



general
purpose
committee

1
section

environment

ITEM	SUBJECT	PAGE
SECTION 1 – ENVIRONMENT.		
78:	Presentation on Environmental Impact Statement (EIS) for the Construction of the Auxiliary Spillway for Warragamba Dam GC180/006PT04/ENG/ENA28NBX.E05	4
79:	Proposed Recreational Establishment – Lot 4 (Book 3671 No 894) – No 160 Davis Lane, Pitt Town DA216/96 PT01/EVD/ENA28NBX.V02	5
80:	Proposed Community Title Subdivisions of Lot 112 DP 842543 – 355 Blaxlands Ridge Road and Variation to Policy SA132/96 & SA133/96/EVD/ENA28NBX.V20	11
81:	The Control of Noise from Vessels on NSW Waterways GE020/017 PT02/EVD/ENA28NBX.V12	16
82:	Hawkesbury Wildlife Corridor Plan G021/197/EVD/ENA28NBX.V06	18
83:	Local Environmental Plan for Composting Facilities LEP18/96/EVD/ENA28NBX.V08	19
84:	Landfill Development Control Plan No 4 DCP1/92/EVD/ENA28NBX.V09	22
85:	Dual Occupancy and Medium Density Housing – Flood Liable Land GT125/001PT02;LEP011/96Pt01/EVD/ENA28NBX.V11	23
86:	Sign Policy – DCP No 6 DCP002/94/EVD/ENA28NBX.V18	25
87:	Dam Construction Development Control Plan No 5 DCP1/96/EVD/ENA28NBX.V15	26
88:	Draft Development Control Plan No 4 – Light Industrial Area Richmond DCP2/93/EVD/ENA28NBX.V21	28
89:	Tilmunda Pastoral Co Pty Ltd – 219 Springwood Road, Yarramundi – Request to Amend Development Consent to Allow a Continuation of an Extractive Industry DA0144/93;P825/455PT02/EVD/ENA28NBX.V23	30
90:	Request for Review of Council Decision – Proposed Service Station – Richmond Marketplace, Cnr East Market and Lennox Streets, Richmond (DA193/96) DA193/96/EVD/ENA28NBX.V17	34

GENERAL PURPOSE COMMITTEE – ENVIRONMENT

Table of Contents

Meeting Date: 28 January 1997

Page 3

91:	Town Planning Codes – Extractive Industries GT070/010 PT02/EVD/ENA28NBX.V13	35
92:	Status of Extension to Richmond Mall – Coles Addition, Liquor Land and Speciality Shops DA0215/96PT02/EVD/ENA28NBX.V10	36
93:	Draft Development Contribution Plan, Drainage Catchment No 4, Richmond DCP2/93, LEP1/93/EVD/ENA28NBX.V22	38
94:	Professional Chambers – Psychiatric Group Treatment, 43 Pitt Street, Richmond – Renewal of Consent for Indefinite Period and Variation of Hours of Operation DA164/93 PT01/EVD/ENA28NBX.V19	39

oooO END OF TABLE OF CONTENTS Oooo

ITEM: 78 Presentation on Environmental Impact Statement (EIS) for the
Construction of the Auxiliary Spillway for Warragamba Dam

FILE NUMBER: GC180/006PT04/ENG/ENA28NBX.E05

REPORT:

In December 1996 Sydney Water Corporation placed on public exhibition an Environmental Impact Statement (EIS) for the construction of the auxiliary spillway for Warragamba Dam.

A presentation on the EIS will be provided to this General Purpose Committee meeting by David Snape and John Petre of Australian Water Technologies

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 78 Oooo

ITEM: 79 Proposed Recreational Establishment – Lot 4 (Book 3671 No 894) – No 160
Davis Lane, Pitt Town

FILE NUMBER: DA216/96 PT01/EVD/ENA28NBX.V02

Applicant: Mini Car Club of New South Wales
Applicants Rep: Travis McEwen Group Pty Ltd
Owner: T & D Apap, J G Cook
Stat. Provisions: Hawkesbury Local Environmental Plan 1989, Sydney
Region Environmental Plan No 20, Hawkesbury-Nepean
River and Draft SREP No 20, Hawkesbury-Nepean
River 1996.
Area: 6.320 ha
Zone: Environmental Protection Scenic 7(d1)
Advertising: The proposal was referred to adjoining owners for
comment and 3 objections have been received
Date Received: 11 September 1996
Key Issues: Flooding
Access
Dust
Soil Erosion
Pitt Town Lagoon
Visual
Traffic
Noise
Overuse of Site

Action: Approval

REPORT:

Council has received a development application to use a disused rural lot in Pitt Town Bottoms as a recreational establishment being the holding of sporting events to be staged by the Mini Car Club of New South Wales.

The application states as follows:

All events conducted by the Mini Car Club are authorised and held according to rules and regulations of CAMS – the Confederation of Australian Motor Sport. CAMS is the ruling body for motor sport in Australia.

The proposed events will be Closed Competitions conducted under a Club Licence according to the following CAMS definition:

...accessible only to club members of the organising club and members of up to five clubs

invited by the organising club...

(1996 Manual of Motor Sport: CAMS – the CAMS Manual)

The proposed events are defined as Autocross and Motorkhanas in the CAMS Manual. Both events are tests of skill in the essential areas of car control and judgement. Winners are not determined by speed – there are penalties for travel in the wrong direction and for hitting flagged marker poles. Each event starts and finishes in a stationary position on a defined area.

The site will be utilised for a maximum of 18 events a year with 60 to 120 people attending, comprising competitors, 15 officials and their guests. The club has 650 members, however each event will be restricted to between 70 and 80 entries involving 30 to 50 vehicles.

Events would commence at 9.30am and be completed by 6.00pm on weekends during dry weather.

Accommodation for the proposed events would be demountable tents, primarily for officials, with an open carport structure, 12m x 6m, envisaged for the future, subject to Council's consent.

The application also states:

Competition vehicles are either road registered or modified production cars, in accordance with CAMS definitions (CAMS Manual: Schedules A and B). These definitions highlight the paramount importance of safety for both competitors and spectators. All competing vehicles are checked for safety prior to each event, and all vehicles must be fitted with seat belts. Open vehicles must be fitted with roll bars.

All competing vehicles are muffled to ensure that engine noise emissions meet accepted environmental standards. The mini cub will utilise CAMS noise metering to ensure that all competitors adhere to this requirement.

Access to the site is over a 3m width right of way off Pitt Town Bottoms Road, which is unconstructed and a 10 kph speed limit is proposed by the club.

A silt screen is proposed along Bardenarang Creek at the rear to control sediment mobilised by rain events.

The water needed will be brought to the site and portable chemical toilets will be provided for each event. A generator will be used for any power needs for each event.

Statutory Provisions

The site is zoned as Environmental Protection 7(d1) Scenic under HLEP1989 and a recreational establishment as proposed is allowable with Council's consent.

The land is flood liable and Clause 25 of HLEP1989 prohibits the erection of any buildings. The Council has prepared a draft local environmental plan to have this clause relate only to habitable buildings, but this plan has not yet been gazetted.

The proposal does not conflict with SREP No 20 provided control measures are installed and maintained to ensure the water quality of Bardenarang Creek and the Hawkesbury River are not adversely affected in any way and that the scenic quality of the area is protected.

The development controls contained in the draft SREP 1996 state that a recreational facility on the site requires consent. The proposal does not conflict with specific policies and recommended strategies contained in the Draft Plan and the landscape is stated to be of local significance only.

Pitt Town Lagoon is to the south of the site and there is no designed wetland on the land.

Community Response

The receipt of the application was advised to adjoining owners and 3 objections have been received. A summary of the concerns are listed below:

- C inconsistent with rural and natural qualities of the area
- C impinge on the visual and scenic amenity of the area
- C adjacent to Pitt Town Lagoon and will impact adversely on this waterway
- C extremely flood prone, difficult to control dust and land degradation
- C dust on crops and possible damage to farm plant and pipes
- C serious noise pollution to residents in area
- C not a small scale, low speed and low impact activity
- C noise and dust will interfere with rural workers on adjacent lands
- C access only 3 metres wide. Vehicles when passing will drive on private land
- C use may increase over time, contrary to application

Environmental Assessment

Flooding

The site is flood prone, however no permanent structures are proposed. Usage of the site on wet days or after heavy rain is not proposed nor is it likely because of bogging of vehicles.

Access

Access to the site is by a 3m wide right of way and reserved road off Pitt Town Bottoms Road and is currently constructed to a low standard. The right of way, being only 3m wide, is suitable only for one way traffic at any one time. Given that visibility along the access is good and vehicles will generally arrive early in the day and leave late in the day, the one-way width will probably not cause any significant problem.

There is however a potential for conflicting vehicles to leave the right of way and drive onto the turf adjoining, damaging this and perhaps irrigation fittings. A condition would need to be imposed that all access is to be confined to the right of way.

Notwithstanding the statement that events will not be held in wet weather, the access should be upgraded to provide a 3m wide smooth all-weather surface (Compacted gravel) together with a requirement that this be maintained in good condition.

Dust

The events are carried out in low gear at low speeds and dust from events should be minimised and should not create a problem. However, if approved, the development consent should contain a condition related to dust suppression measures being provided (e.g. water cart).

Soil Erosion

The application proposes that the event areas will be moved around the site to ensure used areas recover and no one area is damaged and rutted that could cause soil erosion and silted runoff during wet periods.

The application proposes a silt barrier along the creek at the rear and it is recommended this fence be located 100 metres back from the creek to give a grassed area between the fence and creek for additional filter area.

Pitt Town Lagoon

The site is in reasonable proximity to the lagoon, however due to the infrequent use, 18 per year, and the filter fence, adverse impact on the lagoon is unlikely.

Visual

The site will appear, except on event days, as a grassed field and will be similar in appearance to some surrounding lots. On event days there will be tents, vehicles, club members and guests on the site. The activities will be visible from Pitt Town Bottoms Road, Bathurst Street and from surrounding lots but will not be too obtrusive on this rural landscape and in view of limited use, is

considered acceptable.

Traffic

The events are expected to attract 30 to 50 vehicles, arriving in the morning and departing in the afternoon. These traffic movements are not beyond the capacity of Pitt Town Bottoms Road and no congestion or traffic hazard should occur.

Noise

Although vehicles perform at low speeds in low gears, this can still generate a noise issue along with vehicle access from Pitt Town Bottoms Road. The events take place on the weekends (18 per year) and, while there is the potential for disturbance, the limited use and the restriction of event hours will reduce this impact significantly.

Overuse of Site

It is possible to impose conditions of consent which limit the use of the site to vehicles in events defined as "closed competitions" for "Autocross" and for "Motorkhanas" under a "Club Licence" with CAMS. Copies of these definitions have been provided to Council and they generally restrict events to short sprint distances of 200m with an emphasis on manoeuvring skills.

The use of the site should also be restricted to 18 events per year to ensure overuse and expansion of event numbers does not occur.

Conclusion

The proposal aims to utilise an agriculture lot for a low scale sporting club event venue. The proposal relies on restricted row for access. The activity is apparently a low traffic/noise generator and should not result in any long term adverse affects. Approval is recommended subject to suitable controls for vehicular access, hours of operation, frequency of events and soil erosion/siltation controls.

RECOMMENDATION:

That Council approve the use of Lot 4 (Book 3671 No 894) No 160 Davis Lane, Pitt Town as a recreational establishment for the Mini

Car Club of New South Wales subject to the following conditions:

1. The access from Pitt Town Bottoms Road to the site to be upgraded to provide a smooth compacted crushed rock pavement with any necessary drainage to provide an all-weather access to the site together with ongoing maintenance of the work.
2. No vehicles to be permitted or functions to take place within 100 metres of Bardenarang Creek at the rear and the provision and maintenance of a suitable silt fence along this 100 metre line to prevent silt and the like from entering the creek. Details to be submitted and approved before any works are commenced.
3. Measures to be taken during events to suppress dust along the access road and on all trafficable areas by watercart or similar to ensure no dust adversely affects adjoining properties.
4. No permanent buildings to be erected on the site.
5. Events held on the site to be restricted to members of the Mini Car Club of New South Wales and their guests and generally only Mini Minor cars or their derivatives to be used in the staged events.
6. Events staged by the Mini Car Club of New South Wales should only be "closed competition" events as defined by the Confederation of Australian Motor Sports (CAMS) National Competition Rules Manual and which may include "Autocross" and "Motorkhana" events.
7. Staged events to be only conducted on the site between the hours of 10.00am and 4.00pm and all vehicles to only enter and leave the site in daylight hours.
8. No artificial lighting to be installed or utilised.
9. All vehicular carparking associated with the staging of an event shall be accommodated solely within the subject land.
10. The erection of appropriate vehicle barriers along the boundaries of the existing right of carriageway to prevent vehicles traversing or encroaching onto adjacent private properties.
11. Provision of flagmen at the Pitt Town Bottoms Road and right of carriageway junction and at the end of the right of carriageway to control vehicular access and traffic movement to and from the site.
12. No more than 18 event days per calendar year to be staged on the land.

13. Provision of adequate portable chemical toilets for each event and toilets to be removed at the conclusion of each event. Details to be submitted to and approved by the Director of Environment and Development before the first event is staged.
14. Provision of satisfactory vehicular access to the land to the requirements of the Divisional Manager Engineering Operations.
15. 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.
16. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
17. 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.
18. The subject development, is to be maintained in a clean and tidy manner to the satisfaction of the Director Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
19. The development shall be carried out in accordance with development application and report prepared by Travis McEwen Group Pty Ltd, numbered 7116/08/12/B-N60903/BN, submitted with the development application.

ATTACHMENTS:

AT-1 Plan of Site

oooo END OF ITEM 79 Oooo

ITEM: 80 Proposed Community Title Subdivisions of Lot 112 DP 842543 – 355
Blaxlands Ridge Road and Variation to Policy

FILE NUMBER: SA132/96 & SA133/96/EVD/ENA28NBX.V20

Applicant: McKinlay Morgan & Associates Pty Ltd
Applicants Rep: B. McKinlay
Owner: P H Lewis & J F & GM Melinz (for SA 132/96 only)
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 11.53 ha., 11.93 ha for SA132/96
Zone: Rural 1(c1) - Minimum 4 ha.
Advertising: Adjoining owners - no written submissions
Date Received: 19 November 1996

Key Issues: Minimum areas
Council policy re-use of SEPP1
Waste water disposal

Action: Refusal of subdivision unless additional 4700m²
obtained from adjoining owner.

REPORT:

Two separate applications have been lodged, supported by the same SEPP1 objection.

Both applications seek to create a Community Title subdivision of 3 undersized rural residential lots and a large residue community lot.

One application (SA133/96) seeks to subdivide Lot 112 only which comprises 11.53 ha. whereas under the zoning a minimum of 3 x 4 ha. i.e. 12 ha is required.

The second application SA132/96 includes an additional 4000m² from the adjoining property, increasing the total area to be subdivided to 11.93 ha i.e. still marginally below the 12 ha required. Other than the area of the community lot the applications are identical.

The application states that the two proposals have been included in this statement to demonstrate to Council that its current subdivision policy, which "caps" the variation allowable under State Environmental Planning Policy (SEPP) No 1 - Development Standards to a maximum of 10% of the total site area required for one lot do not result in a better subdivision design which is more "environmentally enhanced" as required by the objectives of the policy, nor does reliance on this defacto numeric standard achieve any real tangible planning purpose. The applicant has indicated

that the two applications have been lodged as a test case and it is believed that if one is approved and one refused, based on the 10% policy, than an appeal will be lodged.

Informal legal advice is that the 10% policy is contrary to the intent of SEPP1 and could not be used as a defence at appeal.

Council Policy adopted at the Ordinary Meeting of Council on 9 April 1996 is "that applications for subdivision under State Environmental Planning Policy No. 1 which do not comply with the minimum area standard (except where one lot is not more than 10% below the minimum area requirement) be determined under delegated authority". Such applications have been refused as the minimum area standard is a relevant head of consideration.

The policy is considered to be a good one, giving some flexibility where land is marginally below the required area for subdivision and at the same time giving owners and applicants clear guidelines on what will and will not be approved. However, as stated previously this may not be enforceable at law. It is extremely difficult to determine on merit the minimum size of a lot which should be supported under SEPP1, it being noted that in the majority of cases, a dwelling could be erected on a lot of land until satisfactory effluent disposal etc. on lots of between 1 & 2 ha. regardless of the zoning. Other objectives of the zone may indicate larger lots (e.g. to retain agricultural potential) but cannot provide a particular cut off point for a lot area where subdivision should or should not be approved. Strong arguments were put by both sides in a recent appeal on a subdivision in Tennyson Road where the applicant applied for a 3-lot subdivision of 4 ha, 4 ha and 2 ha in a 10 ha zone. Council has been successful in upholding its refusal and this will be the subject of a separate report to Council when the judgement is received.

It is considered that Council must return to a policy prohibiting subdivision where the lots do not fully comply with the minimum lot area. It is a slight raising of the base line to eliminate any reference to a 10% variation making the zone minimum the base line. Advice from DUAP is that SEPP1 should not be used in a quasi rezoning and recent advice is that it will not be supported unless an application has unique or distinct features which sets it apart from other subdivision proposals, i.e. no precedent for other subdivision should be set.

Provided a strong stance is maintained on not approving subdivisions that do not comply with the standard, the policy will be just as effective at retaining standards as that now existing and more supportable at appeal.

The two applications and the SEPP1 objections are now assessed on their merits in light of the previous comments.

A. SA133/96

The subdivision seeks to create 3 rural residential lots of 1.5 ha, 1.0 ha and 3.1 ha and a large community lot of 5.93 ha. The 3.1 ha lot (Lot 4) contains an existing two-storey brick residence, garage and stable. The site is substantially cleared grassland. The rear of the lot falls towards the neighbourhood lot and the creek system within it.

The 1 ha lot (Lot 3) is cleared for approximately half its area with the balance defined as open forest.

The 1.5 ha lot (Lot 2) contains a large dam with a small cleared area in its north eastern corner with the balance again defined as open forest.

The neighbourhood lot (Lot 1) of 5.93 ha comprises a steep gully with heavy vegetation and has little development potential. The subdivision proposed will allow its retention in its current form and suitable for passive uses.

The three rural residential lots seek to locate development areas in the cleared section of the site which is supported in principle. However this is assessed in more detail in the following paragraphs and on merit is not supported in its current form.

The total site area is only 11.53 ha. while the required area for 3 lots under the zoning is 12 ha, i.e. the area is deficient by 4700m² or 11.75% based on the minimum lot area for the zone.

A flora and fauna statement for the site has been submitted and concludes that no threatened species were detected on the site and it is unlikely that protected species will be affected by the proposed development but does suggest measures to reduce the impact on the bushland and creek due to stormwater runoff. The report states the area is suitable for on-site effluent disposal but enhanced nutrient absorption measures could be used to reduce the possibility of excess nutrient flows to surrounding vegetation and drainage lines. This statement is however made in isolation and no information has been provided to support this. It may be true but should be supported by suitable investigations. Of concern is the very limited cleared area on Lot 2 (1200m² by scale) and Lot 3 (4300m² by scale) in a sandstone area generally characterised by shallow soils. Effluent disposal on lot 4 is via a septic tank towards the rear of the lot and may already be discharging into the bushland and creek areas. It may be necessary to increase the area of Lot 2 and perhaps Lot 3 to provide sufficient disposal area. This could be done by reducing the area of Lot 4 which contains 3.1 ha. and is virtually fully cleared. If approval is to be given, it should be only after a

satisfactory effluent disposal report has been submitted.

The application is accompanied by a detailed planning report which discusses Council policies and the benefits of the proposed lot averaging via the community subdivision, in particular:

- (i) The retention of the existing vegetation etc. i.e. the house sites contained in the cleared areas.
- (ii) the use of the community lot as the only access to the 3 lots i.e. reduction of traffic conflicts at East Kurrajong Road.
- (iii) Safety in bush fires due to existing and past clearing.
- (iv) Economy of servicing etc. of the lots.

In principle the above is agreed with, however the area of concern remains the existing area of the site and its lot potential. The applicant has provided a SEPP1 objection against the 4 ha development standard as:

- (a) The two additional lots to be erected on the land generally consistent with the 1(c1) zone.
Comment: as stated previously the area is 4700m² short of the zone requirement for the area to allow the creation of two additional lots.
- (b) The lot averaging is a more appropriate environmental solution to the site.
Comment: It is agreed that if approved, the lot averaging proposed is better particularly if effluent disposal is fully assessed.
- (c) The proposal protects the environmental feature within the neighbourhood lot and the adjoining Wollemi National Park.
Comment: Again subject to a satisfactory effluent disposal report this is agreed with.

The report also provides comments on compliance with the objectives of the zone and this is generally agreed with. However, similar arguments could be presented for many other lots in the City where the area of the lot is to a small extent (as in this case) or to a major extent below the minimum requirements set by the zone. In fact similar arguments could be used to seek to justify a 4 or 5 lot subdivision on the subject site again subject to satisfactory effluent disposal.

The argument comes down to precedent of approvals of lots not complying with the zone minimum as it is virtually impossible to set a cut off point based on area and merits other than the standard.

The applicant has not presented any unique case as to why the development standard is unreasonable or unnecessary in the circumstances of this particular case. The application is therefore recommended for refusal.

B. SA132/96

This application is exactly the same as that discussed above except that the applicant proposed to obtain 4000m² from an adjoining property which increases the area being developed to 11.93 ha. and the neighbourhood lot to 6.33 ha. The rural residential component remains unchanged as does the usefulness of the neighbourhood lot. There is no difference in planning merit between the two applications.

However, based on Council's adopted policy, this one may be approved while the other must be refused.

Notwithstanding that the required area is then only 700m² below the zone requirement it is recommended that it also be refused.

C. If the applicant can obtain sufficient land to bring the area being subdivided up to 12 ha and submits a satisfactory effluent disposal report, the application to create 3 lots and a community lot should be approved under delegated authority. It is noted the concurrence of DUAP will be required.

RECOMMENDATION:

A. That the SEPP1 objection not be supported and SA132/96 & SA133/96 be refused for the following reasons:

(i) The site does not have the potential for three lots in accordance with the 4 ha. minimum lot area as required by Clause 11(2)(d)(i) of HLEP 1989.

(ii) The applicant has not demonstrated any unique reason why the development standard is unnecessary or unreasonable in this particular case.

(iii) In the light of (ii) above, approval of the subdivision could set an undesirable precedent and is not in the public interest.

(iv) No report showing that effluent can be disposed of satisfactorily on each of the lots has been submitted.

B. (i) If the applicant obtains additional area from the adjoining property to increase the land being subdivided to 12 ha. and submits a report showing that effluent can

be satisfactorily disposed of on each of lots 1 to 3 consent be issued under delegated authority to a community title subdivision substantially in accordance with the submitted plan dated 29 August 1996, Plan No 89272:DA:2 subject to suitable conditions.

(ii) No further application fees be required for this amended application.

C. Council vary its policy adopted 9 April 1996 to that as follows:

(i) That applications for subdivision under State Environmental Planning Policy No 1 in Non Urban areas where the number of lots proposed is in excess of the potential number of lots available under the minimum area standard for the zone be refused under delegated authority unless clause (ii) applies.

(ii) Where lots do not comply with clause (i) above and the SEPP1 objection provides valid and unique reasons that approval of the subdivision is not unreasonable and unnecessary in the circumstances (i.e. that no precedent will be set) the matter be considered on its merits under delegated authority. Note: based on experience to date, it will be extremely difficult to justify that the reasons are unique.

(iii) This policy to apply to all subdivisions not yet determined.

ATTACHMENTS:

AT-1 Subdivision plans SA 132/96

AT-2 Subdivision plans SA 133/96

0000 END OF ITEM 80 0000

ITEM: 81

The Control of Noise from Vessels on NSW Waterways

FILE NUMBER:

GE020/017 PT02/EVD/ENA28NBX.V12

REPORT:

In mid 1992, concern was raised regarding the issue of the increasing number of noise complaints being reported to the Waterways Authority. Although no comprehensive data is available to support this trend, it is consistent with the increased community awareness to the impact of noise in general.

Due to the escalating number of vessel noise complaints being reported, the Board of Directors of the Waterways Authority requested that NSW vessel noise levels be reviewed with regard to world standards.

As a result, the MSB Waterways Noise Committee was established in March 1993. Membership consisted of representatives from the following organisations:

Waterways Authority
Environmental Protection Authority of NSW
Australasian Jet Sports Boating Association
Boating Association of NSW
Charter Vessels Association
NSW Police Service
NSW Water Ski Association
Outboard Marine Corporation

The primary purpose of this committee was to look at ways to reduce the impact on the community due to noise from recreational, racing and personal water craft vessels without significantly affecting recreational, competition and commercial use of NSW waterways.

In summary, the review focused on five major areas.

- Investigation of methods of noise control in other States of Australia and overseas;
- Assessment of current noise testing procedures used elsewhere in Australia and overseas;
- Investigation of possible technical methods to reduce noise levels;
- Assessment of current vessel noise legislation; and
- Investigation of options for an education program.

In September 1996, a report based on the results of this review, entitled, "The Control of Noise from Vessels on NSW Waterways" was prepared and circulated to relevant organisations and an invitation was extended for interested parties to comment on the

report and recommendations. Local government is identified prominently in the recommendations on education.

Currently in NSW, the Waterways Authority has primary responsibility for controlling noise from recreational and commercial vessels, even though other authorities such as local government and the police also have the power under the provisions of the Noise Control Act, 1975, and related regulations, to deal with "offensive noise" from vessels, via the issuing of Section 40 and 45 Notices and Noise Abatement Directions. One recommendation outlined in the report related to the training of local government officers, thereby ensuring uniform interpretation of the noise legislation and a consistent balance between education and enforcement. Should it be the intent of the Waterways Authority to shift a greater percentage of the responsibility of vessel noise control and enforcement onto local government, concern is raised.

Another recommendation involved local government and other authorities participating in a vessel noise complaint record system, thereby gathering statistical data from which educational strategies can be established. The report does not identify the mechanism by which the information is to be transferred to a central location for collaboration and analysis, thereby raising questions about its feasibility.

In the report, the importance of educating the general community was highlighted, thereby making them aware of the controls that exist for vessel noise and the action that is taken by the Authority, the Environmental Protection Authority (EPA) and the boating community to minimise the impact of noise.

The Waterways Authority currently run education programs focusing on vessel noise, however these are only targeted to the boating community, as the Authority does not have the means to access the general community.

As a result, it has been proposed that local government assist in this process, as they are seen as being ideally placed and already have existing links with the general community. The report recommends that local government play an active role, in conjunction with the Authority and the EPA, in establishing the most effective means of delivering the messages concerning vessel noise to the public. This report also suggests that local government act as a distribution network, whereby pamphlets, stickers etc. associated with education programs can be distributed throughout the general community. This is well within the scope of local government, however, the government authority responsible for funding education literature and promotional material is not indicated.

RECOMMENDATION:

That a submission based on the comments outlined above be prepared and forwarded to the Waterways Authority.

ATTACHMENTS:

AT-1 Report Recommendations

0000 END OF ITEM 81 0000

ITEM: 82

Hawkesbury Wildlife Corridor Plan

FILE NUMBER:

G021/197/EVD/ENA28NBX.V06

REPORT:

In July 1995, Council received advice from the Department of Urban Affairs and Planning that it had been successful in gaining a \$10,000 grant, on a dollar for dollar basis, for the preparation of a Wildlife Corridor Plan for the City. A project brief was then prepared a consultants requested to tender for the project. Land and Environment Planning were awarded the project. This firm had previously won a Royal Australian Planning Institute award for a similar study that had been done of the Hornsby LGA and they have been doing a concurrent study of the Penrith LGA.

The need for wildlife management has taken on increased importance in recent years and is particularly important in the Hawkesbury which has the largest number of threatened species in the Sydney metropolitan region. The need for the conservation of biodiversity has been given significant impetus since the adoption of Agenda 21 at the 1992 Rio Earth Summit. This has been since reflected in much of the environmental legislation that Council deals with in its day-to-day operations.

The study has mapped the Wildlife Corridors of the Hawkesbury based on broad vegetation units. It has not, however, mapped and provided habitat detail on threatened species and should therefore be viewed as a first stage to an overall biodiversity conservation strategy for the Hawkesbury. The report contains many important findings and recommendations including a proposal to change land use zonings and for Council to adopt a Development Control Plan for wildlife.

The prime purpose of the study was to determine appropriate criteria for native fauna corridors, to document and assess the relative significance of various fauna corridor habitats and to prepare fauna and flora management strategies. The study will assist in assessing development proposals and will provide guidelines for land use management decisions.

The corridors have been placed (digitised) into Council's GIS mapping system. The consultant will be conducting a training programme in late March to assist Council staff in their understanding of the plan.

It is proposed to now put the plan on exhibition for a month to enable the public to view and make comment on the plan prior to it being considered for implementation as a statutory planning instrument/instruments.

RECOMMENDATION:

That the Draft Hawkesbury Wildlife Corridor Plan be placed on public exhibition for a month.

ATTACHMENTS:

A copy of the draft Hawkesbury Wildlife Corridor Plan has been separately circulated.

0000 END OF ITEM 82 0000

ITEM: 83 Local Environmental Plan for Composting Facilities

FILE NUMBER: LEP18/96/EVD/ENA28NBX.V08

REPORT:

1. Introduction

Council, at its meeting of the 11 June 1996, resolved to prepare a DLEP to enable composting facilities with consent in the City of Hawkesbury. After consultation with the Department of Urban Affairs and Planning, the plan was to apply to all land zoned Rural 1(a), 1(b) and 1(c), Industrial 4(a) and Environmental Protection 7(d).

2. Exhibition

Council received a certificate from the Department of Urban Affairs and Planning on 20 November 1996 to enable exhibition of the plan. The plan was then put on exhibition for a 28 day period. During that period, three submissions were received from the public. The issues raised in those submissions are summarised as follows:

1. *Composting facilities are not an appropriate use within an Environmental Protection Scenic Zone.*

The Environmental Protection 7(d) zone was identified as possibly a suitable location for composting facilities because areas covered by this zone are relatively sparsely populated. The zone has a minimum lot size provision of 40 ha and consequently is the least populated zone in the Hawkesbury and is therefore an area that is least likely to have an impact on residents.

However such developments usually include large buildings that, when set amongst a natural or rural landscape, could have the potential to visually impact on such areas. Consequently it is proposed to make an amendment to the draft LEP including a provision that does not allow Council to approve such a facility unless it is satisfied that the facility will not impact on the scenic and visual qualities of any area.

2. *Composting facilities are not a suitable activity in areas characterised by long narrow blocks.*

These areas are generally densely settled rural areas and are not suitable for composting facilities. The composting

facilities DCP includes appropriate provisions that make this clear and not possible for these facilities to be sited in such locations.

3. *Composting facilities are more like manufacturing processes and should therefore be located in Industrial zones.*

The DLEP allows composting facilities to be located in industrial zones and appropriate non-urban zones because issues associated with odour mean that remote locations are often the only appropriate areas. Consequently, the proposed applicable zones are considered appropriate for the location of composting facilities.

4. *The DLEP should not apply to domestic composting.*

It is proposed to amend the DLEP to exclude domestic composting.

3. Public Authorities

During the preparation of the Draft Local Environmental Plan for Composting Facilities, a number of public authorities and adjoining Councils were consulted. Relevant comments are as follows:

3.1 *Hawkesbury-Nepean Catchment Management Trust*

The Trust forwarded two submissions to Council in respect of this plan. The issues they raised are as follows:

- (a) *They are opposed to the inclusion of the Environmental Protection 7(d) Scenic Zone in the plan.*

See comments above relating to this issue.

- (b) *Definition of Composting Facility should exclude backyard or should exclude residential composting.*

The definition of composting facility is proposed to be amended so that it does not include composting for personal use by the owner or occupier of the building or place.

- (c) *The Trust recommends that sub-clause 43(3(b)) be amended to read as follows:*

(b) The development will not compromise the environmental values for water in downstream water courses.

It is proposed to make a minor change to the plan in this respect so that the provision takes these issues into

consideration.

3.2 Environment Protection Authority

EPA had no objections to the Draft LEP.

3.3 New South Wales Agriculture

No objections to the LEP.

3.4 Penrith City Council

Penrith City Council are concerned at the location of such facilities on the boundary with their local government area and the impact offensive odours may have on its residents. They have therefore requested that Council insert a provision in the draft plan requiring consultation with, and the concurrence of, Penrith City Council for any composting facility proposed within 1.5 kilometres of the LGA boundary.

Composting facilities are now considered designated development under the provisions of the Act and therefore consultation with Penrith City Council would be required with any proposal to locate such a facility within close proximity to the Penrith City Council local government area.

3.5 Baulkham Hills Shire Council

Baulkham Hills Shire Council do not feel that an acceptable level is reachable in terms of emission of odours. They therefore consider that the clause should read that no odour will cause a nuisance to nearby residents. They also made points in relation to the noise from the production plants, particularly compressors and fans which can operate up to 24 hours a day and the impacts on nearby residents.

It is considered that these issues are adequately covered in the draft LEP and Development Control Plan for Composting Facilities.

3.6 Blue Mountains City Council

No objections to the Draft Local Environmental Plan for Composting Facilities.

3.7 Blacktown City Council

Blacktown Council have also requested that they be consulted in respect of any development applications for composting facilities in close proximity to their LGA.

See comments stated above in terms of Penrith City Council.

3.8 Singleton Shire Council

No objections to the Draft Local Environmental Plan for Composting Facilities.

4. Conclusion

It is considered that all issues raised through the exhibition have been adequately addressed in the draft LEP. It is now recommended that Council pursue final gazettal of the DLEP.

RECOMMENDATION:

That Council resolve to make minor amendments to the Composting Facilities DLEP, as outlined in this report, and seek its final gazettal through a Section 68 submission to the Department of Urban Affairs and Planning.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF ITEM 83 0000

ITEM: 84 Landfill Development Control Plan No 4

FILE NUMBER: DCP1/92/EVD/ENA28NBX.V09

REPORT:

Council, at its Ordinary Meeting of 9 April 1996, resolved to exhibit the Draft Development Control Plan (DCP) for Landfill. The draft plan was exhibited from 24 April 1996 to 24 May 1996 and no submissions were received.

Clause 20 of the Environmental Planning and Assessment Regulations 1994 state that Council, following exhibition, may approve the plan as exhibited, approve the plan with alterations or not proceed with the plan.

The DCP has been reformatted to conform to other adopted Council DCPs and contains the same criteria as the exhibited draft plan.

Under the Regulation 1994, Council is required to advertise its approval of the plan within 14 days of the approval in a local newspaper, and the plan takes effect from the date of the notice.

RECOMMENDATION:

That:

1. The Landfill Development Control Plan No 4, as amended (attached), be approved by Council.
2. That approval of the Landfill Development Control Plan No 4 be advertised in the local newspaper, the plan to take effect from the date of the notice in accordance with Clause 20 of the Environmental Planning and Assessment Regulation, 1994.

ATTACHMENTS:

AT-1 Landfill Development Control Plan No 4, as amended

oooO END OF ITEM 84 Oooo

ITEM: 85 Dual Occupancy and Medium Density Housing – Flood Liable Land

FILE NUMBER: GT125/001PT02;LEP011/96Pt01/EVD/ENA28NBX.V11

REPORT:

Council's Development Control Plans for Dual Occupancy/Duplex Housing and Medium Density Housing provide that it may only be developed on land above the design flood level or floor height standard.

There have recently been a number of proposals for dual occupancy development on land below the current 16 metre floor height standard.

Given the extent of existing development in areas such as McGraths Hill on land below the existing 16 metre floor height standard, any medium density development such as dual occupancy is a relatively small increment on the existing housing stock.

The issue is addressed in the State Government's Floodplain Development Manual which makes recommendations on compatible development in different categories of flood risk. In locations such as McGraths Hill, land is generally high risk flood storage where the depth of flood waters (compared to the standard flood) can be one metre or more. In such situations the Floodplain Development Manual recommends generally against new development, and if new development is permitted that it be approved under special conditions.

With the recommended increase in Council's floor height standard to the 1:100 year flood frequency level, the restriction on dual occupancy and medium density housing will affect a larger part of the City.

On balance, even considering the large amount of housing in areas such as McGraths Hill and the limited opportunities for redevelopment, because of the land's categorisation under the Floodplain Development Manual, it is not considered that the existing development control plans for dual occupancy and medium density housing should be varied.

As a consequence, in the event that Council's existing 16 metre floor height standard is increased to the 1:100 year flood frequency level (17.3 metres in Windsor) the minimum ground level for the development of dual occupancy and medium density housing will increase from 16.0 metres to 17.3 metres in Windsor.

RECOMMENDATION:

That information concerning the development of dual occupancy and medium density housing and the effect of an increase in the development standard from the 16 metres floor height to the 1:100 year flood frequency level be received.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF ITEM 85 0000

ITEM: 86 Sign Policy – DCP No 6

FILE NUMBER: DCP002/94/EVD/ENA28NBX.V18

REPORT:

On 12 November 1996, Council resolved to adopt Development Control Plan No. 6 - Sign Policy.

The policy came into effect on 27 November 1996 when a public notice was displayed regarding the policy. At the time the policy was adopted by Council a three (3) month moratorium period was allowed for owners of unauthorised signs to make development applications for such signs. This period expires on 27 February 1997.

Since the Plan was enforced, 28 notices have been issued to the owners of signs located in areas along Windsor Road between McGraths Hill and Boundary Road, Vineyard. These signs were all located in areas where they could not be supported in any application, and therefore prohibited.

The area between North Richmond and Kurrajong Heights along Bells Line of Road was also inspected and 31 notices have been issued for prohibited signs.

As a result of the issue of notices, many of the prohibited signs have been removed and the general appearance of the city along the main entry roadways has been enhanced.

The issue of notices for prohibited signs will continue and the issue of notices for unauthorised signage will commence in the first week of February 1997. This will give prospective applicants the opportunity to lodge applications.

RECOMMENDATION:

That the information concerning the implementation of Development Control Plan No 6 - Sign Policy be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 86 Oooo

ITEM: 87

Dam Construction Development Control Plan No 5

FILE NUMBER:

DCP1/96/EVD/ENA28NBX.V15

REPORT:

Council, at its Ordinary Meeting of 12 November 1996, resolved to exhibit the draft Development Control Plan (DCP) for Dam Construction and to call for nominations from suitably qualified and experienced contractors to be placed on Council's Register of Dam Building Contractors.

The draft DCP was exhibited in accordance with Clauses 17 and 18 of the Environmental Planning and Assessment Regulations 1994 from 27 November 1996 to 10 January 1997.

No submissions have been received in respect of the draft DCP.

In regard to the Register of Dam Contractors, all excavating and/or earth moving contractors with addresses listed in the Yellow Pages section of the Richmond/Windsor Telephone Directory, were written to and an advertisement was placed in the local newspaper. The following contractors have written to Council requesting they be included on the register:

Elf/Tolson Group - 108 Mulgrave Road, Mulgrave
GH & LM Gill - North Richmond
Wells Cargo Earthmoving - 570 Bells Line of Road, Kurmond
Aus-Cat Excavations Pty Ltd - 115 Overton Road, Kurrajong
Allways Diggin' - 1/37 Bounty Crescent, Bligh Park
RE Denniss Pty Ltd - 219 Bells Line of Road, North Richmond
A & L Dodds Excavations - 287 Thompson Road, North Richmond
DJ & BC Lord - 1 Mount Tootie Road, Bilpin
BW & LM Shepperd & Sons - 101 Longleat Lane, Kurmond
Carob Transport Pty Ltd - 293 Settlers Road, Central Macdonald
MJ & MD Skinner Earthmoving - Richmond
Murray Excavations - 826 Kurmond Road, North Richmond
Soil Conservation Service - Department of Land and Water
Conservation, 159 Auburn Street, Goulburn
D & M Hughes Civil Engineering Pty Ltd - 25 Bent Street, St Marys
HJ & NJ Books Pty Ltd - 20 Church Street, South Windsor
Peter H Gibb Earthmoving - 1617 Upper Macdonald Road, St Albans

The DCP is now before Council for approval in accordance with Clause 20 of the Regulations, which states Council may approve the Plan as exhibited, approve the Plan with alterations or not proceed with the Plan. Public notice must be given in a local newspaper of Council's decision within 14 days of the decision and the Plan takes effect from the date of the notice.

Minor amendments to the exhibited draft DCP are proposed as

follows:

Clause 11 "3 megalitres" changed to "3,000 cubic metres" for small dams.

- Details of dam fencing required.

Clause 12 Register of Dam Contractors to be an advising list only and not forming part of DCP as the list will be amended and added to from time to time.

Clause 13 Disclaimer to cover list of dam contractors.

Clause 18.3(iv) Kikuyu excluded from holding grass species as the grass is not recommended by Department of Land and Water Conservation.

Clause 18.8 (iv) Regarding Register of Dam Contractors.

Clause 18.9 Clause added requiring fencing for dams on small rural holdings for the protection of children.

Plans - Sketch plans are included for information.

RECOMMENDATION:

That:

- (a) The Development Control Plan No 5 - Dam Construction, as amended (attached) be approved by Council.
- (b) The Contractors listed in the report be included in the Register of Dam Contractors for information only.
- (c) The approval of the Development Control Plan No 5 - Dam Construction by Council be advertised in the local newspaper, the Plan to take effect from the date of the notice in accordance with Clause 20 of the Environmental Planning and Assessment Regulations, 1994.
- (d) The contractors listed in the report be advised of the requirements for development consent for dams and be supplied with a copy of the Development Control Plan.

ATTACHMENTS:

AT-1 Development Control Plan No 5 - Dam construction

oooO END OF ITEM 87 Oooo

ITEM: 88 Draft Development Control Plan No 4 – Light Industrial Area Richmond

FILE NUMBER: DCP2/93/EVD/ENA28NBX.V21

REPORT:

Council, at its Ordinary Meeting of 13 July 1993, resolved to prepare a Draft Local Environmental Plan seeking to rezone to light industrial 4(b) land fronting Windsor Road, and generally bounded by Pitt and Hobart Streets, Richmond.

It was resolved:

that Council support the rezoning of the land, but prepare a Development Control Plan before proceeding.

A Landscape Architect, Fiona Robbe, was engaged to prepare landscaping principles and controls for the area and these have been incorporated in the Development Control Plan (DCP).

The consultant has provided recommendations to facilitate the orderly industrial development of the land principally focussing on the following:

1. preserving, maintaining and enhancing the existing gateway to Richmond;
2. visually unifying the streetscape and creating visual interest; and
3. landscaping treatments to:
 - * reduce noise which may arise from the site;
 - * soften buildings;
 - * screen parking;
 - * provide for a good quality environment; and
 - * landscaping treatments for the entry/access to the site at the rear.

To enable both the LEP and DCP process to proceed it is necessary that Council formally resolve to notify the public and exhibit the draft DCP.

Also a Section 94 Drainage Plan has now been prepared for the local area which incorporates the area covered by the DCP and this is reported to Council. The Section 94 Plan will be attached to the DCP for information, but will not form part of the DCP as the contribution rate could change from time to time.

RECOMMENDATION:

That:

1. The draft Development Control Plan No 4 - Light Industrial Area, Richmond, be exhibited in accordance with Clause 17 of the Environmental Planning and Assessment Regulations 1994; and
2. The owners of the land covered by the draft Development Control Plan be advised of the exhibition of the draft plan.

ATTACHMENTS:

AT-1 DCP document and plans

oooO END OF ITEM 88 Oooo

ITEM: 89 Tilmunda Pastoral Co Pty Ltd – 219 Springwood Road, Yarramundi – Request to Amend Development Consent to Allow a Continuation of an Extractive Industry

FILE NUMBER: DA0144/93;P825/455PT02/EVD/ENA28NBX.V23

REPORT:

A request to rezone this land to permit rural/residential subdivision and allow the continued extractive industry was reported to the General Purpose Committee meeting on 24 September 1996. Following a deferral at the request of the applicant from Council's meeting of 8 October 1996, it was again considered at Council's meeting on 12 November 1996 where it was resolved :

1. *That the request for support in principle for rural/residential subdivision and open space not be supported for the reasons outlined in the previous 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.*
3. *That the agreement be brought to Council for endorsement following discussions with the adjoining owner and that, in the interim, Mr Graham be allowed to continue with his extractive operations.*

History

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

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

The current proposal is for an extension of the consent for a further three years with all work to be completed by November 1999.

The applicant states as follows:

" The original design plans approved in 1983, were found to be obsolete for the following reasons:

1. *The design was for the original approval for the extraction of top soil only.*
2. *The design ran across the adjoining Crown reserve grading the Tilmunda property into the lake...*

The new design plans will enable the removal of the natural resources on the site. The extraction area will be shaped as a bowl, so that runoff will be contained on site and will form two lakes which will be used for irrigation in dry times and as a natural sediment trap during periods of heavy runoff.

The final design plans which have now been submitted for the completion of extraction on the site indicate batters across the site of between a maximum 25% (1:4) and 2.06% (1:50). It is proposed to excavate a lake within the property opposite an existing large excavated lake left from the Boral operations. The lake would have a depth varying between approximately one metre and a maximum of approximately five metres.

It is proposed to recover gravel and larger stone from a strata below the topsoil to form the proposed lakes. The stone and gravel are used in road construction and particularly for stone gabions.

The applicant had previously requested approval for a rural/residential subdivision in exchange for the dedication of a park area, however, this was not supported by Council at its meeting on 12 November 1996.

In accordance with that resolution, Heads of Consideration for a Deed of Agreement were drafted and submitted to the Department of Land and Water Conservation and the Department of Urban and Affairs and Planning for comment.

The Department of Land and Water Conservation has now advised that it believes that an appropriate consent should be sought by the proponent and processed by Council rather than a short term extension to the lapsed consent by way of Deed of Agreement as proposed. The Department believes that this matter should be properly assessed and settled so as to ensure that there is sufficient material available on site to backfill the existing low areas and dredging holes and rehabilitate.

The Department of Urban Affairs and Planning has advised that in addition to the matters suggested for inclusion in the Deed, the Deed should acknowledge that there are no existing use rights on the site or in relation to sand and gravel extraction from the Nepean River and, in particular, at the spit upstream of the block bank. The Department has also recommended that the Deed stipulate that no imported fill should be introduced onto the property.

Statutory Considerations

Section 102 of the Environmental Planning and Assessment Act permits Council to modify a development consent where it is satisfied that the development to which the consent is modified relates to substantially the same development and where it is satisfied that no prejudice will be caused to any person who objected to the development application the subject of the

consent.

In relation to designated development, development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of Council, the alterations or additions do not significantly increase the environmental impacts of the total development compared with the existing or approved development. This is a relevant consideration as the development is and was designated and Council in forming its opinion has to consider:

- . the impact of the existing development having regard to factors including previous environmental management performance; compliance with conditions of consents, licences, codes of practice, etc.
- . rehabilitation or restoration of any disturbed land.
- . the number and nature of all past changes and their cumulative effects

- . the likely impact of the proposed alterations or additions having regard to factors including the scale, character and nature of the proposal, existing vegetation, air, noise and water quality, scenic character and special features
- . the degree to which the potential environmental impacts can be predicted with adequate certainty
- . the capacity of the receiving environment to accommodate changes in environmental impacts
- . any proposals to mitigate the environmental impacts and manage any residual risk
- . any proposals to facilitate compliance with relevant standards, codes of practice or guidelines

The extractive industry on the site has generally been undertaken in a reasonable manner in terms of potential environmental impacts and the containment of stormwater runoff on site and also noise impacts. The extraction of the land has not proceeded in accordance with existing approved plans for reasons of geology and resource recovery however, in general terms, most of the batters which have been left following mining are of reasonable grade with some revegetation. The northern end of the site has not been satisfactorily revegetated, however, the applicant concedes that he had intended to continue using this area for stockpile and, as such, had not undertaken the work.

In terms of the other factors to be taken into consideration, the proposed amended time and amended final design plans do not significantly increase the environmental impact of the total development, particularly given the history of extraction in the area. The majority of the site will drain to the proposed lakes ensuring that no sediment laden material should leave the site.

Proposed Deed of Agreement

Council's resolution of 12 November 1996 was that should Tilmunda seek to continue extractive operations an agreement should be endorsed which sets out the terms of the period and rehabilitation of the land and that the agreement be brought to Council for endorsement following discussions with the adjoining owner, and that in the interim Mr Graham be allowed to continue with his extractive operations.

The proposal has been discussed with the adjoining owner, Mr Rasmussen, who does not object in principle to the extension of the consent subject to it being time limited and their being controls over noise and rehabilitation.

The proposed matters to be listed in a Deed of Agreement to be signed by the applicant, Council and the Department of Urban Affairs and Planning are:

1. Compliance with the final design plans dated 28/8/95.
2. Compliance with hours of operation being 7am to 5pm Monday to Friday and 7am to 12 noon on Saturday, with no work on Sunday or public holidays.
3. The bond for rehabilitation of the site to be increased to a total of \$50,000.
4. Withdrawal of acquisition notice under Regional Environmental Plan No 20 and any claims against the Department of Urban Affairs and Planning.
5. Completion of all extractive activities and rehabilitation of the site within 3 years from the signing of the Deed of Agreement.
6. Submission of a rehabilitation plan showing restoration of the steep batter against the northern boundary of the property and revegetation of the site in stages with agreed deadlines for each stage. Failure to complete the stages by the agreed deadline to result in forfeiture of the bond to Council.
7. Transfer to Council of the land previously offered as open space and conditioned on the original approval at no cost to Council at the completion of the three year period.
8. Any existing use rights which the applicant may argue exist on the subject land or adjoining crown land are to be rescinded.
9. No fill material is to be brought onto the site.

10. Payment of a Section 94 Contribution for the maintenance and upgrading of roads of 46.78 cents per tonne to be indexed in accordance with movements in the Sydney Roads Index.
11. Incorporation of other conditions relevant from previous consents as well as this amendment.
12. Property not to be transferred without the new owner becoming a signatory to the deed.

The deed of agreement will be signed by the applicant, Council and the Department of Urban Affairs and Planning and will be actionable in the Equity Division of the Supreme Court. Council and the applicant retain existing rights of appeal to the Land and Environment Court.

It is considered that the deed presents the most practicable means of completing the extractive activities on the site and ensuring adequate rehabilitation.

Alternatively, it may be considered that the proposed 3 year extension and excavation of the proposed lake significantly increase environmental impacts. In this instance a stop work notice would need to be issued while the applicant undertook an EIS. It is unlikely that an application could be determined within 6 months given the processes involved.

A third alternative is that Council may reject the extension and any further extractive operations on the site. In this instance and the previous alternative, there would be a right of appeal.

RECOMMENDATION:

- A. Council enter into a deed of agreement as outlined in the report and following endorsement of the deed, approve a Section 102 amendment of consent to permit the extractive operation for a further 3 years subject to conditions.
- B. Council's seal be attached to any relevant documents.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 89 Oooo

ITEM: 90 Request for Review of Council Decision – Proposed Service Station –
Richmond Marketplace, Cnr East Market and Lennox Streets, Richmond
(DA193/96)

FILE NUMBER: DA193/96/EVD/ENA28NBX.V17

REPORT:

Council has received a request from Australian Independent Retailers, Woolworths and Petrol for a review of Council's decision to refuse the development application for a proposed service station on the subject property.

Attached to this report is a copy of the letter received.

Council resolved to refuse the application at its meeting of 12 November 1996 for the following reasons:

1. Unsatisfactory urban design.
2. Potential conflict with loading dock traffic.
3. Contrary to the original intention of the rezoning of the land.

A copy of the previous report is attached to this report.

RECOMMENDATION:

Submitted for consideration.

ATTACHMENTS:

- AT-1 Applicant's letter
AT-2 Copy of Council report on development application DA193/96.

oooO END OF ITEM 90 Oooo

ITEM: 91 Town Planning Codes – Extractive Industries

FILE NUMBER: GT070/010 PT02/EVD/ENA28NBX.V13

REPORT:

This report is an update of extractive industries activities within the Hawkesbury City area.

It is proposed to regularly report to Council a review of extractive industries and compliance with conditions of consent.

Since 1956 there have been 75 consented uses within the present Hawkesbury City Council area for extractive and related industries. Over the following years, most of the industries closed with 11 remaining active, one of which only contains stockpiled material.

The 11 active quarries could also be divided into categories classified under extent of use.

The annexed table gives a clear view of the quarries and related activities under report.

The active quarries outlined will be inspected on a regular basis to ensure conditions relating to their consent are complied with.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT-1 Table of Extractive and Related Industries

oooO END OF ITEM 91 Oooo

ITEM: 92 Status of Extension to Richmond Mall – Coles Addition, Liquor Land and Speciality Shops

FILE NUMBER: DA0215/96PT02/EVD/ENA28NBX.V10

REPORT:

At Council's meeting on 10 December 1996 it was resolved as follows:

- 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 gazettal of the plan to rezone the car park 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 conditions (as listed).*

Since the resolution, a letter was sent to the Heritage Council on 12 December 1996 advising of Council's intention to grant consent to the demolition of 128 Francis Street, Richmond. Clause 30(1)(b) of Hawkesbury Local Environmental Plan 1989 provides that the Council shall not grant consent to the application for demolition until 28 days after it has notified the Secretary of the Heritage Council of its intention to do so. That 28 day period elapsed on 13 January 1997 with the only advice from the Heritage Council being a request for advice about a representation it had received in the matter.

There have also been continuing negotiations in relation to the land swap plus cash settlement.

Advice has been received that the proposed purchase prices for the land in Francis Street far exceed any valuation based on their zoning. It would seem that A & A Lederer Pty Ltd are paying a substantial premium for these residential properties, being

approximately 40% to 80% in excess of their market value as determined by Council's valuers. In comparison, the valuation advice provided to Council is that its land does not attract any such premium.

Council's valuer, K D Wood & Associates Pty Ltd, is continuing to negotiate on Council's behalf. Mr Wood has indicated that the proposed land swap, as well as not attracting any premium, is also favourable to A & A Lederer Pty Ltd in that the land to be dedicated to Council will also contain the 54 additional off-street parking spaces required by the extensions. That is, without a land swap, A & A Lederer Pty Ltd would need to provide off-street parking or cash equivalent for 54 spaces as well as compensate Council for the \$1.3million valuation of its land.

An update on the status of the matter can be provided at the meeting.

RECOMMENDATION:

That the information concerning the status of the proposed extensions to Richmond Mall and negotiations for a cash settlement and land swap be received.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF ITEM 92 0000

ITEM: 93 Draft Development Contribution Plan, Drainage Catchment No 4, Richmond

FILE NUMBER: DCP2/93, LEP1/93/EVD/ENA28NBX.V22

REPORT:

A draft Section 94 plan has been prepared for the existing and proposed light industrial area at Richmond, at the western end of the Richmond RAAF Base.

The total area of the catchment is 6.88 ha. and the cost to construct the drainage and associated works is \$1,097,822.00. This gives a contribution with development of \$15.96 per square metre.

Section 94AB of the Environmental Planning and Assessment Act 1979 requires that a draft contribution plan be exhibited for a period not less than 28 days.

A copy of the contribution plan, costing of the proposed works and plan of the drainage catchment is attached to this report.

RECOMMENDATION:

1. That the draft Development Contribution Plan for Drainage Catchment No 4 at Richmond be exhibited in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 1994.
2. The landowners within the drainage catchment area No 4 be advised of the draft Development Contribution Plan and submissions invited during the exhibition period.

ATTACHMENTS:

AT-1 Plan, map and works costs

oooO END OF ITEM 93 Oooo

ITEM: 94 Professional Chambers – Psychiatric Group Treatment, 43 Pitt Street,
Richmond – Renewal of Consent for Indefinite Period and Variation of
Hours of Operation

FILE NUMBER: DA164/93 PT01/EVD/ENA28NBX.V19

Applicant: Mr Gerald Overton
Applicants Rep:
Owner: Trustees Hospitaller - St John of God Hospital
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 850 square metres
Zone: Residential 2(a)
Advertising: Adjoining owners notified with three (3)
objections received and one (1) submission from a
resident at McGraths Hill.
Date Received: 8 November 1996
Key Issues: Car Parking
Loss of Amenity
Action: Approval for continuation with some extension of
existing consented hours.

REPORT:

Proposal

The applicant wishes to amend Condition No 1 of the consent to permit the operation of Psychiatric Group Treatments at 43 Pitt Street, Richmond for an indefinite period. Further, a request to amend Condition No 5 to extend the hours of operation to include 8.00am to 9.30pm Monday To Friday and 8.30am to 5.30pm Saturdays and Sunday. The request to amend the consent was dated 8 November 1996 and received on 12 November 1996.

Report

Consent was issued by Council on 14 September 1993 for a professional chambers - psychiatric group treatment.

At Council's meeting of 13 June 1995, it was resolved to approve an application for the amendment to development consent conditions under Delegated Authority by the Director Environment and Development.

The amended conditions of consent are as follows:

1. The life of the development consent is limited until 8

November 1996 at which time the consent will cease to have effect and the use must be terminated unless an application has been approved by Council for an extension.

2. No advertising structures are to be erected, displayed or affixed on any building or land without the prior approval of Council under Ordinance 55 of the Local Government Act.
3. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
4. The existing driveway shall be made available for both practitioners and clients at all times.
5. Operating hours shall be limited to 8.30am to 5.30pm Mondays to Fridays. Any alteration of these hours will require the approval of the Director Environment and Development.
6. 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, wastewater, waste products or otherwise.
7. No group counselling activities for clients are to be carried out in the garden of the property.
8. On-street parking is to be limited to the frontage of the property to Pitt Street and the frontage of the adjoining property, No 41 Pitt Street, provided that parking across the frontage of No 41 Pitt Street is undertaken with the approval of the property owner.
9. Community Consultative Committee meetings to be convened at the initiation of either Hawkesbury City Council or St John of God Hospital.

Submissions

Four submissions have been received, three objecting to the alteration of hours of operation and one in support of the application.

The objections relate to matters of:

1. Parking
2. Traffic generation
3. Loss of amenity.

Assessment

It has been suggested that certain conditions have been breached, in particular the parking requirements. Inspections have been

conducted and at no stage has parking been identified as a matter of concern. On each occasion, vehicles used by either patients or staff members have been parked within the driveway or directly outside No 43 and 41, the maximum number of vehicles found at any one time being three (3) within the driveway and four (4) parked on the street. There is not considered to be any loss of amenity under the present working arrangements.

This is supported with the visual appearance of the site being retained as a dwelling house and the minimal generation of traffic flow caused by the development.

The activity is not considered to be out of character with the residential amenity experienced in the locality and the submissions received should not warrant the total refusal of the application under the current conditions. However the extension of hours of operation to include up until 9.30pm in the evenings and between the hours of 8.30am and 5.30pm Saturdays and Sundays is considered to be extending beyond the permissible levels required to be adhered to within residential areas.

RECOMMENDATION:

It is recommended that:

1. The application for the amendment to Condition No 1 be approved to permit the operation of Psychiatric Group Treatment indefinitely.
2. The application for the extension of hours be approved in part with Condition No 5 to be amended as follows:

" 5. Operating hours shall be limited to 8.00am to 8.30pm Monday to Friday and 8.30am to 12 noon on Saturday with no operation on Sundays or Public Holidays.

ATTACHMENTS:

AT-1 Locality Plan

oooO END OF ITEM 94 Oooo