may have on the Richmond Commercial Centre will be addressed at development application stage. As part of assessing a development application the applicant will have prove to Council that the proposed additions will not substantially increase the volume of traffic in the area or adversely effect the viability of the Richmond commercial centre.

It should be appreciated that shopping centres are dynamic in terms of land use and redevelopment. For example, Council recently considered a discount department store proposal for the site which would similarly have required rezoning of the carpark.

Whilst Council is under an obligation to provide at least the existing off-street parking in close proximity to the shops which have contributed to the parking via Section 94 contributions, it would be wrong to say that the configuration of the carpark is immutably fixed. Similarly Council will need to maintain pedestrian access and loading arrangements for the existing shops which front the carpark but again this should not preclude consideration of other proposals.

It is considered that the objections raised to the draft LEP have been addressed in this report and/or can be adequately addressed at development application stage. It is therefore concluded that a public hearing into the draft plan does not need to be held and the draft plan may be submitted to the Department of Urban Affairs and Planning for final determination and gazettal.

In summary, the proposed rezoning of the carpark does not commit Council in any way to a redevelopment of the carpark for any purpose but simply provides the opportunity for Council to consider proposals.

RECOMMENDATION:

That the Draft Local Environmental Plan - Amendment No. 59 be submitted to the Department of Urban Affairs and Planning for final determination and gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V08

****** END OF ITEM 36 ******

ITEM: 37 DEDICATION OF ROAD - UNFORMED CROWN ROAD OFF STANNIX PARK ROAD, WILBERFORCE

FILE NUMBER: P2319/15/EVD

REPORT:

Application has been received from Falson & Associates acting on behalf of Mr Sam Azzopardi to construct approximately 190 metres of the unformed crown road with crushed rock pavement to access a dwelling site on Lot 2 DP814149.

The Department of Land and Water Conservation do not give approval for such works on their land but will allow for the transfer of the land to Council under the provision that Council will organise the construction of the road and the future maintenance of the road.

There is a \$100 application fee payable to the Department of Land and Water Conservation to cover the costs of the road transfer.

RECOMMENDATION:

1. That Council consent to the road transfer provided the applicant Mr. Sam Azzopardi pays the \$100 application fee and constructs the access under the supervision of the Subdivision and Development Engineer.
2. That Council write to the Department of Land and Water Conservation requesting the transfer of the relevant portion of unformed crown road to the Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V09

****** END OF ITEM 37 ******

ITEM: 38 NOTICE OF APPEALS - SUBDIVISIONS - LOT 18 DP30468 NO. 26
CLIFF ROAD, FREEMANS REACH & LOT 7 DP249442 NO. 33
GRIFFINS ROAD, TENNYSON

FILE NUMBER: SA106/95 & SA151/95/EVD

REPORT:

Council has received two Notices of Appeal in respect of subdivision applications.

1. Lot 18 DP30468 No. 26 Cliff Road, Freemans Reach - Applicant: Falson & Associates, Owner: G J Taylor

An appeal has been lodged in respect of the refusal of this Subdivision Application to create 5 allotments under Community Title Subdivision.

The subdivision application was supported by Council and required the Department of Urban Affairs and Planning's concurrence to the use of SEPP No. 1 for allotments below the minimum landsize. The Department refused concurrence and the subdivision application was refused.

Council's Solicitors have been instructed on this Appeal and a Town Planning Consultant has been instructed, as Council officers recommended refusal and Council supported the application.

2. Lot 7 DP249442 No. 33 Griffins Road, Tennyson - Applicant: Falson & Associates, Owner: Grubisic

An Appeal has been lodged against the refusal of a subdivision application to create 3 allotments. The allotments proposed were 4ha, 4ha and 2ha being well below the minimum 10ha under the zoning.

Council's solicitors have been instructed to defend the Appeal.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V11

****** END OF ITEM 38 ******

ITEM: 39

REZONE TO OPEN SPACE FOR PARK, RURAL/RESIDENTIAL
SUBDIVISION & CONTINUED EXTRACTIVE INDUSTRY
PROPOSAL - LOT 1 DP734932 SPRINGWOOD ROAD,
YARRAMUNDI - TILMUNDA PASTORAL CO PTY LTD

FILE NUMBER: P825/545, DA144/93 & LEP012/90/EVD

REPORT:

A submission has been received from Tilmunda Sand and Soil on behalf of Tilmunda Pastoral Co Pty Ltd to rezone land at the subject property to permit a rural/residential subdivision with dedication of land for open space purposes.

Refer to attached plan in the business paper, Attachment 1.

History

Council previously on 11 September 1990, in consideration of a similar request for regional recreation and open space identified for acquisition by the Department of Planning in REP No. 20 - Hawkesbury River, resolved:-

"To support in principle the proposal by Tilmunda Pastoral Co to create Yarramundi Park, and that the Department of Planning be requested to convene a meeting between officers of the Department, Council and Tilmunda Pastoral Co to discuss aspects of the proposal with the aim of its ultimate implementation."

Proposed Heads of Agreement were drawn up between Tilmunda and the Department of Planning, to allow extraction to continue and a future open space park.

Subsequently, the Department of Planning amended the provisions of REP 20 to remove the Yarramundi site from the plan and acquisition.

Site Development

A number of approvals and extensions to the consents have been issued for soil and gravel extraction on the site since 1986. The most recent approval for soil and gravel extraction was issued on 25 November 1992, for a period of four years. This approval would lapse this year.

All approvals have been issued with reference to a survey plan prepared in 1986 showing finished levels sloping towards the Hawkesbury River.

Recently, the applicant has sought to modify the approval to permit extraction to take place by removing gravel in pits with a final landform involving lakes.

The proposal is to allow extraction to occur for the next two years.

Zoning

The subject property is zoned under Hawkesbury LEP 1989 as 7(d1) Environmental Protection (Scenic). The minimum allotment size is 10 hectares within this zone.

Open Space

The applicant's proposal is to exchange the park area for development consent to subdivide, according to the plan attached to this report.

The proposed open space has an area of approximately 16 hectares with frontage to the lake of some 750 metres and to the road of 250 metres.

The proposal is that this open space would allow access to the lake and adjoining public reserve known as 'Yarramundi Park', the site of previous extraction by BMG Quarries.

The Department of Land and Water Conservation state that in respect of the land that they are about to control as a public reserve and environmental protection, that no commercial extraction will be permitted.

The proposal by Tilmunda for an open space park with a lake and river frontage raises a number of concerns. The concerns mainly relate to ongoing financing of the reserve and liability. The open space is not identified in Council's Open Space Plan or Section 94 Contributions and future funding is a major issue.

Rural Residential Development

The concept involves creating 24 rural residential allotments. The allotments vary in size with two large parcels of 4ha and the remainder approximately 5,000m².

The justification given by the applicant is based on commercial values and the contribution of the Park. The applicant also states that all allotments are above the 1 in 100 year flood line, and that no run-off will flow into the river it is proposed to flow into the lake in the proposed open space.

For Council to consider the rural residential subdivision, the property should be rezoned. The proposal is contrary to the 10ha minimum under the current 7(d1) Environmental Protection (Scenic) zoning. The proposal also far exceeds the subdivision potential of the 40ha parcel that currently exists.

The rezoning of the land for rural residential allotments has some far reaching concerns. Council has engaged the Rural Lands Study to investigate agricultural viability of areas. This rezoning of introducing rural residential allotments may impact the potential of the area.

Other issues are identified as the provisions of REP 20 for the Hawkesbury River and the effect of effluent disposal systems within close proximity to the river. The precedent that this would set in the context of other requests for rural residential subdivisions in the rural area.

The Department of Urban Affairs and Planning position has been in recent times not to consider any rezonings for residential type development on the western side of the river.

Conclusion

Although Council may have supported the concept of a park on part of this land when the land was to be acquired by DUAP the situation has altered with the responsibility resting with Council. The responsibility includes ongoing maintenance and funding.

There is some agreement that a park along the river and lake frontage is a good idea, however, to justify a rezoning for rural residential allotments on this basis is considered not acceptable. The precedent of the rezoning is considered and should not be supported.

However, should Tilmunda seek to continue extraction operations on the property an agreement should be reached with Council for the terms of the period and rehabilitation of the land.

RECOMMENDATION:

1. That the request for support in principle for rural residential subdivision and open space not be supported for the reasons outlined in the report.
2. Should Tilmunda seek to continue extraction operations an agreement should be endorsed which sets out the terms of the period and rehabilitation of the land.

ATTACHMENTS:

AT-1 Plan

FN:EN924NBX.V12

****** END OF ITEM 39 ******

ITEM: 40**MORATORIUM ON LICENSES TO EXTRACT WATER - IMPACT ON AGRICULTURE - RESPONSE FROM THE MINISTER FOR LAND AND WATER CONSERVATION - RESPONSE FROM HAWKESBURY NEPEAN CATCHMENT MANAGEMENT TRUST****FILE NUMBER:** GE020/012 PT02/EVD**REPORT:**

It will be recalled that the Department of Land and Water Conservation has imposed a moratorium on licenses for approvals to extract water from streams as defined by the Water Act, 1912. The definition includes streams, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved. This is an extremely broad definition and includes most natural drainage depressions which would be used to site dams and includes all blue lines on 1:25,000 topographic maps.

The moratorium is derived from an Order under the Water Act, 1912 issued by the Minister on 20 July 1995 for an "initial" period of up to two years.

As previously reported, the moratorium will thwart any new agricultural development in the City of Hawkesbury which cannot rely on an existing license and which either seeks to extract water from the Hawkesbury River or construct a dam in a water course.

There have been numerous representations to both the Department of Land and Water Conservation and also the Hawkesbury Nepean Catchment Management Trust. This has included meetings with both the Minister for Land and Water Conservation, officers of the Department of Land and Water Conservation, representatives of the Hawkesbury Nepean Catchment Management Trust and the local member, The Honourable Kevin Rozzoli, M.P.

At a meeting on 5 August 1996 involving councillors, the Department of Land and Water Conservation, farming representatives, the Chairman of the Hawkesbury Nepean Trust and The Honourable Kevin Rozzoli, M.P., there was general agreement that the moratorium on new farm dams in water courses be lifted. It was suggested at the meeting that Council draft a submission to the Minister recommending the lifting of the moratorium on farm dams with the submission to be endorsed by Council, the Hawkesbury Nepean Catchment Management Trust and The Honourable Kevin Rozzoli, M.P.

A submission was drafted and sent to the Hawkesbury Nepean Trust and local member for endorsement.

The following response from the Trust has been received.

"With reference to Council's request for the Trust to sign a submission to the Minister for Land and Water Conservation and the Department of Land and Water Conservation, I undertook to progress the matter, "farm dams for commercial use", in as many channels as possible.

To this end, I have attended one meeting of the Water Users Association and arranged another for next week between senior representatives of the Department of Land and Water Conservation and the Water Users Association.

At the meeting of the Water Users Association which I attended, I believe we reached some common ground to resolve the various issues associated with the moratorium. The meeting next week is to obtain Department of Land and Water Conservation's agreement to resolving these issues. I therefore suggest considerable progress has been made.

The opportunities and awareness which have and will come from these meetings will give more effect to the Trust's case. Therefore, I cannot sign your letter of 26 August unilaterally on behalf of the Trust. Instead I propose to wait until the Trust has networked the issue to an extent which will ensure a satisfactory outcome.

Yours faithfully

*R.B. Crawford
Chairman"*

A letter has also been received from the Minister for Land and Water Conservation, The Honourable Kim Yeadon, M.P. in response to previous submissions. The Minister's response is as follows:-

"Council would appreciate that there has been a deterioration in water quality and the environment generally along the Hawkesbury-Nepean and increasing competition for water, particularly during dry periods. If the Government was to allow unrestricted access to new agricultural and/or other users, further environmental degradation would be inevitable. In addition, the share of water available to existing users would decline.

The two-year moratorium was announced in July 1995 as the most effective means of holding development while a full review of water management was carried out by the Department of Land and Water Conservation. Included in this review was the intention to make recommendations to Government for the long term sustainable management of the Hawkesbury-Nepean river system. The Department has advised that they are developing proposals to tightly control future access to water, with flexibility to allow water to be traded among licensees under a transfer system.

At the same time, action is under way on several fronts to review Sydney Water's water management arrangements. In relation to the exemptions in the moratorium for small dams and riparian pumps for private use, the Water Act did not permit them to be included.

An additional officer has recently been assigned to progress the development of a transfer policy and to process the amnesty applications. This draft policy will include discussion on the status of farm dams in water management. It is envisaged that the draft policy will be released for discussion shortly.

Following an initial review by Government departments, the draft transfer policy will be

reviewed by bodies including local councils, the Hawkesbury Nepean Catchment Management Trust, Land Care groups and irrigation interests.

I trust this information is of assistance."

Despite advice from the Trust and the Minister that the resolution of the moratorium and the establishment of a license transfer system is being progressed, the evidence from meetings which Council staff and councillors have attended is to the contrary. There has even been advice to this effect from the staff of the Department of Land and Water Conservation.

Unfortunately without the support of the Hawkesbury Nepean Catchment Management Trust to a lifting of the moratorium in respect of new farm dams only, there would seem little prospect of the Minister amending or lifting the moratorium.

The refusal of the Trust and the Minister to support the lifting of the moratorium in relation to farm dams in particular, potentially jeopardises Council's proposed rural lands study. Until the Minister decides otherwise, there are no new licenses available for any commercial agriculture in the City of Hawkesbury.

RECOMMENDATION:

That the information concerning the position of the Hawkesbury Nepean Catchment Management Trust and the Minister for Land and Water Conservation on the moratorium on extraction of water be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN924NBX.V17

****** END OF ITEM 40 ******