

GP Mins 4.11.97 GP97B4MA.

ENV EN97BPBA

O&R OC97BPBA

INF IN97BPBA

Supp. EN97BPBB

New Mins GP97BPMA

Cover Supp GP97BPCB.

WP

Marked

general
purpose
committee
business
paper

date of meeting: 25 november 1997

location: council chambers

time: 9.30 am

Hawkesbury City Council



mission statement

"To protect and enhance the unique, historical and environmental features of the Hawkesbury Region whilst encouraging planned development and providing services appropriate to the needs of the wider community."

How Council Operates...

Hawkesbury City Council fully supports the involvement and participation of local residents in issues which affect the City.

The twelve Councillors who represent Hawkesbury City are elected at local government elections held every four years. Voting at these elections is compulsory for residents who are aged eighteen years and over and who reside permanently in the City.

The Ordinary Meeting of Council meets on the second Tuesday of each month at 7.30pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets at 9.30am to consider activities in the areas of Environment, Infrastructure, and Organisation and Resources. Both of these meetings are open to the public.

Meeting Procedure...

The role of the General Purpose Committee Meeting is to make recommendations about issues put forward in the areas of Environment, Infrastructure and Organisation and Resources. These recommendations are then forwarded to the Ordinary Meeting of Council, two weeks later, for adoption or final decision. The Ordinary Meeting also considers other matters of general business as appropriate.

The Mayor is Chairperson of both the Ordinary and General Purpose Committee.

Public Participation...

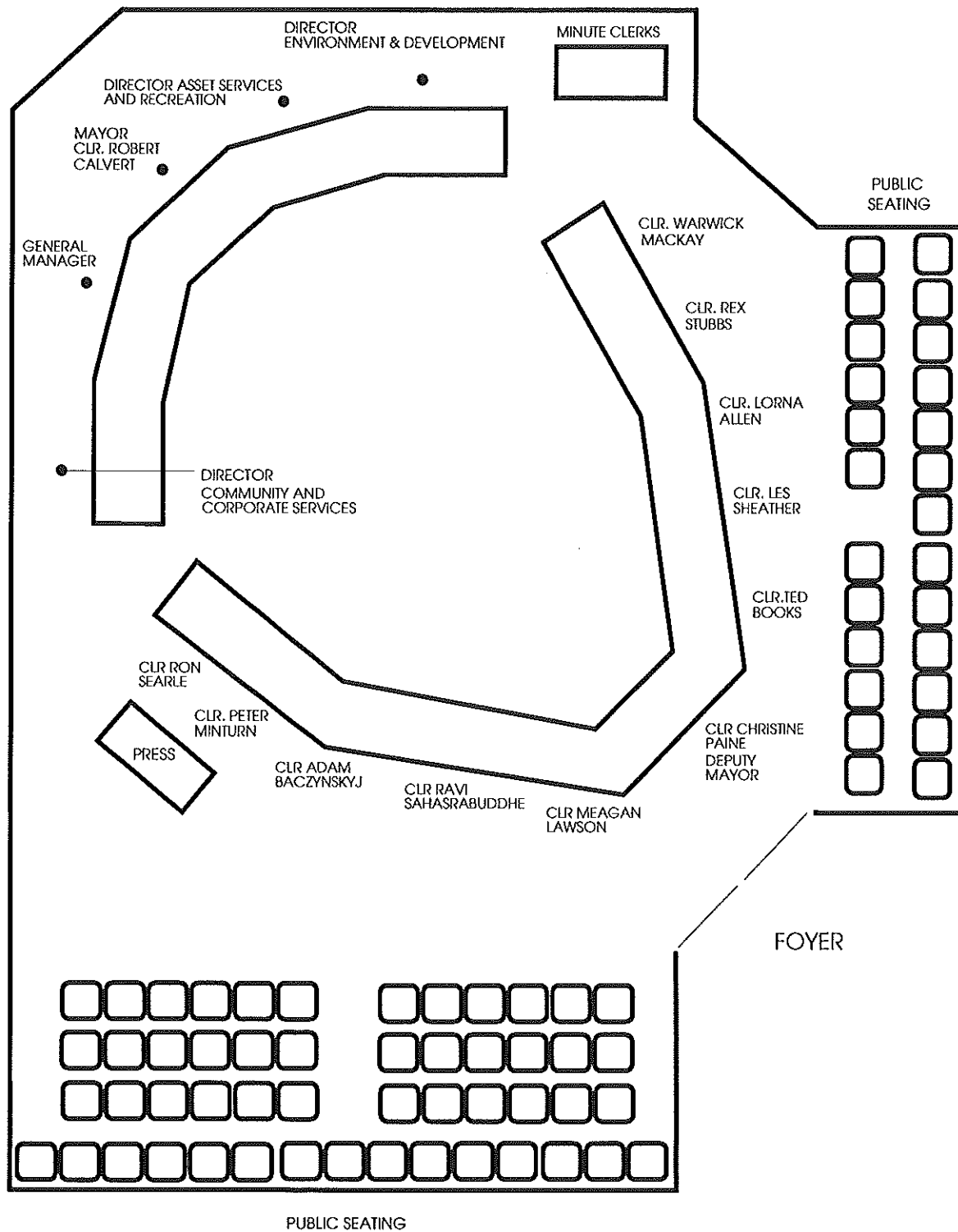
Members of the public can request to speak about a matter that is before the Council at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There will be provision prior to the break in the meeting at around 9.15/9.30pm for members of the public to ask questions of Council.

A Point of Interest...

Voting on matters for consideration is operated electronically. Councillors have in front of them both a 'Yes' and a 'No' button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This is a recent innovation in Australian local government pioneered by Hawkesbury City Council.

council chambers



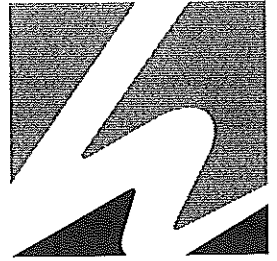
GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 25 November 1997

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**



Hawkesbury City Council

general purpose committee minutes

date of meeting: 4 November 1997

location: Council Chambers

time: 9:30am

GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 4 November 1997

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 3

Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 4 November 1997, commencing at 9.30am.

PRESENT: Councillor R G Calvert, Mayor and Councillor L Allan, A W Baczynskyj, H J M Books, M E Lawson, P J Minturn, C A Paine, R D Searle, L C Sheather and R P Stubbs.

Apologies for absence were received from Councillors Sahasrabuddhe and Mackay.

RESOLVED on the motion of Councillor Searle and seconded by Councillor Paine that the apologies be accepted.

RESOLVED on the motion of Councillor Books and seconded by Councillor Paine that the Minutes of the General Purpose Committee Meeting held on the 30 September, 1997, be confirmed, noting that Councillor Allan arrived at the meeting at 10.35am.

Councillor Sheather left the meeting at 1.45pm and returned at 2.50pm.

Councillor Stubbs left the meeting at 3.30pm.

The Committee adjourned at 3.30pm for site inspections and resumed at 5.30pm.

Councillor Minturn left the meeting when it resumed at 5.30pm

The following recommendations were passed as resolutions of the Committee:

SECTION 1 - ENVIRONMENT

38: Proposed 122 Lot Community Title Subdivision - Lot 2 DP749638 and Lot 8 DP13446 - Nepean Park, 474 Springwood Road, Yarramundi - Applicant: McKinlay Morgan and Associates (SA156/96/EVD/ENK04NAX.V18)

Mr Garry Doherty, on behalf of the applicant, and Mr B McKinlay of McKinlay Morgan and Associates Pty Ltd, the applicant, addressed the Committee.

Mr David Adam and Mr Damien Guthrie, objectors, addressed the Council.

A That a deferred commencement consent be issued as follows:

- 1 Submission of written evidence that the Environmental Protection Authority has or will license the proposed sewerage treatment plant and reusage of the recycled water.

This is Page 3 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 4

B Upon compliance with 1 above subdivision consent be issued subject to the following:

**Stage 1 Creating 42 rural/residential lots, access road from Springwood Road
community lots and a large residue lot.**

1. The subdivision shall be in general accordance with the submitted plan dated 13 October, 1997, Plan No. 89354:LL:3 and supporting documentation except where amended by Conditions of this consent.
2. The provision of reticulated sewer to each rural residential lot in the stage.
3. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
4. 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.
5. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
6. Payment of a cash contribution of \$151,781 (one hundred and fifty one thousand seven hundred and eighty one) 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. A refund of \$91,666 (ninety one thousand six hundred and sixty six) of this amount will be made upon construction of the community building in Stage 2 and it being transferred to Council.
7. The dedication and full construction of the new roads including pathways and the drainage thereof. Construction standards and form to be determined in consultation with Council's Subdivision and Development Engineer.
8. The creation of reciprocal rights of way over the access handles to Lots 4 and 5 and construction of a 4.5m wide compacted crushed rock pavement and any necessary drainage along the access handles and across the footway to Lots 4 and 5. The maximum grade is to be 1 in 6.
9. 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.

This is Page 4 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 5

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 during and after development. Details shall be submitted and approved prior to any works commencing.
11. Street name signs to be provided at the junction of the new road/s.
12. The new road/s to be named (to be advised).
13. The new road/s be classified as rural road/s.
14. Construction of road and drainage 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 Director Environmental Development and the Roads and Traffic Authority for any works in Springwood Road including payment of any fees, contributions or securities required by the Roads and Traffic Authority.
- 14(a) The reduction of the speed limit on Springwood Road from 100kmph to 80kmph be addressed by the Local Traffic Committee.
15. A design checking and inspection fee calculated at \$50 per hour or \$10 per metre of road whichever is the lesser must be paid prior to release of the linen plan. This amount is valid until 30 June, 1998.
16. The single access point to the proposed development being relocated 30 (thirty) metres further south on Springwood Road than its indicated position on Plan No. 89354 dated 4 February, 1997 to enhance sight distance of traffic approaching from the south together with the provision of an acceleration lane on Springwood Road upon turning north from the proposed estate and the extension of the right-turn holding bay for southbound traffic.
17. The demolition of the existing buildings and structure on the site where they encroach on proposed lot boundaries in accordance with work cover requirements.
18. The creation of suitable restrictions on use of land covering water collection and storage generally in accordance with the reports prepared by Toby Fiander and Associates submitted in support of this application. The actual wording and form to be arrived at in consultation with Council's Subdivision and Development Engineer.
19. The provision of sediment and nutrient control works within the development to maintain or improve the existing quality of stormwater discharge from the site.

This is Page 5 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 6

20. Landscaping of the section of the site generally in accordance with the Landscape Master Plan and Report prepared by EDAW. Details to be submitted and approved prior to commencement of construction.
21. The bushfire access trail running from Mahons Creek Road and skirting the western perimeter to the south-west boundary shall be of gravel construction to allow for all weather access and a vegetation free barrier between the bush and the development. This trail is to be of sufficient width to allow for passing bays.
22. The remainder of the bush fire access trail network shall be grassed and of sufficient width to allow for passing bays and the end of the trail to have provision for tankers to be turned around. The trail shall be wide enough for tankers to easily negotiate bends and be able to carry a fully laden fire tanker.
23. The entire trail network shall be constructed to the satisfaction of Council's Fire Control Officer.
24. A Management Statement complying with Schedule 111 of the Community Land Development Act, shall be lodged and approved by Council prior to issue of the final plan of subdivision. This statement shall include provisions covering:
 - (i) No dwellings to be erected on the community property.
 - (ii) Maintenance of the fire trails so as to prevent scrub regrowth which may pose a fire hazard to the development and to provide for access for bushfire vehicles at all times to the satisfaction of Council's Fire Control Office.
 - (iii) The maintenance of any nutrient and sediment control works in the community property.
 - (iv) The provision of an emergency palatable water supply to each lot in the subdivision.
25. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
26. Payment of a linen release fee of \$1,860 (one thousand eight hundred and sixty). This amount is valid until 30 June 1998.
27. Each allotment created shall have an area of not less than 2,700m² and not more than 1.0 ha.
28. The fulfilment of any requirements of Transgrid.

This is Page 6 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 7

29. The creation of a restriction on the use of land prohibiting the further subdivision of the rural residential lots created by this subdivision.
30. The creation of a restriction on use of land prohibiting the erection of more than one dwelling house on any of the rural residential lots created by this subdivision.

Stage 2 Creating 40 Rural/Residential Lots, Community Lots and a Large Residue Lot

1. The subdivision shall be in general accordance with the submitted plan dated 17 December, 1997, Plan No. 89354:LL:3 and supporting documentation except where amended by Conditions of this consent.
2. Lots 53 and 54 being amended to remove the area contained within the timbered area to the north and to provide for the fire access clear of the timbered area. This area to be added to the community lot adjoining.
3. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
4. 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.
5. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
6. Payment of a cash contribution of \$58,649 (fifty eight thousand six hundred and forty nine) 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.
7. The dedication and full construction of the new roads including pathways and the drainage thereof. Construction standards and form to be determined in consultation with Council's Subdivision and Development Engineer.
8. 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.
9. 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 during and after development. Details shall be submitted and approved prior to any works commencing.
10. Street name signs to be provided at the junction of the new road/s.

This is Page 7 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 8

11. The new road/s to be named (to be advised).
12. The new road/s be classified as rural road/s.
13. Construction of road and drainage 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 Director Environmental Development.
14. A design checking and inspection fee calculated at \$50 per hour or \$10 per metre of road whichever is the lesser must be paid prior to release of the linen plan. this amount is valid until 30 June, 1998.
15. The creation of suitable restrictions on use of land covering water collection and storage generally in accordance with the reports prepared by Toby Fiander and Associates submitted in support of this application. The actual wording and form to be arrived at in consultation with Council's Subdivision and Development Engineer.
16. Landscaping of the section of the site generally in accordance with the Landscape Master Plan and Report prepared by EDAW. Details to be submitted and approved prior to commencement of construction.
17. The bush fire access trail network shall be grassed and of sufficient width to allow for passing bays and the end of the trail to have provision for tankers to be turned around. The trail shall be wide enough for tankers to easily negotiate bends and be able to carry a fully laden fire tanker.
18. The entire trail network shall be constructed to the satisfaction of Council's Fire Control Officer.
19. A Management Statement complying with Schedule 111 of the Community Land Development Act, shall be lodged and approved by Council prior to issue of the final plan of subdivision. This statement shall include previous covering:
 - (i) No dwellings to be erected on the community property.
 - (ii) Maintenance of the fire trails is as to prevent scrub regrowth which may pose a fire hazard to the development and to provide for access for bushfire vehicles at all times to the satisfaction of Council's Fire Control Office.
 - (iii) The maintenance of any nutrient and sediment control works in the community property.
 - (iv) The provision of an emergency palatable water supply to each lot in the subdivision.

This is Page 8 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 9

20. The construction of the 300m² community building and car park within the community lot in a location and to standards and designs determined in conjunction with the Subdivision and Development Engineer. Full details to be submitted and approved prior to commencement of construction.
21. The dedication as public reserve of the area occupied by the community building, car park and curtilage free of cost of Council.
22. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
23. Payment of a linen release fee of \$1,820 (one thousand eight hundred and twenty). This amount is valid until 30 June 1998.
24. Each allotment created shall have an area of not less than 2,700m² and not more than 1.0 ha.
25. The creation of a restriction on the use of land prohibiting the further subdivision of the rural residential lots created by this subdivision.
26. The creation of a restriction on use of land prohibiting the erection of more than one dwelling house on any of the rural residential lots created by this subdivision.

Stage 3 Creating 40 Rural/Residential Lots and Community Lots

1. The subdivision shall be in general accordance with the submitted plan dated 13 October, 1997, Plan No. 89354:LL:3 and supporting documentation except where amended by Conditions of this consent.
2. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
3. 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.
4. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
5. Payment of a cash contribution of \$57,183 (fifty seven thousand one hundred and eighty three) 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.

This is Page 9 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 10

6. The dedication and full construction of the new roads including pathways and the drainage thereof. Construction standards and form to be determined in consultation with Council's Subdivision and Development Engineer.
7. 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.
8. 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 during and after development. Details shall be submitted and approved prior to any works commencing.
9. Street name signs to be provided at the junction of the new road/s.
10. The new road/s to be named (to be advised).
11. The new road/s be classified as rural road/s.
12. Construction of road and drainage 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 Director Environmental Development.
13. A design checking and inspection fee calculated at \$50 per hour or \$10 per metre of road whichever is the lesser must be paid prior to release of the linen plan. this amount is valid until 30 June, 1998.
14. The creation of suitable restrictions on use of land covering and water collection and storage generally in accordance with the reports prepared by Toby Fiander and Associates submitted in support of this application. The actual wording and form to be arrived at in consultation with Council's Subdivision and Development Engineer.
15. Landscaping of the section of the site generally in accordance with the Landscape Master Plan and Report prepared by EDAW. Details to be submitted and approved prior to commencement of construction.
16. The bush fire access trail network shall be grassed and of sufficient width to allow for passing bays and the end of the trail have provision for tankers to be turned around. The trail shall be wide enough for tankers to be turned around. The trail shall be wide enough for tankers to easily negotiate bends and be able to carry a fully laden fire tanker.
17. The entire trail network shall be constructed to the satisfaction of Council's Fire Control Officer.

This is Page 10 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 11

18. A Management Statement complying with Schedule 111 of the Community Land Development Act, shall be lodged and approved by Council prior to issue of the final plan of subdivision. This statement shall include previous covering:
- (i) No dwellings to be erected on the community property.
 - (ii) Maintenance of the fire trails is as to prevent scrub regrowth which may pose a fire hazard to the development and to provide for access for bushfire vehicles at all times to the satisfaction of Council's Fire Control Office.
 - (iii) The maintenance of any nutrient and sediment control works in the community property.
 - (iv) The provision of an emergency palatable water supply to each lot in the subdivision.
20. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
21. Payment of a linen release fee of \$1,740 (one thousand seven hundred and forty). This amount is valid until 30 June 1998.
22. Each allotment created shall have an area of not less than 2,700m² and not more than 1.0 ha.
23. The creation of reciprocal right of ways and construction of the battle axe handles to Lots 103 and 104 with a 3.5m wide compacted crushed rock pavement and all necessary drainage. Details to be submitted and approved prior to construction.
24. The creation of a restriction on the use of land prohibiting the further subdivision of the rural residential lots created by this subdivision.
25. The creation of a restriction on use of land prohibiting the erection of more than one dwelling house on any of the rural residential lots created by this subdivision.

39: Modification of Development Consent Lot 1 DP540497 No. 79 Bells Line of Road, Kurrajong - Valley View Cafe (DA35/90/EVD/ENK04NAX.V05)

Mrs C Cowan, applicant, addressed the Committee.

Councillor Minturn declared an interest in this item as he is an adjacent business owner.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 12

It is recommended that:

1. Pursuant to Section 102 of the Environmental Planning and Assessment Act 1979, Development Consent dated 23 April, 1990 on Council file DA35/90 for the establishment of a tourist facility on Lot 1 DP540497 No. 79 Old Bells Line of Road, Kurrajong is modified in the following manner:
 - (a) delete Condition 8 and substitute the following new conditions:

"8. Operating hours shall be limited to 10.00am to 10.00pm Monday to Saturday and 8.00am to 7.30pm Sundays. Any alteration of these hours will require the approval of the Director of Environment and Development."
 - (b) Additional condition on Council's letter dated 1 March, 1991 is deleted.
 - (c) The restriction of a maximum of 8 (eight) tables be deleted.
 - (d) The use of the verandah be limited to 7.00pm for a trial period of 6 (six) months for the purposes of dining.

40: Radio Transmitting Tower and Associated Facilities at Kurrajong Heights Park Reserve (R58673) Trust, Warks Hill, Kurrajong Heights (DA135/96/EVD/ENK04NAX.V11)

Mr Bolles, Mr B Darlington and Mr Rob Connelly, objectors, addressed the Committee.

Mr B Rodger, Fire Control Officer, and Mr Emmanuel, Technical Consultant, addressed the Committee.

That a site inspection be carried out.

That the proposed construction of a telecommunication tower and associated equipment hut and fencing be approved subject to the following conditions:

- A1. The development being carried out substantially in accordance with plans and specification contained in the document *"Proposed transmitting tower & Associated Facilities at Kurrajong Heights Park (R58673) Reserve trust, Warks Hill Road, Kurrajong Heights"* dated August 1997.
- A2. Submission of a building application, plans and specifications complying with the Building Code of Australia

This is Page 12 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 13

- A3. Council investigate the feasibility of erecting the facility without constructing the proposed access track.
- A4. The facility is to comply with Australian Standard AS2772.1 relating to the emission of electromagnetic energy.
- B. That there be further investigation and negotiation of the "Rossi" site before the Ordinary Meeting.

41: 16 Lot Subdivision, Lot 3 DP528956, Lots 78 & 84 in approved subdivision of Lot 9 DP708335, Lot 6 DP861098, Lots 17 & 18 in approved subdivision of Lot 60 DP815570, Lot 213 DP751665, Parish of Wilberforce, County of Cook, Hadden Farm, East Kurrajong Road, Wilberforce (SA13/97/EVD/ENK04NAX.V17)

Councillor Books declared an interest in this item as he has done work for this project.

Mr A Currall (Bowdens Surveyors) on behalf of the applicant, and Mr N Shedden addressed the Committee.

- A. That the Council support the SEPP1 objection and seek the Director of the Department of Urban Affairs and Planning's concurrence to the SEPP1 objection.
- B. That Council support the application and issue a "deferred commencement consent" subject to the applicant satisfying the following matters within two years from the date of the consent:
 - 1. Submission of a Wetland Management Plan, prepared by a suitably qualified consultant who has expertise in wetland management, that provides a balance between the current grazing activities occurring in and around the wetland and its long term conservation. The plan should be prepared in accordance with the principles of the Hawkesbury/Nepean Catchment Management Trust Guide for Preparing Wetland Management Plans. The plan should determine the current state of the wetland, the impacts on the wetland from current grazing activities and determine a balance between the grazing activities and an improvement of the wetlands environmental qualities.
 - 2. The applicant is to provide geotechnical details in relation to the nature of soils found underlying the Iron Bark Woodland which the access road proposes to traverse. In this respect the applicant is to satisfy Council that the Iron Bark Woodland does not constitute the Cumberland Plain Woodland vegetation community as declared by the scientific community and registered under the Threatened Species Conservation Act 1995.

This is Page 13 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 18

- 42: **Extension of existing tyre landfill - Lot 2 DP123962, 62 Level Crossing Road, Vineyard (DA133/97/EVD/ENK04NAX.V21)**

The General Manager read a letter from the Waste Board.

That this matter not be supported with reasons being reported to the Ordinary Meeting..

- 43: **Proposed Manager's Residence - Hawkesbury Retreat, Paradise Point - 78 Greens Road, Lower Portland. (DA/BA1128/97/EVD/ENK04NAX.V19)**

That this matter be deferred until after resolution of the outstanding matters associated with the caravan park.

- 44: **Development Application for proposed extension to the existing sandstone quarry by the installation and operation of sandstone cutting/sawing equipment and associated facilities - Lot 4 DP556534, Lot 1 DP437699 and Part Lot 106 DP751656, Bull Ridge Road, East Kurrajong (DA235/97/EVD/ENK04NAX.V14)**

Councillor Calvert declared an interest in this item as his Company purchases sandstone from this Company.

Mrs G Crosby, concerned resident, addressed the Committee.

It is recommended that approval be granted subject to the following conditions:

1. The entire operation is to be carried out generally in accordance with the details contained in:
 - i. the development application and accompanying report dated 24 September, 1997 from Sydney Sandstone of 7 (seven) pages and 4 (four) photographs
 - ii. plans (2 sheets) numbered 31197 dated 17 June, 1997 prepared by RE and PA Collis Design and Site Plan prepared by M J Head and Co.
 - iii. Acoustical Impact Statement dated September 1997 prepared by RSA Acoustics of 10 pages.

except to the extent that the provisions of such documents are revised or modified by the terms and conditions of this consent.

This is Page 18 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 19

2. Compliance with the requirements of the Environment Protection Authority and evidence of compliance shall be provided to the Council in writing within 14 (fourteen) days of receipt of any licence or approval received from the Environment Protection Authority.
3. Compliance with the requirements of the Department of Land and Water Conservation (Soil Conservation Service of NSW).
4. From the date of this consent the applicant shall pay or procure payment to Council of a contribution under s.94 of the Environmental Planning and Assessment Act, 1979, at the rate of 51.3 cents per tonne of all processed materials transported from the site and in respect of the said contributions the following provisions shall apply:
 - i. the said contributions shall be calculated and paid monthly from the date of this consent becoming effective;
 - ii. the said contribution will be indexed and adjusted annually as from the date of this consent becoming effective in accordance with the Road Construction Index applicable to each year ending 30 June for the duration of the development consent ("the consent duration") and the said adjustment to the contribution shall take effect from and including July each year of the consent duration.

On or before the 14th day of each month the applicant shall delivery or procure delivery to the Council of copies of weighbridge or other returns or records certified as true and showing the quantities of extracted materials transported from the site during the immediately preceding month and the Council will then as soon as it can conveniently do so issue to the applicant an invoice for the contribution payment for the month, which payment the applicant will pay to the Council within fourteen (14) days of the date hereof.

The Council has the right to inspect and to have the original records relating to any of the extracted material (including numbers and types of laden trucks and trailers and load quantities transported from the site) audited by any person nominated by its internal accountant at any time as and when he or she may be required so to do in writing.

The Council will pay all of the said contribution payments into a specially identified account for payments towards the rehabilitation, restoration, repair and/or maintenance of State and regional roads used by trucks transporting material from the site.

5. The proposed sedimentation dam shall be cleaned out whenever its capacity is reduced by 25%.
6. Stormwater run-off from the proposed buildings shall be directed through oil and grease separators.

This is Page 19 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 20

7. Fuel spills on the site shall be cleaned up immediately. Any contaminated area shall be rehabilitated to the satisfaction of the Council. The contaminated ground shall be removed from the site and deposited at Council's waste depot.
8. No sandstone, partly finished or finished products are to be imported to the site.
9. Trucks entering or leaving the quarry shall be required not to travel along that section of Bull Ridge Road which is located east of the access road to the quarry, apart from trucks delivering material for works associated with Bull Ridge Road or with properties fronting or accessible only from that road.
10. The sandstone sawing/cutting operation associated activities and maintenance and repair to plant and equipment shall be limited to 7.00am-5.15pm Monday to Friday and 7.00am-12.15pm Saturdays. No work to be carried out on Sundays and public holidays. Any alteration to these hours will require the approval of the Director of Environment and Development.
11. During the hours of operation of the sandstone sawing/cutting operation and associated activities the level of noise shall not exceed 5 dB(A) above the existing background noise level when measured at any boundary of the site.
12. All necessary steps are to be taken to suppress dust, generated as a result of the development, to the satisfaction of the Director of Environment and Development.
13. Sedimentation control devices shall be maintained during the development, to the satisfaction of the Director of Environment and Development.
14. Submission of a building application, plans and specifications complying with the Building Code of Australia.
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. Provision of toilets in accordance with the requirement of the Building Code of Australia.
17. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
18. No signs shall be displayed on the footpaths, pedestrian ways, roadways or in the vicinity.

This is Page 20 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 21

19. 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.
20. Parking shall be provided for 6 (six) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
21. Council staff shall inspect the sandstone sawing/cutting operation at approximately monthly intervals to ensure conditions are being met as required and to undertake any noise monitoring deemed necessary by the Council.

The cost of such inspections and monitoring shall be borne by the applicant at an hourly rate as determined by award rates and quarterly reports shall be submitted to Council presenting the results of such inspections.

22. Any change in plant or equipment or relocation of any plant or equipment requires the consent of Council.

45: Development Application for Proposed Training Centre for the Guide Dog Association of NSW and ACT - Lot 1 DP617415 No. 16 Jordan Avenue (and Spinks Road), Glossodia (DA236/97/EVD/ENK04NAX.V13)

Mr Finucan (CEO Guide Dog Association) and Mr R Pont, for the applicant, addressed the Committee.

It is recommended that approval be granted subject to the following conditions:

1. All vehicular access to the development to be via Spinks Road, visitor parking to be relocated to the northern side of the administration building and construction of a sealed rural type access to suit the access to Spinks Road. Full details to accompany the building application.
2. All vehicular roads to be constructed with a sealed pavement and any necessary drainage. Full details to be submitted with the building application.
3. All development to be located clear of the natural depression that crosses the site to the requirements of the Director of Assets and Services, full details to accompany the building application.

This is Page 21 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 22

4. Disposal of all solid dog faeces, waste water and wash down water to be to the requirements of the Direct of Environment and Development and Environment Protection Authority, full details to accompany the building application.
5. The development plan and layout to be amended to incorporate the following measures with full details to accompany the building application:
 - i. Kennel buildings to be redesigned internally so that each row of kennels "looks" to the rear of the front kennels or a blank wall instead of facing each other.
 - ii. Ceiling of the kennels to be lined, no windows that open are to be provided and each building to be serviced with reverse cycle air conditioning.
 - iii. All development to be sited a minimum of 5.0m from the western boundary and the area between the development and the 5.0m line to be densely planted to screen the development from the adjoining property.
 - iv. Provision of a 1:6 landscaped mounding between the administrative building and Jordan Avenue to assist in noise attenuation for the residents of Jordan Avenue. The height of the mounding to be to the specifications of the applicant's Acoustic Engineer with the design adequate to ensure no adverse noise impact occurs to the residents of Jordan Avenue opposite the site.
 - v. All dogs to be fed at all times inside the enclosed kennels or in suitably sound proofed external runs.
 - vi. All internal kennels are to be acoustically designed to ensure noise emitted as a result of the development does not exceed 5 dB(A) above the ambient noise level when measured at the nearest site boundary.
 - vii. Noise generated by any and all outside activities to be controlled such that any noise emitted does not exceed 5 dB(A) above the ambient noise level when measured at the nearest residential building.
6. Any staff security flood lights to be connected to a timer to turn off after a 15 minute period and to be positioned and focussed so that they do not shine near any adjacent site.
7. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the building application.
8. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity.

This is Page 22 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 23

9. Submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones.
10. Submission of a building application, plans and specifications complying with the Building Code of Australia.
11. 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.
12. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Director Environment and Development.
13. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
14. Provision of toilets in accordance with the requirements of the Building Code of Australia.
15. No excavation or site works shall be commenced prior to the issue of the building permit.
16. The air handling system installed on the premises shall be registered with Council in accordance with Part 6 of the Public Health Act 1991, Microbial Control.
17. Parking shall be provided at the rate of one space per employee in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
18. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
19. Access address and identification address for the purpose of deliveries, mail and visitor access to be registered as Spinks Road.
20. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
21. The premises are to be landscaped and screened in accordance with a plan of proposed planting to be submitted to Council for consideration and approval concurrently with the submission of a building application. Such landscaping and screening is to be carried out in a manner which will ensure the kennels and exercise yards cannot be viewed from the street or from adjoining residences.

This is Page 23 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

General Manager

Mayor

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 24

22. 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.
23. Not more than 90 (ninety) dogs are to be accommodated on the premises at any given time.
24. Concrete floors are to be provided to all kennels.
25. The development shall be carried out in accordance with Plan No.9710 Drawings No. S1 and S2, dated August 1997 except where modified by Conditions of this Consent.
26. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.
27. All necessary works being carried out to ensure that flow from adjoining properties is not impeded.
28. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
29. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.

Item 5i, 5ii and 5v be further reported to the Ordinary meeting.

**46: Proposed 23 Lot Subdivision - Lot X DP419316 Dight Street, Richmond
(SA65/97/EVD/ENK04NAX.V16)**

Mr G Vasil (owner), for the applicant, addressed the Committee.

Dr Ian Wallace (Boral Construction Materials NSW), Mr J Laruen objectors, addressed the Committee.

A. The application to subdivide be approved subject to:

1. The subdivision shall be in general accordance with the submitted plan dated 5 May, 1997 (Ref No. S.1196).

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 25

2. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.
3. 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.
4. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
5.
 - (a) Dedication of 3m by 3m splay corners free of costs to Council at intersection of the new road and Dight Street.
 - (b) Construct a roundabout at the intersection of Dight Street and the new subdivision with appropriate traffic calming devices and the plan be submitted to the Ordinary Meeting.
6. Payment of a cash contribution of \$81,444 (eighty one thousand, four hundred and forty four) 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.
7. Payment of cash contribution to works of \$1,870 (one thousand, eight hundred and seventy) for tree planting in Council's footway. 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.
8. The dedication and full construction of the new road and the drainage thereof.
9. The provision of interallotment drainage covering all lots not draining directly to a public road and the creation of necessary easements free of cost to Council.
10. The creation of easements to drain water over the site of drainage discharge from roads onto proposed lot 23, 4m wide and 10m long free of cost to Council.
11. 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.
12. Street name signs to be provided at the junction of the new road.
13. The new road to be named (to be advised).
14. The new road be classified as residential road.

This is Page 25 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 26

15. Construction of road and drainage 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 Director Environmental Development.
 16. A design checking and inspected fee calculated at \$50 (fifty) per hour or \$10 (ten) per metre whichever is the lesser must be paid prior to release of the line plan. This rate is current until 30 June, 1998.
 17. The creation of a restriction on the use of the land pursuant to Section 88B of the Conveyancing Act that no objection shall be raised by the registered proprietor (or any person claiming through the registered proprietor) to the carrying out of extraction activities (sand and gravel mining) in the vicinity of Richmond lowlands.
 18. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
 19. Payment of a linen release fee of \$1,020 (one thousand and twenty). This amount is valid until 30 June 1998.
 20. Each allotment created shall have an area of not less than 500m².
 21. The submission of a soil contamination report certifying that the land is suitable for residential use prior to release of the linen plan. Alternatively submission of a site history for the past 20 (twenty) years which indicates that contamination is not likely to have occurred.
 22. The creation of a restriction on the use of the land pursuant to Section 88B of the Conveyancing Act that no objection shall be raised by the registered proprietor (or any person claiming through the registered proprietor) to the carrying out of medium density housing (duplexes, town houses, villas, etc.) which complies with Council's Development Control Plan.
- B. That a further report be brought to the Ordinary Meeting on restricting housing backing onto Dight Street to single storey detached housing, and also the implications of REP No. 9.
- 47: **Proposed 36 lot Rural/Residential Subdivision and Golf Course - Lots 20 and 21 DP748280, Peel Parade, Kurrajong (SA45/97, SA46/97, DA108/97/EVD/ENK04NAX.V09)**

Mr J Mathie and Mr Don Shaddick (solicitor) on behalf of the applicant, addressed the Committee.

This is Page 26 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 27

Mr Jeff Henley-Smith, Mr Bart Bassett and Mr Steve Talidu, objectors, addressed the Committee.

- A. That the application for the proposed 9 (nine) hole golf course (DA108/97) be approved generally in accordance with the amended plans submitted by North Western Surveys Pty Ltd, Reference No. 9140/32, revision No. 9 and dated 14 August, 1997 as well as the plan submitted by Toby Fiander and Associates, Reference No. TFA2063/01 dated 21 October, 1997 subject to the following conditions.
- A1. Submission of a detailed soil erosion and sediment control plan and related construction plan detailing at least the following:
- i. maximum area of exposed earth;
 - ii. temporary diversion of water during storm events;
 - iii. ponding of water in temporary structures during settling;
 - iv. chemical addition to aid settling, if required;
 - v. location of sediment fences and sequence of works;
 - vi. soil movement plan based on the proposed staging, including temporary soil storage locations and their treatment; and
 - vii. precautions during vegetative establishment.
 - viii. turfing will be required for any earthworks which require steep batters such as dam walls. Where there are large areas of exposed earth, consideration will need to be given to the provision of turf strips to hold any run off sediment.
- A2. Submission of an integrated management plan for the use of fertilizers and pesticides on the golf course which will utilise the most appropriate cultural, biological and chemical strategies to minimise impact upon the environment.
- A3. Submission of a water management plan for the golf course detailing:
- i. details of the irrigation of treated effluent;
 - ii. the provision of stormwater buffers in the major holding dams; and
 - iii. measures to minimise water consumption.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 28

- A4. Provision of a detailed landscape plan for the golf course providing enhanced plantings of trees and shrubs indigenous to the area.
- A5. Provision of evidence of a permit under 3A of the Rivers and Foreshores Improvement Act 1948 from the Department of Land and Water Conservation for the construction of dams and wetlands.
- B. That a deferred commencement consent be issued for the proposed 36 (thirty six) lot subdivision (SA45/97 and SA46/97) as follows:

General

- B1. Substantial commencement of the 9 (nine) hole golf course including compliance with conditions 1-5 in the consent and the construction of contour drains, wetlands, all sediment and erosion control devices as well as fairways including bulk earthworks and revegetation.
- B2. Submission of written evidence of pollution control approval from the Environment and Protection Authority for a reticulated sewerage system, including installation of a sewerage treatment plant with spray irrigation of tertiary treated effluent onto the proposed golf course and also provision for grey water reuse by the rural residential lots.
- B3. Submission of a plan demonstrating that all nominated areas on the golf course for the spray irrigation of treatment effluent have a slope of less than 6° and secondly a plan demonstrating that the distance from the nearest dwelling not associated with the golf course and the 35 lot rural subdivision is at a distance of at least 250m from the nominated irrigation areas.
- C. Upon compliance with B1, B2, and B3 consent be issued subject to the following conditions:
 - C1. The subdivision shall be by community title and shall be in general accordance with the submitted plan by Toby Fiander and Associates dated 21 October, 1997, plan No. TFA2063/01 and supporting documentation except where amended by conditions of this consent.
 - C2. A reticulated sewerage scheme with effluent treatment to a tertiary standard is to be provided. Treated effluent is to be irrigated onto the proposed golf course on slopes than less than 6° and be re-reticulated to the subdivision for non-potable re-use. All effluent disposal areas are to be a minimum of 250m from any dwelling not part of the community title subdivision.
 - C3. The creation of an easement for irrigation over the effluent disposal areas on the golf course in favour of the community title subdivision.

This is Page 28 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 29

- C4. The creation of a restriction on the use of land prohibiting the erection of more than one dwelling house on any of the rural/residential lots created by this subdivision.
- C5. A management statement complying with Schedule 111 of the Community Land Development Act shall be lodged and approved by Council prior to issue of the final plan of subdivision. This statement shall include the following provisions:
- (i) the maintenance, monitoring and management of the effluent disposal system by the Community Association and reporting of the results to Council or the Environment and Protection Authority;
 - (ii) the maintenance of any nutrient and sediment control works on the property.
 - (iii) provision for the estimated costs of monitoring, maintenance and depreciation for all infrastructure, including but not limited to sewerage treatment plants, drainage lines, treated effluent irrigation areas, erosion and sediment control works.
 - (iv) minimum water storage requirement of 100,000 litres for each dwelling.
 - (v) no hoofed stock, including horses, cattle, goats, deer, sheep etc. to be kept on Lots 1-13, 19-21, 23-36.
 - (vi) the creation of suitable restrictions on subsequent dwellings requiring the use of water saving fittings in households.
 - (vii) the creation of suitable restrictions requiring the use of treated effluent for toilet flushing in each of the dwellings.
 - (viii) the creation of a suitable restriction on use of land prohibiting the use of cut and fill construction on land with a slope in excess of 10%.
 - (ix) a minimum roof area for each dwelling of 200m².
 - (x) the use of Lot 22 is to be restricted to a 9 (nine) hole golf course, manager's residence and ancillary structures.
- C6. The creation of a restriction on the use of land prohibiting further subdivision of the rural/residential lots created by this subdivision.
- C7. The submission of the plan of subdivision, together with 4 (four) exact copies of thereof, suitable for lodgement with the Registrar General.

This is Page 29 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 30

- C8. Payment of a minimum release fee of \$1,540 (one thousand five hundred and forty). This amount is valid until 30 June, 1998.

Public Authorities

- C9. The submission of a Compliance Certificate under Section 73 of the Water Board Corporatisation Act 1994, prior to the release of the linen plan.
- C10. Submission of a certificate from Integral Energy that satisfactory arrangements have been made for the provision of underground electricity to each of the resultant lots of the subdivision.
- C11. Submission of a certificate from Telstra that satisfactory arrangements have been made for the provision of underground cables for telephones through the subdivision.
- C12. The submission of a copy of the permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 for any works within 40m of any "river", including dams and wetlands.
- C13. Submission of evidence of approval for any dams on site under the Water Act 1912 by the Department of Land and Water Conservation.

Section 94 Contribution

- C14. Payment of a cash contribution of \$110,708 (one hundred and ten thousand, seven hundred and eight) for recreational buildings, park improvement 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 of the time of payment.

Roadworks

- C15. The construction of all internal roads in accordance with Council's Rural Road Construction Standard with any gradient exceeding 20° for in excess of 20m to be concrete surfaced. The remaining roads to be sealed.
- C16. Construction of road and drainage works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development.
- C17. Dedication as public road of all internal roads constructed in the subdivision.

This is Page 30 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 31

- C18. A design checking and inspection fee calculated at \$50 per hour or \$10 per metre of road, whichever is the lesser, must be paid prior to release of the linen plan. This amount is valid until 30 June, 1998.

Erosion and Sediment Control

- C19. Submission of a soil and water management plan specifying arrangements for the control of erosion and sediment prior to any work commencing. The soil and water management plan is to be to the satisfaction of the Director of Environment and Development.

Particular care will be required where:

- excavations are proposed to cross drainage lines;
- at stormwater drain outlets and specifically to manage the drainage from the roads which are allocated in areas with 20% slopes; and
- the management plan is to include arrangements for management of the dams and macrophytes. If the dams are to function as proposed, constructed wetlands, the configuration must be suitable for effective macrophyte planting and growth.

- C20. Erosion and sediment control devices are to be installed and maintained in accordance with the erosion and sediment control plan to ensure that there is no increase in downstream levels of nutrients, litter, vegetative debris or other water borne pollutants.

Sewerage Treatment and Effluent Disposal

- C21. The creation of restrictions on the use of land covering the designated effluent disposal areas on the golf course lot.
- C22. The creation of a positive covenant requiring the maintenance of the designated effluent disposal areas on the golf course irrespective of whether it operates as a golf course or not.
- C23. The submission of detailed specifications for the proposed sewerage treatment plant and reticulated system.
- C24. The completion of the sewerage treatment plant and all major drainage lines prior to the release of any linen plan for subdivision or, alternatively, any outstanding works are to be bonded.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 34

- 54: Radio Transmitting Tower and associated facilities - Kurrajong Heights - Erratum (DA0135/96/EVD/ENK04LAX.V27)**

This item was dealt with in conjunction with Item 40 in the Environment Section.

That the condition be amended accordingly.

- 55: Communications Tower Kurrajong Heights (DA135/96/GMA/ENK04LAX.G29)**

This item was dealt with in conjunction with Item 46 in the Environment Section and Item 54 in the Supplementary Section.

That this information be received.

- 56: Proposed 23 lot subdivision - Lot X DP 419316 Dight Street Richmond. (SA0065/97/EVD/ENK04LAX.V25)**

This item was dealt with in conjunction with Item 46 in the Environment Section.

That the applicant be advised that the residue Lot 23 will either require to be consolidated with a residential lot to provide a building entitlement or, alternatively, that a Section 88b Restriction as to User be imposed prohibiting the erection of a dwelling on Lot 23 and stipulating that it may only be used for agricultural purposes.

Upon receipt of advice from the applicant, that development consent be issued for the subdivision subject to the recommended conditions in Item 46 with either a modified plan or, alternatively, a Section 88b Restriction on Lot 23 as indicated above..

SECTION 3 - ORGANISATION AND RESOURCES

**13: Richmond Mainstreet Program - Request for Funding (GT070/024
Pt01/GMA/OGK04NAX.G06)**

Councillor Allan informed the Committee that she is a member of the Mainstreet Program and also owns a business in the Main Street.

Ms S Orth, Mr M Bennett (Bennett's Real Estate) and Mr G Skimmin (Manager of Skillshare) from Richmond Chamber of Commerce addressed the Committee.

That Council support the Mainstreet Program to the extent of \$8,000 (eight thousand) in Stages 1-4 as required. Funding is to come from savings in street lighting charges.

14: Monthly Financial Report - September 1997 (FO11/005 PT04/FNC/OGK04NAX.F03)

That the information be received.

**15: Westpool Bulk Purchasing - Comprehensive Motor Vehicle Insurance
(GI030/081/CSV/OGK04NBX.C04)**

That Council renew its comprehensive motor vehicle insurance with GIO Australia at a premium of \$75,000 (seventy five thousand dollars).

Supplementary Reports

16: Richmond Park - Proposed Upgrading (P202 PT06/GMA/OGK04LAX.G11)

That funds of \$112,000 (one hundred and twelve thousand) (being the saving in street lighting charges with \$8,000 to go to the Mainstreet Program) be voted for works in 1997/98 with further funding for major works to be considered in the 1998/99 program in conjunction with the master plan of the park.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 36

QUESTIONS WITHOUT NOTICE:

1. Councillor Allan enquired when the financial statements for the Oasis Centre would be available.

The Director Community and Corporate Services advised that the figures would be available after the Annual General Meeting to be held on 20 November, 1997 and would be reported to the next Ordinary Meeting.

2. Councillor Allan commented on the success of the recent Wine and Food Affair and requested that a letter of appreciation on behalf of Council be sent out to the Committee, in particular Alannah Sledge, Prue Charlton and Councillor Paine.

The Mayor advised that this would be done.

3. Councillor Sheather expressed concern that Hawkesbury City Council is listed in the top 10% of Councils for the number of complaints received and requested that this matter be addressed at the upcoming Corporate Workshop.

The General Manager advised that the recent annual report of the Ombudsman indicated the Council as in the lower level.

4. Councillor Books advised the Committee that at the recent Local Government Conference at Port Macquarie he had been successful in getting his motion regarding soil conservation received, however, he was disappointed not have his issue on demolition material received. He added that he feels Council should establish its own policy on demolition material.

5. Councillor Books advised the Committee that he has been approached by concerned residents regarding the new garbage collection trial in the Wilberforce area. Of particular concern was the issue of hygiene when items such as disposable nappies are left in bins for two weeks. Residents also enquired as to whether there would be a reduction in rates to compensate for the reduction in garbage service.

The General Manager advised the Committee that the last of the bins were being delivered on Saturday afternoon. He also advised that if the trial was successful there was a possibility of significant savings to rate payers. In regard to the issue of hygiene he pointed out that the bins are closed and that residents should be aware of the importance of not contaminating recycling material with other garbage in order to have it collected earlier.

Councillor Books advised the Committee that the large general purpose bins had not yet been delivered to all households.

5. Councillor Paine tabled a letter from Mr Paul Killian regarding The Grove at Webbs Creek.

This is Page 36 of the Minutes of the GENERAL PURPOSE COMMITTEE MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 1997.

GENERAL PURPOSE COMMITTEE

Minutes

Meeting Date: 4 November 1997

Page 37

6. Councillor Baczynskyj enquired as to whether Councillors were covered for malicious damage to property which occurs when attending functions on behalf of Council.

The General Manager advised that if Councillors are informally invited to a function, or invited formally and it is not an approved function there is no public liability cover provided. The General Manager will provide the Councillors with information regarding this matter.

7. Councillor Baczynskyj requested that in future when reports are put to Council requesting funding that they include information as to where the funds are to come from.

The Mayor advised that this information would be included in future.

8. Councillor Searle enquired if the park outside Lochiel Cafe at Kurrajong Heights was a dedicated park and if so could measures be taken to prevent vehicle access and parking as he has received several complaints about this.

The Mayor advised that this matter would be investigated and reported back to the Committee.

The meeting terminated at 6.30pm.

Submitted to and confirmed at the meeting of the General Purpose Committee held on 25 November, 1997.

.....
Mayor



general
purpose
committee

1
section

environment

GENERAL PURPOSE COMMITTEE - ENVIRONMENT**Table of Contents****Meeting Date: 25 November 1997****Page 2**

ITEM	SUBJECT	PAGE
SECTION 1 - ENVIRONMENT.		
57:	Proposed Residential Flat Building Class B containing 7 x 3 bedroom 2 storey town houses - Lot 2 DP38394 No. 148 March Street, Richmond DA263/97/EVD/ENK25NAX.V12	4
58:	Hawkesbury Retreat Caravan Park, 78 Greens Road, Lower Portland DA/BA1128/97, DA109/97, DA026/97/EVD/ENK25NAX.V18	12
59:	Redevelopment of existing service station and adjoining dwelling to provide for service station, display area, workshop and associated facilities - Lots X and Y DP415117 Corner Argyle and George Streets, South Windsor DA219/97/EVD/ENK25NAX.V10	28
60:	Proposed Subdivision by Boundary Adjustment Lot 101 DP848611, Lot 1 DP782525 & Lot 2 DP561603 Bells Line of Road and Kurmond Road, Kurmond SA124/97/EVD/ENK25NAX.V05	38
61:	2 Lot Subdivision Application by Resubdivision of Lot 22 DP827407 and Proposed Lot 7 in a Subdivision of Lot 1 DP609402 - Grose Vale Road, Grose Vale SA135/97/EVD/ENK25NAX.V03	43
62:	Development Application for Truck Depot, Lot 11 DP9478 No. 26 Blackwood Road, Vineyard DA180/97/EVD/ENK25NAX.V11	47
63:	Development Fronting a Main or Arterial Road - Amendment to Clause 22 of HLEP 1989 - Draft Local Environmental Plan Amendment No. 60 to HLEP 1989 LEP15/96/EVD/ENK25NBX.V01	55
64:	Professional Chambers - Psychiatric Group Treatment, 43 Pitt Street, Richmond - Concerns regards parking and variation to parking - Condition 8 of Development Consent 0164/93 DA164/93 PT01/EVD/ENK25NBX.V08	61
65:	Draft Local Environmental Plan Clause 13 Hawkesbury Local Environmental Plan 1989 Subdivision by Adjustments for Relocation of Boundaries LEP7/97/EVD/ENK25NBX.V04	65

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Table of Contents

Meeting Date: 25 November 1997

Page 3

66:	Drainage Construction - Richmond and North Richmond - Development Contribution Plan, Drainage Catchment No. 4 DCP2/93, LEP1/93/EVD/ENK25NBX.V02	69
67:	Final Project Report - Regional Implementation of the Metropolitan Strategy for the Greater Western Region of Sydney - WSROC GM001/19 PT2/EVD/ENK25NBX.V06	72
68:	Hawkesbury Residential Strategy GT150/016/EVD/ENK25NBX.V13	73
69:	Wildlife Corridor Plan GT021/197/EVD/ENK25NBX.V16	79
70:	Energy Efficient Housing Policy GT020/06 PT1, GT015/106 PT1/EVD/ENK25NBX.V14	85

oooO END OF TABLE OF CONTENTS Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 57

ITEM: 57 **Proposed Residential Flat Building Class B containing 7 x 3 bedroom 2 storey town houses - Lot 2 DP38394 No. 148 March Street, Richmond**

FILE NUMBER: DA263/97/EVD/ENK25NAX.V12

Applicant: B J Ghantous
Applicants Rep: Alex O'Grady, Architect
Owner: Doumany Holdings Pty Ltd
Stat. Provisions: HLEP 1989
Area: 2340m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners. Objections received from three property owners.
Date Received: 10 October 1997

Key Issues: ◆ Overshadowing
 ◆ Two storey development
 ◆ Drainage
 ◆ Existing approval
 ◆ Loss of privacy
 ◆ Garage access

Action: Approval

REPORT:

A development application has been received for a multi-unit housing development of the above "T" shaped lot at Richmond. The applicant proposes the erection of 7 x 3 bedroom two (2) storey town houses at the front and five (5) attached town houses in two buildings at the rear.

The two front town houses have double garages while the five rear town houses have a garage and tandem carport at the front of each garage. The front town house has a covered front patio to break the two storey appearance from March Street.

Each town house has the living areas on the ground floor and bedrooms and bathrooms on the first floor level.

The ground floor walls are bagged brickwork. The first floor walls are metal prefinished cladding on the north and south elevation with bagged brickwork on the east and west side elevations.

A shadow diagram for 10.00am, 12 noon and 2.00pm shows some adverse impact on courtyard of proposed Unit 2 and on the adjacent eastern properties.

Statutory Situation

The site is zoned as Residential 2(a) under HLEP 1989 and the development is allowable with Council's consent.

Clause 5(1) and (2) of the Model Provision 1980 needs to be considered since the site has frontage and access to a main road. (These matters relate to visual impact, parking and traffic movement.)

The layout and design of the proposal conforms to Council's DCP for Medium Density Housing except for shadowing onto courtyard of the Unit 2.

The site is located within the 25 to 30 ANEF noise assessment and AS2021 needs to be complied with at building application lodgement.

Previous Approval

A development application for the erection of 6 x 3 bedroom and 2 x 2 bedroom single storey villa homes was approved by Council on 17 April, 1996 (DA18/96). During the exhibition period two submissions were received which summarised stated:

- no objections provided new dividing fence erected and drainage work undertaken;
- noise and dirt from construction; and
- invasion of privacy.

Community Response

The receipt of the application was advised to adjoining owners and three submissions from four land owners received as shown on the attached plan plus a submission from Roberts Mann Davies, Solicitors, on behalf of one of those owners. A summary of the concerns follows:

- height of buildings proposed;
- there is no two storey development in this part of March Street other than heritage building (Rutherglen) at 156 March Street;
- invasion of privacy for adjoining homes and back yards;
- problems with shadowing from two storey buildings on homes and yards adjoining;
- two storey development will be very prominent and interfere with the aesthetic appearance of the area;
- due to other unit development, further units are unnecessary and unjustified;
- no consideration given to impact on neighbouring properties;

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 57

- units will create a claustrophobic or prison like atmosphere by surrounding property;
- enjoyment of life considerably lessened because of development;
- no objection to single storey development; and
- proposal will erode character of Richmond.

The matters raised are considered in the following assessment of the proposal.

Environmental Assessment

Drainage

The site drains to the rear to a large ponding area and has no outlet to a Council drainage system. However, the roof of the existing small cottage on the site appears to be connected to the pit in March Street. The site therefore has a very small permissible site discharge which will result in the need to provide very large volumes of on-site detention.

The existing pit in March Street is located within the proposed driveway and will need to be relocated clear of this driveway. The site will also require some filling to allow drainage to operate satisfactorily.

Garage/Carport Access

The single width driveway that gives access to the garage/carport for Unit 5 and the gardens on either side do not allow satisfactory turning area for access and egress. The garden areas will need to be reduced to approximately 2m deep rather than 5m to allow satisfactory access. This will still leave adequate areas of open space in accordance with the DCP.

Loss of Privacy

The proposed two storey town houses will have greater impact on the privacy of adjoining properties than the previously approved single storey villa homes. The privacy of adjoining owners can be mostly protected from the ground floor living areas of the town houses by the erection of 1.8m high dividing fences. The rear yard of the adjacent Lot 1 (No. 150) is protected by existing screen trees however the other rear yards may be overlooked from the first floor level of the town houses containing bedrooms and bathrooms. There are two storey town houses on the rear property, facing Lennox Street, Lot 71. Some of the overlooking can be overcome by requiring the bedroom windows in Units 1 and 2 to be located in the front and rear walls rather than the side walls and all bathroom and stairwell windows have opaque glass fitted.

Overshadowing

The DCP requires no more than 25m² of courtyard to be in shadow between 9.00am and 3.00pm mid-winter. The shadow diagram submitted with the application shows mid winter shadows for 10.00am, 12 noon and 2.00pm. Our assessment of shadows at 9.00am and 3.00pm indicates that

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 57

Unit 2 does not comply with the DCP as more than 25m² of courtyard is in shadow until 12.00 noon. However, this is considered to be a minor departure from the DCP. Some minor shadowing of the rear yard of the adjoining property to the east occurs after 2.00pm.

Conclusion

The proposal will have some overshadowing and loss of privacy impact on adjacent properties, more than the previously approved development for single storey villa homes.

However, the overlooking can be lessened by the relocation of bedroom windows and using opaque glass in bathrooms and stairwell windows.

The overshadowing is minor overall and is considered within acceptable limits.

The proposal conforms generally to the Council's DCP and can be supported.

RECOMMENDATION:

It is recommended that approval be granted subject to the following conditions:

1. The drainage pit in March Street, located in the driveway area, to be adjusted/relocated and any necessary additional pits provided to the requirements of the Roads and Traffic Authority. All plans, fees, contributions and/or securities required by the Roads and Traffic Authority are to be provided and all necessary approvals obtained.
2. The height of the front full brick courtyard wall to be at least the height of the top of the ground floor windows of the front town house to assist road traffic noise attenuation, full details to accompany the building application.
3. A contribution of \$15,517.00 (fifteen thousand, five hundred and seventeen) being a contribution for recreational buildings, park improvements and community facilities as a consequence of medium density development (residential flats, villas, townhouses, dual occupancy etc). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
4. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6.0m.
5. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
6. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 57

7. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels. The PSD is equivalent to that calculated on only the roof area of the existing cottage.
8. Submission of a building application, plans and specifications complying with the Building Code of Australia and to include no bedroom windows for Unit 1 and 2 to be located in the side elevations and all bathroom and stairwell windows to have opaque glass fitted.
9. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
10. No excavation or site works shall be commenced prior to the issue of the building permit.
11. Application being made under the Local Government Act for the demolition of the existing building. Such application shall address noise attenuation, dust control, safety of the public, disconnection of services, reuse/recycling of materials and disposal of any residual materials.
12. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
13. A physical barrier being provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
14. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.
15. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
16. Details of any filling proposed for the site to be submitted with the building application. The fill is not to obstruct the flow off adjoining properties and levels are to be provided on adjoining properties to demonstrate compliance with this requirement.
17. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
18. New boundary fences shall be provided at the applicant's expense. Details to be submitted with the building application. Such fencing behind the building line shall be to a height of 1.8m and at least lapped and capped.
19. All fencing fronting the street shall be a feature fence incorporating masonry piers with decorative infill panels. Details are to be submitted for consideration with the building application.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

ITEM: 58**Hawkesbury Retreat Caravan Park, 78 Greens Road, Lower Portland****FILE NUMBER:** DA/BA1128/97, DA109/97, DA026/97/EVD/ENK25NAX.V18**REPORT:**

At Council's meeting of 11 November, 1997 it was resolved that matters relating to this property be deferred until resolution of the outstanding matters associated with the caravan park. The current outstanding applications on this property are separately listed and discussed being DA109/97 (proposed 30 community title "weekender" cottages, and no caravan park) DA26/97 (DA approval for relocated sites for which variation is sought under the caravan park approval to allow manufactured homes), DA/BA1128/97 (proposed manager's residence).

Site History

The following development applications have been submitted for this property in recent years:

DA Number	Application	Determination
DA442/81	Application to establish a private recreational club incorporating sixty five (65) holiday cottages, golf course and other related recreational facilities.	Approved
DA11/82	Establish a private sporting and recreation club.	Approved subject to conditions
DA243/93	Application for manufactured home estate of forty (40) sites.	Refused
DA244/93	Development application for a tavern/restaurant to cater for one hundred (100) persons, general store, coffee lounge, public boat shed and residence, small motel, reception and night quarter accommodation.	Refused
DA245/93	Sewage system for twenty five (25) caravan sites.	Approved subject to conditions
DA174/94	Application for forty (40) manufactured homes, ten (10) unit motel, tavern, general store, coffee lounge, boat storage and ancillary facilities.	Refused
DA38/95	Application to remove the existing caravan park and sand processing operation and replace it with forty (40) holiday cottages, twenty (20) motel units, boat storage, tavern/restaurant, general store, boat shed, residence and restoration of the heritage cottage.	Refused by Council and also refused by the Land and Environment Court

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

DA Number	Application	Determination
DA26/97	Application to relocate sites 5-28 further from the river and also to incorporate the three (3) existing cottage sites.	Approved
DA109/97	Application for the removal of the caravan park and its replacement with thirty (30) community title "weekender" cottages and ancillary facilities.	Deferred at the request of the applicant
DA/BA1128/97	Application for Manager's Residence.	Deferred

Status of Caravan Park Approval

Council's records indicate that the property, then known as the Portland Country Club, has been a licensed caravan park since at least 1983.

Prior to the introduction of Ordinance 71 "caravan parks and camping grounds" in 1986 each local government area controlled and regulated caravan parks by local policy.

With the introduction of Ordinance 71 each Council became responsible for ensuring that each caravan park compiled a list of works to bring into line with the requirements made under the Ordinance. The list was called a Programme of Works.

The owner of Portland Country Club was requested to compile and submit a programme of works in 1987 and again in 1988.

In December 1988 the then manager of the property indicated that a development application for strata units had been refused and that he was able to discuss the upgrading of the park and compile a programme of works. It was not submitted and a notice was issued.

A notice of intention to serve an order was issued in December 1994.

The current major outstanding works are as follows:

- All sites are to be sewered and the applicant has received pollution control approval from the Environmental Protection Authority to install seventeen (17) septic tanks with three (3) being installed to date. The applicant has sort final determination of the development application matters prior to installing the remaining septic tanks, all of which will be located on the flood plain.
- An amenities block is required. A building application has been approved.
- Cessation of the sand processing operation.
- The caravans on the property either need to be capable of being towed away or alternatively tied down so that they will not move in the event of flooding.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

- There are a number of unauthorised structures on the site, mainly pergola/awning structures and covered BBQ facilities which either need to be approved or removed.

On 7 May, 1996, Council resolved to Serve Notice to Require the caravan park to be upgraded in accordance with the Caravan Park Regulations and that when Notices be Served they be staged so that non-compliance with for example the submission of EIS would result in immediate injunctive action to terminate the use of the land as a caravan park.

Given that there has been some progress is undertaking the required works the Order has to date, not been further.

DA109/97 - Removal of Caravan Park and Replacement with Thirty "Weekender" Community Title Cottages and Ancillary Facilities

This application was reported to the General Purpose Committee on 29 July, 1997.

Whilst the application was reported on the basis of advice from the applicant to delete any reference to community title, the applicant now wishes the application to be considered with community title.

In relation to the community title, the applicant proposes to construct the cottages and to sell them upon completion. This would likely be undertaken in a number of stages depending upon market acceptance.

Other than the proposed community title subdivision, there is no other changes to the substance of the report to the General Purpose Committee on 29 July, 1997. The report is reprinted as follows:

Item: 5 Removal of Caravan Park and Replacement with 30 "Weekender" Cottages and Ancillary Facilities - 78 Greens Road, Lower Portland

File Number: DA109/97/EVD/ENG29NAX.V16

Applicant:	Mrs Glenys Gilling
Applicants Rep:	Mr Graham Edds
Owner:	Mrs Glenys Gilling
Stat. Provisions:	HLEP 1989
Area;	13.206ha
Zone:	Environmental Protection Scenic 7(d)
Advertising:	Adjoining owners
Date Received:	13 May 1997

Key Issues:

- removal of existing caravan park
- visual impact of development
- effluent disposal
- previously refused development application
- compliance with relevant provisions of SREP No. 20

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

Action: Refusal

REPORT:

The Application

The applicant seeks Council "in principle" approval for the erection of 30 "Weekender" Cottages on the property and development approval for Stage 1 of the proposal being the erection of the first 8 "Weekender" Cottages and associated recreation facilities. The total development is proposed to be undertaken in 4-5 stages with separate development applications being submitted for each stage. It is proposed that the individual units be subdivided by community title

The proposal aims to reduce the impact of the existing caravan park and supersede recently approved development of the site with a more sympathetic development consistent with the significance of the site so as to ensure appropriate and long term development and use. This involves:

1. The demolition and removal of all of the existing caravan sites and improvements on the property except the heritage sandstone cottage.
2. The conservation of the sandstone cottage which recognised as an item of environmental heritage under HLEP 1989.
3. The construction of 30 weekender cottages in a consolidated development on part of the property.
4. The construction of a manager's residence.
5. Provision of recreation facilities consisting of a nine hole golf course, the existing beach ball court, an in ground swimming pool, and a tennis/croquet court.

The proposed cottages are both two and three bedrooms dwelling varying in height from 5.5m to 7.1m. The cottages are to be constructed of a combination of coloured concrete block and stained timber together with extensive use of glass and corrugated metal roofs. The cottages and manager's residence are to be located on land above 7.7m AHD with the floor level of each weekender being at or above 8.7m AHD. Outside timber decks and courtyards areas have been located between each cottage and screening vegetation is proposed around each cottage. The applicant states that the proposed development will reduce the existing number of caravan/manufactured home sites by 40% and reduce the river front usage of the site by 50%.

The proposed method of effluent disposal is to use the 17 approved (EPA Pollution Approval No. 002764) septic systems with absorption trenches with final treatment being within the wetlands located in the middle of the property.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

The Site

The property has an area of 13.206ha and occupies approximately 1.5km of Hawkesbury River frontage on a prominent meander downstream of the junction of the Colo River.

The property has been used as a caravan park since 1967. The existing development on the site includes:

- two (2) permanent residences (the stone cottage and a manager's residence)
- forty six (46) caravan sites
- three (3) holiday cottages
- sand processing plant and sheds

The current approval to operate the caravan park provides for no more than twelve (12) persons to occupy an individual caravan site at anyone time and no more than one caravan, tent or conveyance per site at any one time.

The property is flood effected and the floor height standard for the area is 8.7m AHD.

Statutory Situation

The property is zoned Environmental Protection Scenic 7(d) under HLEP 1989. Tourist facilities are permitted within this zone.

The relevant objectives of the zone are:

- a) to preserve the existing wooded ridges and escarpments*
- b) to protect hilltops, ridge lines, river valleys and other features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping*

The sandstone cottage is listed under Schedule 1 of HLEP 1989 as a heritage item.

Council in determining this application must also take into consideration the relevant provisions of Sydney Regional Environment Plan No. 20 - Hawkesbury-Nepean River.

Public Notification

Adjoining owners were notified and the development application placed on public exhibition between 19 May and 2 June 1997. Ten (10) objection letters and five (5) letters of support were received.

Objections

The objections are summarised below:

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

- this is a similar proposal to that which was refused by Council and the Land and Environmental Court in 1995
- the development is contrary to the zone and the zone objectives
- the result of this development will be a housing development of a very concentrated nature
- if cottages used for permanent occupation then it will be impossible for Council to police
- the existing caravan park is sub-standard and why hasn't it been closed down?
- is Council serious about protecting the river?
- the development is unsuited to this area and will increase speedboat use of the river
- approval of this application will create an undesirable precedent
- the proposal is a money making exercise with absolutely no consideration for its impact on the environment
- concern over on-site disposal of effluent
- this is an overdevelopment of the site and unsatisfactory in terms of development of flood liable land
- the new cottages will impinge on the curtilage of the sandstone cottage
- overall occupancy level of the park will not decrease

Endorsements

The letters of support are summarised below:

- this is a practical new holiday development
- will remove present unsightly caravan park and can only benefit the area
- more tourist dollars for the area
- benefit derived from restoration of the 1830's sandstone cottage
- will provide accommodation relevant to the scenic beauty of the area
- will help satisfy need for decent tourist accommodation

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

Responses from Relevant Public Authorities

The application was referred to the Hawkesbury Nepean Catchment Management Trust, Environment Protection Authority and Department of Land and Water Conservation. At the time of writing comments from DLWC had not been received.

Hawkesbury Nepean Catchment Management Trust

The Trust raised concern over the possible permanent occupation of the cottages as this would create additional pressure on sewerage facilities and other infrastructure in the locality. The Trust considered that the situation would be different if the proposal was a resort style where management could control, usage of each cottage.

No details supplied with the development application as to quality and quantity of bore water which is available.

The Hawkesbury Scenic Quality Study recommended that the scale and form of all new development be restricted and that special attention be paid to visibility of all proposals on the water. The Trust was concerned that the proposal will be very visible from the water and no landscaping details had been provided in the application. The Trust concluded that the visual impact of the buildings was unacceptable.

"The applicant has not demonstrated how flooding would be responded to during moderate to high (100 year ARI) floods."

"The applicant has not demonstrated that the construction and operation of the proposal will occur without contributing pollutants to the ground water or the Hawkesbury River."

Environment Protection Authority

The EPA does not object to this change providing the load on the effluent treatment systems does not exceed the load expected from the existing caravan occupancy and as advised, usage of the cottages is restricted to weekend and holiday usage.

Previous Development Application and Appeal to Land and Environment Court

The previous development application (DA38/95) to redevelop the site was for a mixed tourist development consisting of 40 holiday cottages, 20 motel units, boat storage facility for 40 boats, tavern/restaurant which catered for up to 100 patrons, general store/coffee lounge, boat shed, residence, restoration of stone cottage. This was clearly a much larger development than proposed with the present application. However in terms of the river frontage, the impact of the previous DA38/95 was not dissimilar to the current application.

This application was refused by Council and was refused by the Court in 1995. In bringing down her judgement Judge Pearlman agreed that the existing caravan park on the site was unsatisfactory and warranted considerable upgrading. She also agreed a low scale tourist development could be designed which would take adequate account of the sensitivity of the site.

The three reasons Judge Pearlman justified refusal were:

- i) the character and density of the proposed development constitutes an over-development of the site and an unacceptable visual impact.
- ii) no satisfactory arrangements for the provision of water to the site have been demonstrated.
- iii) no satisfactory provision for sewerage and effluent treatment has been demonstrated.

Other matters raised by Council relating to flooding, bush fire risk and access and parking were not considered by Judge Pearlman to warrant refusal of the application.

Visual Impact of the Development

The property falls within the Lower Portland to Wisemans Ferry study area of the Hawkesbury - Nepean Scenic Quality Study, prepared by the Department of Urban Affairs and Planning. This study has identified this section of the river as having "significance beyond the region", this is the highest significance grouping of the study.

The study considers the landscape character of the area to be a "harmonious organisation of small scale riverside cultural elements of small holding, historic properties, caravan and ski parks and small settlements" and defines the visual sensitivity of the landscape as being extreme. The study identified buildings of inappropriate form, obtrusive van and ski parks, resort style developments and derelict farmland as being detracting elements of this region.

Relevant suggested development controls of the study are to restrict the scale and form of new development, require new and refurbished recreation sites to be set back from the river bank, require vegetation screening to be provided which is appropriate in density and species composition to the river locality.

The main visual element of the proposed development will be the 30 cottages located around the point. The cottages vary in height from 5.5m (2 bedroom) to 7.1m (3 bedroom) and have a varying setback of 26m - 80m.

The applicant states that the proposed development has an improved visual appearance to that which exists because this proposal:

- *removes all sites away from the river foreshore embankments and generally provides increased setbacks to the cottages.*
- *frees up 50% of the river foreshore to regain regenerated river foreshore vegetation.*
- *provides unified design and visual harmony with weekender cottages emulating characteristics of building historically based in the Hawkesbury.*

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

The proposed development also has a similar visual impact from the river to that of the previous development application (DA38/95) which was refused by Council and the Court in 1995. The previous application however contained additional elements of a general store, tavern and motel complex adjacent to the sandstone cottages as well as boat sheds near the water's edge and the escarpment above Greens Road.

Justice Pearlman said,

"Taking into account the substantial nature of the proposed development, its bulk and scale, and its visual impact as a continuous cluster of buildings adjacent to the river, I have concluded that the proposed development constitutes an excessive increase in intensity of development and its impact is unacceptable..."

It is considered that the current proposed development is inconsistent with Judge Pearlman's finding.

Water Supply

The applicant has provided evidence to Council which shows that an adequate water supply can be achieved from bore water and potable water.

The property has a bore licence (No. 1455755) which permits the extraction of 13 megalitres per annum.

Assuming 100% occupancy all year round and all dwellings utilising full time residency water requirement ie laundry, kitchen, car washing, the total requirement for water is approximately 14 megalitres per annum. This is an unrealistic projection and does not include water available from the wetlands and tanks.

A more realistic projection of 100% occupancy on every weekend, every public holiday and every school holiday generates a requirement for 7 megalitres per annum ie 6 megalitres less than what is available through bore water.

Sewerage and Effluent Disposal

The applicant proposes to use 17 individual septic systems with absorption trenches and final treatment within the wetlands. These systems have been approved by the EPA and the EPA has not raised an objection to this development using these systems.

Provisions of SREP No. 20

SREP No. 20 provides strategies for riverine scenic quality including:

that Council consider the siting, setback, orientation, size, bulk and sale of land and the use of unobtrusive, non reflective material slopes visible from the river and its banks and along the skyline.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

Conclusion

The proposed development aims to improve the present amenity of the locality by removing the existing caravan park and providing tourist development which is sympathetic to the significance and sensitivity of the site. The proposed development provides for 30 cottages of unified design and will reduce the number of existing caravan sites as well as the river front usage of the property.

However, it is not considered that the application is consistent with the findings of Judge Pearlman. It is therefore recommended that the development application be refused.

One issue which was not given any weight in the previous appeal was flooding. Whilst the development of the site complies with Council's floor height standard, the site is not geologically stable with evidence of erosion and accretion along the bank. Part of the existing bank is relatively steep with some evidence of erosion approximately 20 metres from the proposed cottages.

Recommendation:

That the application be refused for the following reasons:-

1. That the proposed development constitutes an excessive increase in intensity of development and its impact is unacceptable.
2. Not in the public interest.

Request to Allow the Installation of Manufactured Homes

This matter was reported to the General Purpose Committee Meeting on 4 November, 1997. It is currently the subject of action in the Land and Environment Court as Council's Caravan Park Approval prevents manufactured homes being installed on flood liable land.

The following is the report to the meeting on 4 November, 1997.

Item: 52 Request to allow the installation of manufactured homes - Hawkesbury
Retreat, Paradise Point, Lower Portland.

File Number: DA026/97/EVD/ENK04NBX.V12

REPORT:

On 14 February 1997, Glenys Gilling lodged a development application for the relocation of the existing caravan sites No.5-28 with the existing holiday cottage sites 5, 6 and 25 to be included in the "approval to operate a caravan park". The application proposed the relocation of the sites away from the riverbank (up to 35 metres) and at or above the 7.7 metre contour. It was proposed that the sites remain short-term but at least 260 m² in area.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

A development consent for the relocation of the sites was issued on 4 April 1997 including conditions relating to the possible installation of manufactured homes.

However, the caravan park approval issued under the Local Government Act on 28 August 1996, which approves 46 caravan sites for short-term residents, contains a number of standard conditions including:

"Relocatable homes, manufactured homes, mobile homes, rigid annexes, unregistrable moveable dwellings are not permitted to be installed on flood liable land."

Clause 7(2) of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 requires that Council, in deciding whether or not the approval for a caravan park or camping ground should allow the installation of a relocatable home or rigid annexe on flood liable land, must have regard to the principles contained in the Floodplain Development Manual.

The Floodplain Development Manual provides for a merit based approach based upon the determination of a "standard flood". The assessment in the caravan park approval referred to flood liable land, possibly a reference to the floor height standard.

This matter was considered by Council at its meeting on 12 August 1997 and it was resolved as follows:

"That the information concerning the status of legal advice regarding the request to allow the installation of manufactured homes at the Hawkesbury Retreat, Paradise Point, Lower Portland and the notice of appeal to the Land and Environment Court by Ms Gilling be received."

Since that meeting there have been a number of call-overs for the Land and Environment Court to discuss the issue and some confusion as a consequence of the appeal being in relation to the provisions of the development consent rather than the caravan park approval.

The current status is that the matter has been stood over for further mention before the Duty Judge on 6 November 1997 to enable consideration of the matter at the Committee meeting on 4 November 1997.

It is recommended that Council review the caravan park approval and, in particular, the condition preventing manufactured homes being installed on flood liable land prior to embarking on a costly hearing in the Land and Environment Court.

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995

The Local Government Act 1993 is relevant to the operation of an existing caravan park. Section 68 of the Local Government Act provides that the approval of Council is required for a number of uses including the operation of a caravan park or camping ground and the installation of a manufactured home, moveable dwelling or associated structure on land.

The Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 provides detailed requirements for the operation of caravan parks and camping grounds and the installation of moveable dwellings (including manufactured homes) both in caravan parks and camping grounds.

The Local Government Act defines a manufactured home as a:

"self contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and also includes toilet and laundry facilities), being a dwelling,

- (a) that comprises one or more major sections; and*
- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling."*

Clause 11 of the Regulations states that the prior approval of Council is not required for the installation of a relocatable home (including a manufactured home) on a dwelling site within a caravan park so long as it is designed, constructed and installed in accordance with the relevant requirements and is not occupied until a Certificate of Completion has been issued. A "dwelling site" means an area of land within a caravan park that is designated as a dwelling site by the approval for the caravan park.

The caravan park approval identifies 46 short-term dwelling sites and also provides in addition to the restriction on manufactured homes on flood liable land, that only one caravan or any other type of conveyance or relocatable home is to be installed on one site.

In reviewing the request for the installation of 24 manufactured homes on sites 5-28 inclusive, given the provisions of Council's caravan park approval and the regulations, the issue is whether the proposed manufactured homes are consistent with the principles contained in the Floodplain Development Manual.

Flood Affection

Clause 7(2) of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 requires that Council, in deciding whether or not the approval for a caravan park or camping ground should allow the installation of a relocatable home or rigid annexe on flood liable land, must have regard to the principles contained in the Floodplain Development Manual.

The Floodplain Development Manual provides for a merit based approach based upon the determination of a "standard flood".

The floor height standard for the site is 8.8 metres compared with the estimated 1:100 year flood frequency level of 10.3 metres.

The issue of flooding was considered by Pearlman J in the appeal by David Hooker against Council's decision to refuse a development application for a tourist facility on the site. Pearlman J in the Judgement of 23 October 1995 considered that the flood issue did not warrant the court refusing the development application. Her Honour noted that the New South Wales Floodplain

Development Manual expressly recognises that floodplains "should not unnecessarily be sterilised and development should not be unreasonably withheld". Her Honour suggested that a condition of consent could be that buildings be required to meet appropriate levels, which was suggested as being adequate if specified as being above the 7 metre AHD contour.

In terms of Council's "standard flood" being the floor height standard, the sites to be used for manufactured homes are generally high hazard given the fact that the access road is cut at a level of approximately 7 metres AHD. The sites themselves, however, have a risk of inundation similar to much of the Windsor and McGraths Hill area.

Legal Advice

It will be recalled that previously advice had been received from Mr John Whitehouse that Council's caravan park approval is ultra vires (unlawful).

It will be recalled that the last occasion the matter was referred to Council, legal advice from Minter Ellison was submitted on behalf of the "concerned residents of Lower Portland".

The matters raised by Mr John Whitehouse from Minter Ellison are:

- the potential for negligence action against Council for approving manufactured homes knowing that the floor would be inundated in flood events less than a 1 in 100 return period.
- the caravan park approval issued on 28 August 1996 is unlawful as it provides no details of the facilities to be provided relating to toilets, showers, hand basins, while sewage is described as "septic tank plus on site disposal/package STP/sewer/septic tank plus pump out".

Council should acknowledge that it has failed to properly consider the requirements of the regulations and that the existing caravan park approval is unlawful.

The advice from Minter Ellison was considered by Council's solicitors who advised that provided Council acts in accordance with the principles of the Floodplain Development Manual, and behaviour to the contrary cannot be proved, Council can rely on a statutory offence in Section 733 of the Local Government Act which provides:

"(1) A Council does not incur any liability in respect of:

- (a) any advice furnished in good faith by the Council relating to the likelihood of any land being flooded or the nature or extent of any such flooding; ..."*

In relation to the assertion that the caravan park approval is ultra vires because consideration was not given to sewage, drainage, showers and toilet facilities as well as laundry facilities, Council's Solicitors were not able to provide an opinion as they had no evidence of the matters which Council staff considered. However, there is ample evidence on the file indicating that detailed consideration had been given to all of the requirements outlined in Part 3(Divisions 1-8) of the Regulations. In fact, the disposal of effluent was the subject of lengthy discussions and a pollution control approval

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

from the Environment Protection Authority. Annexure A of the caravan park approval requires the construction of shower, toilet and laundry facilities in full compliance with Part 3 of the Regulations.

Summary

The most significant issue in relation to the location of manufactured homes on the site is flooding and the proposed manufactured homes for short-term residents will be at Council's floor height standard and be sited on land not more than one metre below the standard. Given a necessary elevation of approximately 600 millimetres for drainage and sub-floor ventilation, the proposed development meets the requirements of Hawkesbury Local Environmental Plan 1989.

Since the status of the caravan park approval was last reported, there has been reasonable work undertaken on the park towards compliance with the requirements of the Regulations. The remaining work is principally the completion of the installation of 17 septic tanks for which the applicant has obtained pollution control approval from the Environment Protection Authority. There was considerable delay in determining the most appropriate treatment system and then obtaining an EPA approval. EPA approval was finally given on 25 November 1996 and to date 3 septic tanks of the 17 have been installed. Notices also need to be served on some tenants requiring the removal of dilapidated structures. This work should be completed before any manufactured homes are installed on site. The applicant advises that this work will proceed.

Recommendation:

The applicant be advised that the approval to operate a caravan park and/or camping ground for Lot 18 DP 753784 Greens Road, Lower Portland, will be amended to allow the installation of manufactured homes on the relocated site Nos.5-28 (five to twenty eight) following completion of the installation of the septic tanks and absorption trenches required by the Regulations and any other outstanding work, including the removal of dilapidated structures.

The manufactured homes are to have a floor level of at least 8.8 (eight point eight) metres and be sited on land with a level of at least 7.8 (seven point eight) metres

Proposed Manager's Residence

This matter was reported to the General Purpose Committee on 4 November, 1997 and is reprinted as follows:

Item: 43 Proposed Manager's Residence - Hawkesbury Retreat, Paradise Point - 78
Greens Road, Lower Portland

File Number: DA/BA1128/97/EVD/ENK04NAX.V119

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

Applicant: Mrs G Gilling
Applicant's Rep: None advised
Owner: Mrs G Gilling
Stat. Provisions: Hawkesbury Local Environmental Plan 1989. REP No.20
Area: 13.206 hectares
Zone: Environmental Protection 7(d)
Advertising: Adjoining owners notified - no submissions received.
Date Received: 18 September 1997.

Key Issues: • Status of caravan park

Action: Approval subject to conditions

REPORT:

A combined development/ building application has been received for a manager's residence for the caravan park at 78 Greens Road.

The residence is proposed to be located below the existing shed and beside the access road. It is to be constructed on land with a level not less than 9.2 metres with a habitable floor at 11.8 metres. Therefore the habitable floor level exceeds both the estimated 1:100 year flood frequency level as well as the floor height standard. These levels are 10.3 metres and 8.8 metres respectively.

The land does not contain any existing dwellings other than a heritage item which is currently not capable of habitation. The applicant advises that the heritage item is not well located to serve as a manager's residence as it is too remote from the access road.

The proposed manager's residence is a permissible use and it is necessary for the proper control of the caravan park.

The matter is referred to Council for consideration given that there is pending legal action by the applicant and that the approval of the manager's residence may be contrary to Council's position should it be decided to refuse the proposed manufactured homes or take other action.

Given the recommendation in relation to the manufactured homes, it is recommended that the application for the manager's residence be supported.

Recommendation:

That the development application for the manager's residence be approved subject to the following:

1. The residence generally being in accordance with the plan prepared by Alex O'Grady, Architect, No.G3/97/1 dated September 1997.
2. Compliance with conditions of building approval.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 58

RECOMMENDATION:

DA109/97 - Removal of Caravan Park and Replacement with 30 "weekender" community title cottages and ancillary facilities

That the application be refused for the following reasons:-

1. That the proposed development constitutes an excessive increase in intensity of development and its impact is unacceptable.
2. The site has an unsatisfactory flood risk.
3. Not in the public interest.

DA26/97 and Caravan Park Approval - Installation of Manufactured Homes

The applicant be advised that the approval to operate a caravan park and/or camping ground for Lot 18 DP 753784 Greens Road, Lower Portland, will be amended to allow the installation of manufactured homes on the relocated site Nos.5-28 (five to twenty eight) following completion of the installation of the septic tanks and absorption trenches required by the Regulations and any other outstanding work, including the removal of dilapidated structures.

The manufactured homes are to have a floor level of at least 8.8 (eight point eight) metres and be sited on land with a level of at least 7.8 (seven point eight) metres

DA/BA1128/97 - Manager's Residence

That the development application for the manager's residence be approved subject to the following:

1. The residence generally being in accordance with the plan prepared by Alex O'Grady, Architect, No.G3/97/1 dated September 1997.
2. Compliance with conditions of building approval.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 58 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

ITEM: 59 **Redevelopment of existing service station and adjoining dwelling to provide for service station, display area, workshop and associated facilities - Lots X and Y DP415117 Corner Argyle and George Streets, South Windsor**

FILE NUMBER: DA219/97/EVD/ENK25NAX.V10

Applicant: C E, P J and J Koolbanis
 Tesera Asteria Pty Ltd
Applicants Rep: as above
Owner: C E, P J and Koolbanis
Stat. Provisions: HLEP 1989
Area: 1604m²
Zone: General Business 3(a)
Advertising: 14 days to adjoining owners, two submissions received
Date Received: 10 September, 1997 additional information submitted on 7 October, 1997 and 22 October, 1997, amended plan submitted 12 November, 1997

Key Issues: ♦ Off street parking
 ♦ Local Traffic Committee concerns
 ♦ Overshadowing
 ♦ Visual Impact
 ♦ Overdevelopment of the site
 ♦ Hours of operation

Action: Approval

REPORT:

Application is to redevelop the existing service station on the Corner of Argyle Street and George Street and the adjacent lot, containing a dwelling in Argyle Street in two stages. The plan first submitted showed as follows:

Stage 1

Demolish existing dwelling, Corner Argyle Street and the lane, and erect a new building to contain a workshop with two hoists, storage space for a racing car and reserved parking for another vehicle internally, an office, storage room, engine room to assemble engines, amenities and plant and equipment for servicing and repair of motor vehicles.

Stage 2

Demolish existing service station building and associated facilities and attach a new building to the Stage 1 building to contain display area, service area, office, storage area and disable persons WC. Three new pump islands are proposed under a new canopy/awning and parking is provided for

fifteen (15) vehicles. Existing crossings in George Street are to be retained and one crossing is proposed in a new location to replace existing two crossings in Argyle Street. The proposed fill point on the amended plans is located such that the tanker can stand wholly within the property, however, will block access to part of the site from Argyle Street.

The proposed building is to be constructed with tilt up panels and is located on the southern boundary, 1.135m from the lane and on the Argyle Street boundary. The walls to the southern boundary and the laneway are blank and are to be painted. The Argyle Street elevation includes highlight windows. The front elevations of the building contain windows and doors. Landscaping is provided at various locations around the site.

The applicants have also stated in the application:

"It can be noted from the design it is to be constructed so as to allow the building to be divided into five shops at a future date should the service station become non viable and it is requested that this form part of the approval consent."

The first proposal was referred to the Local Traffic Committee pursuant to SEPP No. 11 Traffic Generating Developments and the following is their recommendation.

Recommendation

To defer further consideration of this matter and the Applicant be requested to address the following issues:

- (a) lack of queue capacity at bowzers, particularly closest to George Street in breach of RTA guidelines;*
- (b) insufficient room for tanker parking for fuel delivery; and*
- (c) one driveway on George Street in lieu of two.*

The Committee was also concerned about the deficiency in off street parking provided on the site and, being a total redevelopment, considered that a better orientation of the petrol pump and entrance and exit driveways could be designed.

An amended plan was submitted on 22 October, 1997 relocating the filling points adjacent to one of the pump islands.

However, a further amended plan was submitted on 12 November, 1997 which keeps the Stage 1 and Stage 2 building the same, keeps the existing pump islands, fill points and awning over the pump islands. The two crossings in George Street are retained as the first and second plan. One existing crossing is retained in Argyle Street nearest to George Street, with the other Argyle Street crossing deleted. Off street parking has been increased from 15 spaces to 16 spaces and one space is provided in the building.

This amended plan has been referred back to the Local Traffic Authority to be held on Friday 21 November, 1997 and a late report will be submitted detailing the Minutes of that meeting for consideration with this application.

Statutory Situation

The site is zoned General Business 3(a) under Hawkesbury Local Environmental Plan 1989 and service stations, convenience stores, car repair stations and light industries are allowable uses with Council's consent.

Under Clause 5(2) of the Environmental Planning and Assessment Model Provisions 1980, which relates to, in part, development for the purposes of service stations, Council is required to take into consideration the following:

- (a) *whether adequate vehicular exits and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons using those roads;*
- (b) *the provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the Council may determined;*
- (c) *whether any representations made by the Traffic Authority of New South Wales have been met; and*
- (d) *whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.*

Under Council's Parking Policy the development requires "six (6) spaces per work bay plus one (1) space per 20m² ancillary retail floor space" with two (2) hoists in the workshop, this is considered two (2) work bays and, with 123m² of retail floor area, a total of eighteen (18) spaces are required, only seventeen (17) spaces are provided on the site.

Community Response

Receipt of the first application was advised to adjoining owners and two (2) submissions received. The subsequent amended plans were not advised to adjoining owners as the building and general operation remained the same.

A summary of the concerns follows:

- devalue adjacent properties;
- serious overshadowing effects from 4.6-4.8m high wall on boundary, prevent natural light to units in adjacent property;
- hours of operation 5.00am to 11.00pm seven days per week will disturb adjacent residents by noise and lighting;

- engine room could be noise source adjacent to residents;
- blank walls painted white (Mobil colour) will invite graffiti vandals, if approved walls should be painted with graffiti proof paint;
- petrols vents and storage tanks should be located well away from residents; and
- any future conversion to shops should be subject to future development application so Council and residents can see what is proposed.

Environmental Assessment

Local Traffic Committee Concerns

The first plan was referred to the Committee who deferred the matter as detailed earlier in this report.

The latest amended plan retains the existing pump island, fill points, awning over pumps and two crossings to George Street and one crossing to Argyle Street. This proposal does not seem to overcome the Committee's concerns however the minutes of the meeting will be reported to the General Purpose Committee as a late report.

These matters can be partially resolved with condition of consent requiring relocation of the fill points and reduction in width of the George Street crossings.

Hours of Operation

The application proposes that the development operate from 5.00am to 11.00pm seven (7) days per week. It is considered that in this location at South Windsor, with dwellings and units surrounding the site, the hours should be reduced to 6.00am to 10.00pm for the seven (7) days.

Off Street Parking

Under Council's Parking DCP eighteen (18) spaces are required, seventeen (17) spaces are provided on the latest amended plan. The Policy requires six (6) spaces per work bay and the applicant argues that, although there are two (2) hoists, there is only one (1) door access therefore only six (6) spaces for one (1) work bay should be required. Although not acceding to the applicant's submission it is considered this minor departure from the DCP is acceptable.

Overshadowing

A shadow diagram has been submitted which shows a shadow length of 13 metres at 9.00am onto the adjacent block of two storey units and a similar length of shadow onto the lane and adjacent Argyle Street dwelling at 3.00pm mid winter. Using an alternative method of shadow prediction, developed by the University of NSW, the shadow length at 9.00am and 3.00pm would be 15.5m long.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

In regard to the 9.00am shadow onto the adjacent units, this will fall on carports and access area and onto approximately 2/3 of the unit wall. The 3.00pm shadow will fall on part of the front and rear yard and the wall of the dwelling in Argyle Street.

In both instances the shadow effects will have some adverse impact in respect of the ground floor balconies only in mid winter.

Overdevelopment of the Site

The building proposed is considerably larger than the existing buildings however the site is zoned General Business 3(a) and, in such a zone, more intensive site coverage is not unusual.

Visual Impact

The proposed building is proposed on the southern boundary which adjoins the existing block of units and 1.0m-1.135m from the lane boundary.

The wall to the units is 4.6m to 4.8m high and 32m long blank concrete, painted.

The wall to the lane is the same height and 31.9m long in similar material.

Both elevations will create visual impacts with the greater likely to be adjoining the units which have windows that face this proposed blank wall.

To improve the visual impact and overshadowing for the residents of the units it is suggested the 1.5m wide landscaping be continued along the rear of car parking spaces 14-16 and the Stage 2 building be set back 1.5m from this southern boundary so that landscaping can be provided along this part of the wall.

Planting should be provided in the 1.0-1.135m set back to the lane to reduce the visual impact. The concrete panels should be cast with some relief design and paint colour and finish should be carefully chosen to embrace the appearance.

Also to assist in reducing the likelihood of graffiti on the two blank walls, these walls should be painted in graffiti proof paint.

Conclusion

Provided some visual impact measures are conditioned in the approval, and hours of operation restricted, the proposal is considered acceptable given the zoning of the site. It is also considered Stage 2 should follow Stage 1 as soon as possible to ensure the development is completed in full.

RECOMMENDATION:

It is recommended that approval be granted subject to the following conditions:

1. Stage 2 is to be completed within twelve (12) months of Stage 1 reaching lock up stage to ensure the total development is completed with all necessary facilities.
2. Stage 2 building and parking spaces 14, 15 and 16 to be set back 1.5 metres from the southern boundary and this 1.5m wide area provided with appropriate planting to screen the development and building from the adjacent property, full details to accompany the building application.
3. The 1.0m to 1.135m wide set back to the lane to be planted with appropriate landscaping to assist in screening this wall from the land and adjacent property. Full details to accompany the building application.
4. Southern wall for Stages 1 and 2, eastern wall to lane and southern wall on Argyle Street boundary to be painted with graffiti proof paint. The concrete panels shall incorporate appropriate relief designs. Colour details and finish to be submitted with building applications.
5. The fuel tank filling points are to be relocated to a position near the existing bowzers to allow a petrol tanker to park wholly within the site during fuel deliveries.
6. The width of the footpath crossing on the George Street frontage are to be reduced to 8 metres and landscaping area increased as amended in red on the approved plan.
7. The two (2) lots to be consolidated into one (1) lot prior to release of the building application for Stage 2.
8. Arrangements satisfactory to the Divisional Manager Engineering Operations are to be made for the adjustment of the sewer main affecting the site. Details are to be submitted for approval concurrently with the building application.
9. The provision of conduit/ducts under new driveways to the requirements of Integral Energy in accordance with Prospect Electricity drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy
10. Remove existing redundant layback crossings and footpath crossings and replacement with concrete kerb and gutter and the restoration of the footway areas.
11. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

12. Council must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with Council prior to discharge of trade waste from the premises. A Trade Waste Agreement Application must be submitted and assessed prior to the approval of the building application for Stage 1.
13. Submission of a building application, plans and specifications complying with the Building Code of Australia.
14. 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.
15. A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
16. Oil and other used lubricants shall be collected and stored for the purpose of recycling. Full details shall be submitted and approved prior to the proposed development commencing.
17. Provision of toilets in accordance with the requirements of the Building Code of Australia.
18. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food 1989 and Regulations thereunder and Council's Food Premises Code.
19. No excavation or site works shall be commenced prior to the issue of the building permit.
20. Application being made under the Local Government Act for the demolition of the existing building. Such application shall address noise attenuation, dust control, safety of the public, disconnection of services, reuse/recycling of materials and disposal of any residual materials.
21. The development shall be conducted in such a manner that noise levels measured at any boundary do not exceed 5dB(A) above background noise levels.
22. The air handling system installed on the premises shall be registered with Council in accordance with Part 6 of the Public Health Act 1991, Microbial Control.
23. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
24. Parking shall be provided for 17 (seventeen) vehicles in accordance with the approved plans. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
25. A physical barrier being provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

26. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
27. A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.
28. All motor vehicle servicing and repair work is to be performed within the building.
29. No signs shall be displayed on the footpaths, pedestrian ways, roadways or in the vicinity.
30. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
31. 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.
32. The subject development, including landscaping, is to be maintained in a clean and tidy manner to the satisfaction of the Director Environment & Development at all times and any direction given in this regard is to be complied with forthwith.
33. The spillage of light, if any, shall be controlled to the satisfaction of the Director Environment & Development.
34. Operating hours shall be limited to 6.00am to 10.00pm 7 (seven) days per week. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development.
35. The development shall be carried out in accordance with Plan No. 32297, 2 sheets, dated 6 August, 1997 but as amended 11 November, 1997.
36. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
37. No burning of demolition or construction material being carried out on the site.
38. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without Council's approval.
39. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

Advice

Approval is given for the redevelopment of the 2 (two) lots for a service station and associated facilities and this approval does not include any future conversion to shops or the like which must be the subject of a future development application for Council's consideration at the time.

ATTACHMENTS:

AT-1 Site Plan

oooO END OF ITEM 59 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 59

Subject Site

X

DP 415117

● SP 49598

DP 552413

DP 716439

DP 572768

DP 588684

DP 588686

DP 588687

DP 588688

DP 588689

DP 588682

588681

DP 35437

DP 759096

DP 408381



Submission received

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 60

ITEM: 60 **Proposed Subdivision by Boundary Adjustment Lot 101 DP848611, Lot 1 DP782525 & Lot 2 DP561603 Bells Line of Road and Kurmond Road, Kurmond**

FILE NUMBER: SA124/97/EVD/ENK25NAX.V05

Applicant: Bennett Real Estate Pty Ltd
Applicants Rep: Ken Bennett
Owner: Rencorp Pty Ltd, NSW Department of School Education and P T Wright
Stat. Provisions: HELP 1989 and Draft Amendment No. 96
Area: 12.6 hectares
Zone: 1(c1) - 4 hectare minimum
Advertising: Not required
Date Received: 13 October 1997

Key Issues: ♦ History of lots
 ♦ Adjustment boundaries - Clause 13 HELP 1989
 ♦ Draft Amendment to Clause 13

Action: Refusal

REPORT:

The applicant seeks to create three (3) lots of 1.617ha, 10.59ha and 0.4ha by relocation of a lot entitlement. The existing lots have areas of 10.99ha, 1.214ha and 4047m².

The lot entitlement which the applicant seeks to relocate comprises part of the land occupied by Kurmond Public School and is Lot 2 DP561603. The lot was created in 1973 without reference to Council by the Public Works Department and the DP contains the note "Lot 2 to be acquired for addition to Kurmond Public School Site". The lot would not have been created by normal subdivision particularly as it has no road frontage and is simply located at the rear of the school site. The area is levelled to create a play area and has a small shed erected on it. The lot was originally part of what is now Lot 101 which is now proposed to be further subdivided.

The school is proposing to retain the total area of land it now owns. The Department of School Education simply proposes to sell the purported development right but to retain the land as a single lot.

Given the history it is considered that no development right should be recognised for the lot and as such it should not be allowed to be transferred to create a new lot.

Statutory Situation

Notwithstanding the above it is necessary to look carefully at the provisions of HLEP 1989 and Amendment 96 in detail.

A recent Land and Environment Court decision at Bilpin has lead to a very narrow interpretation of Clause 13 of HELP 1989 which may prohibit Council refusing the application as a boundary adjustment. However, when considering an application any Draft LEP must be taken into consideration. Following the appeal decision draft Amendment No. 96 was adopted and exhibited from 8 October, 1997. This amendment proposes to prohibit subdivisions by adjustment of boundaries using allotments smaller than 1000m² and which have frontage to a public road of less than 20 metres. As the lot proposed to be "relocated" has no road frontage the boundary adjustment will be prohibited once the draft amendment is gazetted. It should be noted that the prohibition does not become law until the amendment is gazetted but must still be taken into consideration by Council.

It could also be argued that the existing wording of Clause 13 would prohibit the adjustment.

Clause 13(1) provides "Nothing in this plan prohibits subdivision by adjustment or relocation of common boundaries provided that:

- (a) no additional allotments are created;
- (b) no allotment becomes, as a consequence of the adjustment or relocation, capable of subdivision under this plan; and
- (c) the number of undersized allotments resulting from the subdivision does not exceed the existing number of undersized allotments..."

No common boundary is being adjusted. A boundary between Lot 2 DP561603 and Lot 1 DP782525 is being eliminated. This boundary is not common to Lot 101 DP848611 within which the new lot is proposed. See attachments 1 and 2 to this report.

Subdivision Potential

- Lot 101 has an area of 10.99ha. Given the 4ha minimum within the zone it has potential in its own right for two lots. The applicant is obviously trying to maintain this potential while creating a further lot within its boundaries i.e. he is trying to increase the ultimate lot yield of the site which is not supported.

Summary

Subdivision is permissible with consent however the proposed new lot does not comply with the minimum 4ha area for the zone. The subdivision is considered to be excluded from the provisions of Clause 13 as no common boundary is being relocated and further if this is not the case it is contrary to the draft amendment to Clause 13 as the lot proposed to be "relocated" has no road frontage. The subdivision is not supported.

RECOMMENDATION:

- A. The application to subdivide be refused for the following reasons

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 60

1. The proposal is not a subdivision by adjustment or relocation of common boundaries as the boundary to be relocated is not common to Lot 101. As such Clause 13 does not apply.
2. The proposal does not comply with Clause 11(2)(c) in that proposed Lot 105 at 0.4ha does not comply with the minimum 4ha area required by the 1(c1) zone.
3. The proposal is contrary to the requirements of draft amendment 96 to HELP 1989 as Lot 2 DP561603 does not have a 20m frontage to a public road.
4. Approval of the subdivision in the circumstances of the case would not be in the public interest.

ATTACHMENTS:

AT-1 Proposed subdivision plan.

AT-2 Existing lot layout

oooO END OF ITEM 60 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

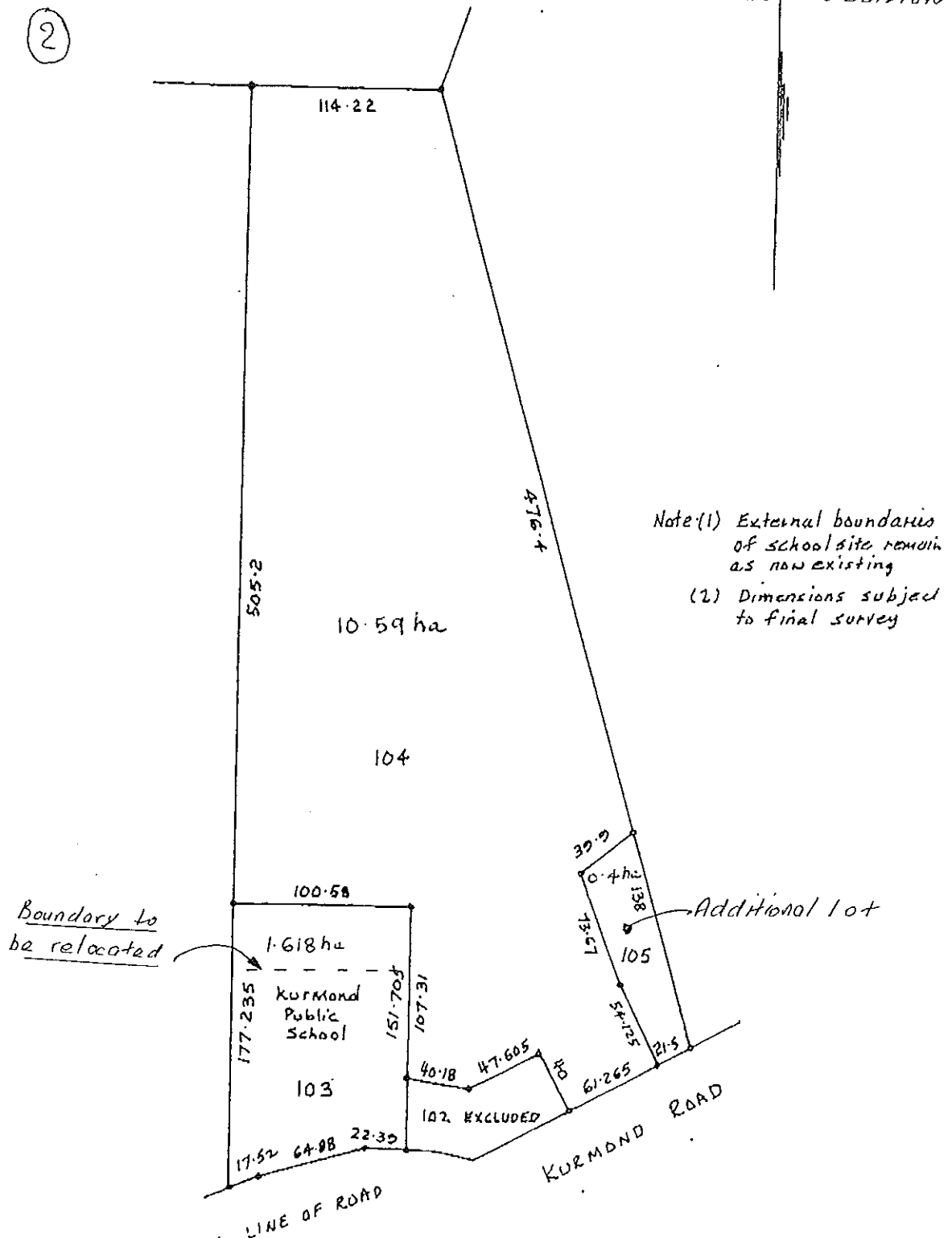
Item: 60

lot 1 in D.P. 782525 & lot 2 in D.P. 561603
Reduction Ratio 1:3000

AT-1 - SA126/97

PROPOSED SUBDIVISION

(2)



ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 61

ITEM: 61 **2 Lot Subdivision Application by Resubdivision of Lot 22 DP827407 and Proposed Lot 7 in a Subdivision of Lot 1 DP609402 - Grose Vale Road, Grose Vale**

FILE NUMBER: SA135/97/EVD/ENK25NAX.V03

Applicant: McKinlay Morgan and Associates
Applicants Rep: Andrew Burge
Owner: J E Maguire & Bellbird Estate Pty Ltd
Stat. Provisions: HLEP 1989
Area: 9.2 hectares
Zone: 1(C1) min. 4 hectares
Advertising: Yes - closed 19 November, 1997 - No submissions at date of preparation of report.
Date Received: 30 October, 1997

Key Issues: ♦ Lot averaging
 ♦ Clause 13 HLEP (boundary adjustments)

Action: Conditional approval

REPORT:

An application has been received to subdivide the above two lots of 4ha (proposed) and 5.2ha into two lots of 1.7ha and 7.5ha.

Statutory Situation

On the surface it would appear that the subdivision is prohibited by Clause 13(1)(c) as an additional undersized allotment is being created. This however, is not the case as Clause 13 only comes into force if the subdivision were otherwise prohibited by the LEP.

The subdivision may be considered on its merits under Clause 11(2)(d) of HLEP 1989 and SEPP1. In effect the two lots could first be consolidated into a single allotment and then subdivided on the basis of lot averaging. Council has already supported an amendment to HLEP to allow lot averaging. It is proposed to consider the two processes as a single entity for practical reasons.

Assessment

As one of the proposed lots at 1.7ha is less than the minimum 4ha area for the zone the applicant has lodged a SEPP1 objection on the basis that:

- (i) The owners of Lot 22 (proposed Lot 102) intend to extend their orchard and to use the existing water storage dam currently located on the other lot.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 61

- (ii) The proposed Lot 101 maintains the prime land in which to erect a residence.
- (iii) The proposed subdivision is consistent with the specific objective of the Rural 1(c1) zoning.

The applicant also points out that the existing Lot 22 contains an existing stone fruit orchard which is the predominant agricultural activity of the area and has approval for a tourist facility for this orchard.

The applicant's submission is addressed as follows using the same paragraph numbers:

- (i) The additional land to be added to Lot 22 to create Lot 102 is a logical extension of the lot with the proposed common boundary following approximately the natural depression through the site leaving a dam on each of the lots ie the additional land is a natural extension to the orchard. To reinforce this, it is intended to require that the extension of the orchard be planted prior to release of the linen plans.
- (ii) Proposed Lot 7 slopes away from the road to a natural depression and dams and then rises again towards the rear. The most likely place to erect a dwelling on the lot is between the road and the depression which is the area being retained in Lot 101.
- (iii) The basic objective of the 1(c1) zone is to provide for rural residential living which will not be affected by the proposed subdivision. Agricultural usage is not addressed within the objective although the minimisation of the disturbance to the landscape is. It is not considered that the extension of the stone fruit orchard onto existing cleared land will be contrary to the objectives of the zone.

The SEPP1 objection is therefore supported. As one of the lots is greater than 10% below the minimum area for the zone the concurrence of the Department of Urban Affairs and Planning (DUAP) is required prior to the issue of any approval.

Summary

The application is permitted with consent using SEPP1 but requires the concurrence of DUAP.

RECOMMENDATION:

1. The SEPP1 objection be supported.
2. The application be referred to DUAP for concurrence
3. Upon receipt of concurrence from DUAP the application to subdivide be approved subject to:
 - i. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the linen plan.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 61

- ii. 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.
 - iii. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
 - iv. Payment of a linen release fee of \$180.00. This amount is valid until 30 June 1998.
 - v. The subdivision shall be in general accordance with the submitted plan dated 30 July, 1998 Plan No. 87988:DA:10).
4. The creation of a restriction on use of land prohibiting the resubdivision of Lot 102 which reduces the area of the lot as the excess area has been created by lot averaging.

ATTACHMENTS:

AT-1 Subdivision plan.

oooO END OF ITEM 61 Oooo

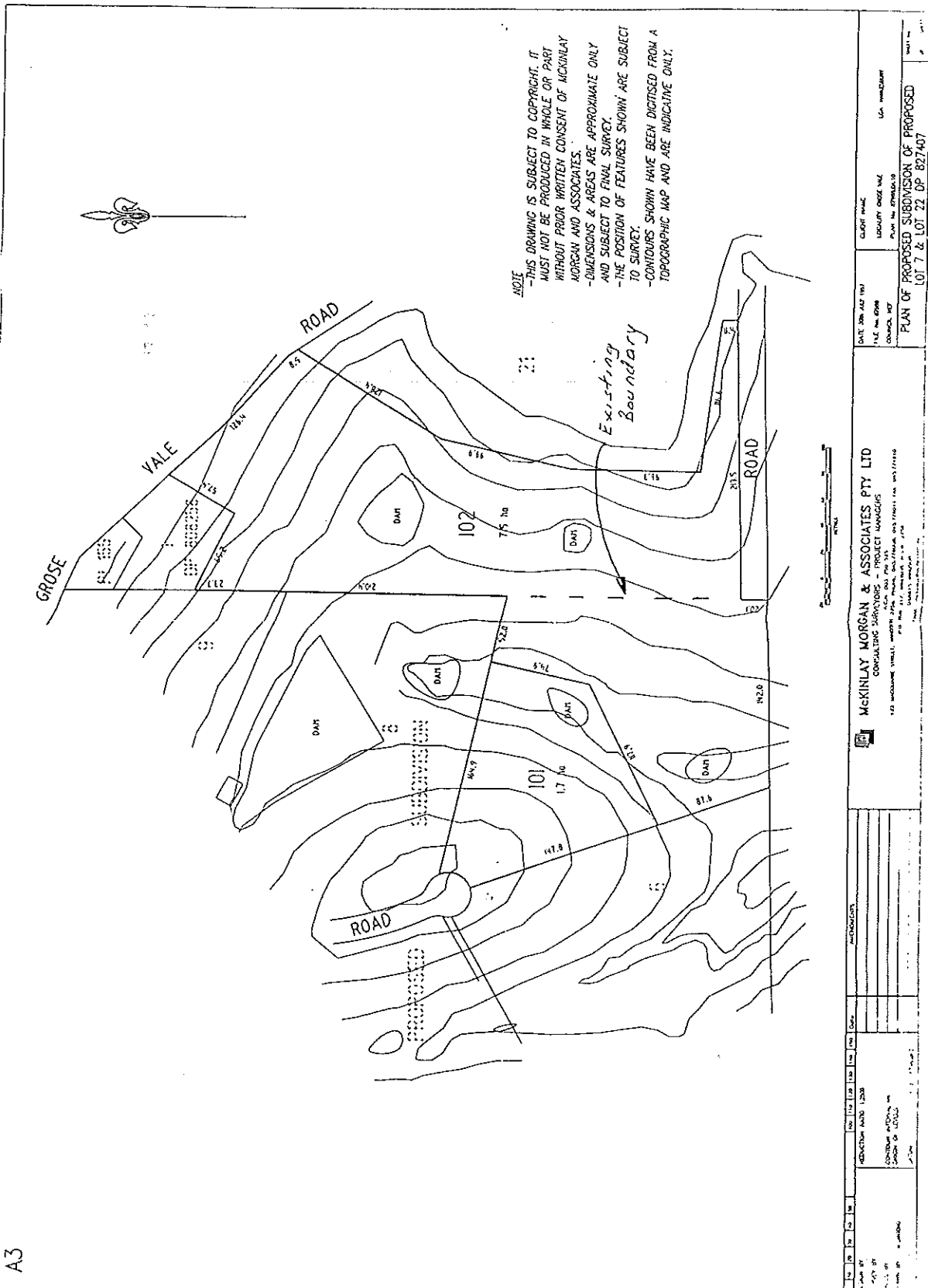
ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 61

AT-1 - SA 135/9

A3



ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 62

ITEM: 62 **Development Application for Truck Depot, Lot 11 DP9478 No. 26
Blackwood Road, Vineyard**

FILE NUMBER: DA180/97/EVD/ENK25NAX.V11

Applicant: K Bailey
Applicants Rep: as above
Owner: A P Bailey
Stat. Provisions: HLEP 1989
Area: 2321m²
Zone: Rural 1(c)
Advertising: First application - 14 days of adjoining owners, six objections received.
 Amended application - 14 days to adjoining owners and objectors, one
 letter of support and four objections received.
Date Received: 23 July 1997, additional information received 15 October 1997. Amended
 application received 27 October 1997

Key Issues: ♦ Visual impact
 ♦ Noise
 ♦ Fumes and dust
 ♦ Rural residential area
 ♦ Amenity
 ♦ Character of area
 ♦ Traffic safety

Action: Refusal

REPORT:

The initial application received was to establish a truck depot for three (3) rigid trucks on the rear of 26 Blackwood Road, Vineyard. The site is a corner lot and access to the truck depot is from Bruce Road.

The applicant stated in regard to his initial application:

The area used by these three vehicles to park is fully enclosed, fully fenced, landscaped and is screened by large trees and shrubs. The area is used primarily as a place to park these vehicles at night as a decision was made to keep them in a secure area due to previous damage and theft of similar equipment in surrounding areas. Vehicle movements are restricted to vehicles leaving after 7.00am and returning around 5.30pm. Please note that only two vehicles are used frequently and the third registered vehicle is used as a spare and rarely leaves the premises. I have two locals employed as drivers who will park their own vehicles on the premises. I have been at this premise for five years and have not had any problems or complaints. Previously the area in general has many residents involved in the transport industry with many vehicles being parked on properties. I personally make a

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 62

point to approach neighbours directly related to the area where the vehicles are stored to ensure that there are no problems and if any to correct them should there be any problems. With this application I would like to rectify these by discussing them with the appropriate persons.

After considerable community objections and in an attempt to resolve the matter the applicant amended his application as stated below:

I now require parking for two vehicles that are used one day per week and one vehicle that is used daily. I have reduced the number of staff to two employees, one employee will start and finish the day at this address, unless it can be arranged for him to take the vehicle home. His personal vehicle will be parked in a space provided within our property.

Vehicle movements have been reduced by more than 50% and will remain this way.

Additional screening for the parking area will also be provided.

By taking the above measures, I hope not to further upset concerned residents, but for them to see that an effort is being made to rectify this problem

New premises are being sought to park these vehicles ASAP. Alternatively discussions are taking place regarding the sale of the business.

Statutory Situation

The site is zoned as Rural 1(c) under Hawkesbury Local Environmental Plan 1989 and a truck depot is allowable with Council's consent. A truck depot is defined as "a building or place used for the driving and parking of trucks, earthmoving machinery and the like."

Council's Industrial Development DCP requires parking related to floor area while under the Parking Policy open outdoor display areas require one (1) space per 250m² of site area. A reasonable parking requirement for the proposed use would be one (1) space per truck and one (1) space per driver/employee.

Community Response

The first proposal was advised to adjoining owners and six (6) submissions were received from the properties around the site. The concerns of the residents were as follows:

- site already used as business for 12 months;
- depot has three rigid trucks and a semi trailer;
- Council refused another business in Bruce Road which was less offensive than this one;
- already has holding yard on Windsor Road next to Caravan place;
- no objections to operating office from home but not trucks;
- noise from trucks revving and beeping from 6.00am and warming up;
- dust generated which blows into surrounding homes;
- employees park on street outside houses and opposite driveways;

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 62

- unsightly yard when viewed from surrounding lots;
- semi holds waste over weekend, odours generated;
- depot operates seven (7) days a week, weekends are for repairs;
- tippers come and go all day, fear for children in this quiet street;
- road shoulders get chopped up in wet weather;
- this use is industrial, not residential;
- site not appropriate for depot;
- up to five (5) trucks come and go all hours from 6.00am to late at night;
- loaded trucks left with waste in the overnight, health concerns for neighbours;
- trucks and bins built and sprayed on property;
- waste bins left of road and footpath;
- lots in this area residential in nature;
- trucks used are waste disposal vehicles;
- rat problem has increased over last few months - no problem before that;
- fumes from trucks and large scale spraying;
- major vehicle modifications involving weeks of continuous hammering, grinding and cutting of metal;
- advertised address for 'Bailey's Waste Bins';
- screening virtually useless;
- other trucks come to site for servicing, maintenance and tune ups;
- expanded from one truck a year ago, now four trucks, how many in 12 months?
- depot more appropriate for location in an industrial area; and
- truck parking adversely affects visual aspects of area and is out of place.

The applicant was advised of these concerns by letter dated 27 August, 1997 and requested to address the concerns and advise what steps he intended to make to ensure the proposal does not adversely affect the amenity of the area. The applicant replied as follows in letter dated 10 October, 1997:

In addressing these objections from surrounding residents I find that some of the objections are not correct and advise Council accordingly.

- *The site has been used for eighteen (18) months as a parking area.*
- *We do not own a semi trailer.*
- *Trucks do not start until 6.30am - 7.00am and I encourage Drivers not to rev or beep.*
- *The parking area has had approximately \$1,500 spent on recycled crushed concrete as a road base specifically because this product does not generate dust.*
- *Since submitting the application I have reduced the number of employees.*

There is only one (1) employee that starts work at this address and only one (1) truck that leaves in the mornings.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 62

- *This employee's private vehicle is parked in our parking area.*
- *Tipper will not be loaded overnight.*
- *There is only one (1) rigid vehicle used six (6) days per week and if possible the employee takes this vehicle home.*
- *This address is not used in advertising at all, it is purely a mailing address.*
- *Tipper is used only one (1) day per week.*
- *Our vehicles don't park on the road shoulders. During wet weather with no kerb and guttering it becomes very soft. Surrounding residents and their visitors whom park along the roadway on weekend's etc. are the vehicles, which cause the damage. This property is not the only affected property.*
- *We are zoned rural (1c) not residential although I would like to see it zoned residential.*
- *There are numerous properties in the surrounding area that park multiple trucks and semi trailers.*
- *We do not have any more than three (3) trucks come and go from the property.*
- *Waste transported by us is (inert) material only (builders waste etc.) this poses no health threat to anybody.*
- *We do not build waste bins at all.*
- *Waste bins will be not be placed on roadway or footpath.*
- *I have resided here for five (5) years and have not seen a rat. To say that this is due to waste transported on our vehicles is purely an attempt to portrait an image designed to influence a decision made by Council. Any inspection at anytime would be welcome.*
- *There are no vehicle modifications taking place at this address.*
- *I do not have other trucks come to this site for repairs and maintenance.*
- *This property is well maintained, landscaped and the overall appearance from the street is exceptional. I take personal pride in keeping it this way.*

Since these objections have arisen, I have reduced truck movements by more than 50%. I have reduced the number of employees. I have allocated \$500 towards additional landscaping to enhance screening.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 62

If vehicles can be taken home by employees they are.

There are no long term plans to have vehicles remain at this location.

Other premises will be sought in the near future.

Alternatively I am having discussions at present regarding the sale of the business.

A copy of the amended application was forwarded to the objectors and the adjoining owners and one (1) letter of support and four (4) objections received as indicated on the attached map.

The letter of support states:

We wish to advise that we are the immediate neighbours of the applicant Mr Kevin Bailey and have absolutely no problem with his development application.

Our property shares an eastern boundary with 26 Blackwood Road, and we have experienced no inconvenience either from noise pollution, dust pollution, visual pollution, nor do we experience any invasion of privacy from Mr Bailey's activities. Mr Bailey's establishment is always kept in immaculate condition and his grounds are neat and tidy.

Mr McElhinney and myself wish to make it clear to Council that any complaints regarding the above development do not involve ourselves, and once again we would like to repeat that we have absolutely no objection to Mr Bailey's proposal.

Thank you for the opportunity of expressing our feelings regarding the above, and please feel free to contact us should you require any further information.

A summary of the concerns from the latest four (4) objectors are as follows:

- vehicle movements appear still the same, two trucks in operation;
- no screening or attempt to screen has been seen to be made;
- tippers are left full and parked overnight with waste in them;
- what kind of waste?
- this type of industry should be in more appropriate area;
- if business is successful, more trucks will be purchased and more people on site making it more unbearable to live near;
- previous comments still applicable to amended application, strongly opposed;
- light traffic road not able to cope with heavy abuse, road surface crumbling and becoming corrugated;

- truck depot should be in areas Council has zoned for this type of business;
- applicant operates yard 400m from his home on Windsor Road; and
- application should be refused to avoid current unsatisfactory situation being further inflicted upon residential area and its inhabitants.

Environmental Assessment

The site is located in an area of Vineyard containing small lots and is residential rather than rural in nature with dwellings relatively close together. The area presents a very attractive residential streetscape with some small scale rural activities and a rural backdrop. The development was established without consent and the objections received confirm that the current impacts are unacceptable. Those impacts, which are likely to continue, relate to noise, fumes, dust, and visual impacts and, from the objections received, it appears that the amenity of the area has been adversely affected by the operation of the truck depot.

The amended application does little to reduce the likely impacts and it is therefore considered that the site, its size and the location are not appropriate for a truck depot. Having considered all matters and assessed the proposal in accordance with Section 90 of the Environmental Planning and Assessment Act the proposal is not supported.

RECOMMENDATION:

The development application be refused for the following reasons:

1. The development is inconsistent with objective (a) of the Rural 1(c) zone of Hawkesbury LEP 1989 namely:

(a) to primarily provide for a rural residential living style.
2. The development will be out of character with the rural residential development on adjoining land and other land in the locality.
3. The development will have an adverse effect on the amenity of the neighbourhood due to the emission of odours, noise and dust.
4. The development will have a negative impact on the visual quality of the locality.
5. The development does not make adequate provision for the safe movement of trucks to and from the property.
6. Given the significant concerns raised by neighbouring residents, approval of the development would not be in the public interest.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: **62**

ATTACHMENTS:

AT-1 Site Plan

oooO END OF ITEM 62 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 63

ITEM: 63 **Development Fronting a Main or Arterial Road - Amendment to Clause 22 of HLEP 1989 - Draft Local Environmental Plan Amendment No. 60 to HLEP 1989**

FILE NUMBER: LEP15/96/EVD/ENK25NBX.V01

REPORT:

On 28 May 1996 Council resolved to amend Clause 22 "Development adjoining a main or arterial road" of HLEP 1989.

The objective of amending Clause 22 was to enable a merits based approach to the assessment of development fronting main and arterial roads, and to delete the prohibition of certain development which has direct vehicular access to a main or arterial road.

The reason for this amendment was due to Council receiving a number of enquiries for development of industrial zoned land fronting main or arterial roads which had merit and were compatible with existing development in the area, however, where prohibited by the present Clause 22.

The proposed amendment to the clause provides Council with the opportunity to assess such applications on merit and hence allow for a more flexible approach to development assessment.

The draft plan was forwarded to the Department of Urban Affairs and Planning (DUAP) and the RTA for initial comment prior to exhibition. DUAP expressed concern that the cumulative effect of development along main and arterial roads in rural and environmental protection zones could have a significant impact on the rural character and scenic qualities of these area and may lead to ribbon development. Further discussions with the RTA and DUAP resulted in changes to the draft plan which denied the creation of vehicular access to main or arterial roads except where no alternative exists, and prohibited certain development in rural and environmental protection zones.

The draft plan was referred to the following public authorities:

Environment Protection Agency
Sydney Water
Roads and Traffic Authority
Integral Energy
Heritage Office
Telstra

No objections were received from the public authorities.

The draft local environmental plan was placed on public exhibition for the period 8 October - 7 November 1997. No objections were received as a result of the exhibition period.

Adjoining Councils were notified of the draft local environmental plan and invited to comment. No objections were received from adjoining Councils.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 63

Because no objections were received, a public hearing into the draft plan does not need to be held and the draft plan may be submitted to DUAP for final determination and gazettal.

RECOMMENDATION:

That the Draft Local Environmental Plan - Amendment No. 60 be forwarded to the Department of Urban Affairs and Planning for final determination and gazettal.

ATTACHMENTS:

AT-1 Current Clause 22 of HLEP 1989

AT-2 Draft Hawkesbury Local Environmental Plan 1989 - Amendment 60

oooO END OF ITEM 63 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 63

Local Environmental Plan 1989

Updated 6 May, 1997

21. (1) The Council shall not consent to the erection of a dwelling-house or residential flat building on land to which this plan applies unless it has taken into consideration the likelihood of the dwelling-house or building being affected by bushfire, or affecting adjoining lands in cases of bushfire.

(2) The Council may attach conditions to any such consent requiring clearing of vegetation and provision of access roads and additional water storage facilities in non-reticulated areas, and any other condition which in the opinion of the Council will reduce the effect and spread of bushfire.

Development adjoining main or arterial roads

22. (1) If land to which this plan applies has frontage to a main or arterial road, a building shall be set back from the nearest alignment of the road at such distance as may be determined by the Council having regard to

- (a) the nature, scale and function of the building;
- (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road; and
- (c) the minimisation of distractions to drivers using the road; and
- (d) any possible need to alter the road alignment in the future.

(2) Notwithstanding clause 9, the Council shall not grant consent to the carrying out of development for any of the following purposes on land which is within Zone No. 1(a), 1(b), 1(c), 1(c1), 4(a), 4(b), 7(d) or 7(d1) and which has direct vehicular access to a main or arterial road:

bulky goods sales rooms or showrooms, car repair stations, commercial premises, general stores, hotels, junk yards, caravan parks, motor showrooms, produce stores, refreshment rooms, retail plant nurseries, roadside stalls, service stations, shops, transport terminals and warehouses.

Advertising structures

23. (1) This clause applies to land within Zone No. 1(a), 1(b), 1(c), 1(c1), 2(a), 2(c), 7(d) or 7(d1).

(2) Notwithstanding any other provision of this plan, the Council may consent to the erection on land to which this clause applies of an advertising structure displaying only notices relating to the purposes for which the land is used.

(3) The Council may consent to the erection of an advertising structure on land to which this clause applies for the purpose of

- (a) directing the travelling public to tourist areas; or

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989
(AMENDMENT No. 60)

I, the Minister for Urban Affairs and Planning, in pursuance of Section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder.

Minister for Urban Affairs and Planning

Sydney, 1997

Citation

1. This plan may be cited as Hawkesbury Local Environmental Plan 1989 (Amendment No 60).

Aims and Objectives

2. The aims and objectives of this plan are
 - (a) to enable a merits based approach to the assessment of development fronting main and arterial roads.
 - (b) to delete the prohibition of certain development in 4(a) and 4(b) zones which have direct vehicular access to a main or arterial road.

Land to which Plan Applies

3. This plan applies to land which has direct vehicular access to a main or arterial road.

Relationship to other Environmental Planning Instruments

4. This plan amends Hawkesbury Local Environmental Plan 1989 in the manner set out in Clause 5.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 64

ITEM: 64 **Professional Chambers - Psychiatric Group Treatment, 43 Pitt Street, Richmond - Concerns regards parking and variation to parking - Condition 8 of Development Consent 0164/93**

FILE NUMBER: DA164/93 PT01/EVD/ENK25NBX.V08

REPORT:

During the past month numerous inquiries have been received regarding the issue of parking at the above premises.

Consent was issued by Council at its meeting of 14 September, 1993 for a professional chambers - psychiatric group treatment. The consent contained various conditions for operation.

Condition 8 of development consent DA164/93 states:

"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 the parking across the frontage of No. 41 Pitt Street is undertaken with the approval of the property owner."

It has been suggested that certain conditions have been breached, in particular the parking requirements. Inspections have been conducted at irregular intervals by Council staff to ascertain parking problems. On several occasions vehicles were found to be parked contrary to Condition 8 of the development consent DA164/93 and these occasions are listed for information (Attachment 2). On each occasion, vehicles used by either patients or staff members have been parked within the driveway, or directly outside No. 43 and 41, with the number of vehicles found at any one time being three to four within the driveway and four 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 of the area in respect to parking of vehicles.

RECOMMENDATION:

It is recommended that Condition 8 of development consent DA164/93 be deleted.

ATTACHMENTS:

AT-1 Locality Plan

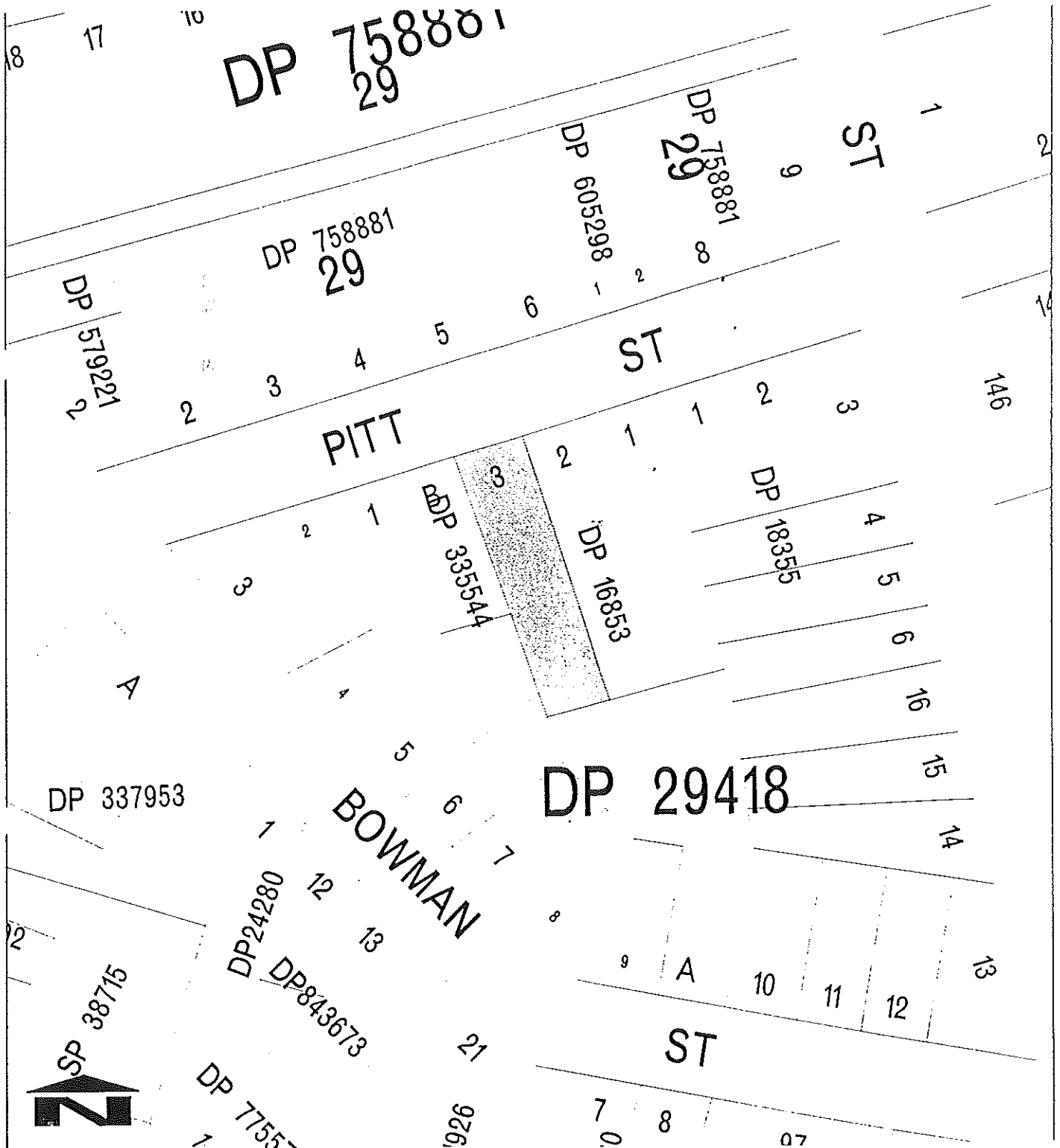
AT-2 List of Vehicle Parking

oooO END OF ITEM 64 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 64



ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 64

**VEHICLE PARKING - CONDITION 8
DEVELOPMENT CONSENT DA164/93
NO. 43 PITT STREET, RICHMOND
14 OCTOBER, 1997 TO 14 NOVEMBER 1997**

Time & Date	On Site Parking	Street Parking	Noise	Comments
14.10.97 10.15pm	1 vehicle on site No. 43.	2 vehicles on roadway No. 43. 1 on roadway No. 41, 38, 39 & 44	No noise from site.	At 10.25am vehicle dropped off patient outside No. 42 and left. No activity rear yard.
15.10.97 10.15pm	2 vehicles on site No. 43.	2 vehicles on roadway No. 43.	No noise from site	No vehicles outside No. 45.
17.10.97 3.15pm	2 vehicles on site No. 43.	1 vehicle on roadway No. 41.	No noise from site	No vehicles outside No. 45.
21.10.97 8.55am	1 vehicles on site No. 43.	1 vehicle on roadway No. 43.	No noise from site	No vehicles outside No. 45.
20.10.97 11.30am	4 vehicles on site No. 43. 2 vehicles on site No. 41.	2 vehicles on roadway No. 43. 2 vehicles on roadway No. 43.	No noise noticeable	Spoke to staff on site. 16 patients parking as per consent.
21.10.97 3.15pm	2 vehicles on site No. 43.	2 vehicles on roadway No. 43. 1 vehicle on roadway No. 41	No noise from site	Patients noticed leaving site with no noise.
23.10.97 1.45pm	2 vehicles on site No. 43.	No vehicles on roadway.	-	No activity rear of premises.
27.10.97 3.15pm	5 vehicles on site No. 43.	No vehicles on roadway.	-	No activity rear of premises.
29.10.97 1.55pm	2 vehicles on site No. 43.	2 vehicles on roadway No. 43. 2 vehicles on roadway No. 41	No noise discernable	No activity at rear of premises.
31.10.97 10.35pm	3 vehicles on site No. 43.	2 vehicles on roadway No. 43	No noise discernable	No vehicles on roadway No. 45.

CH971117.004/DM

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 64

Time & Date	On Site Parking	Street Parking	Noise	Comments
3.11.97 2.25pm	1 vehicle on site No. 43. 1 vehicle on site No. 41.	1 vehicle on roadway No. 43.	No noise discernable	No vehicles on roadway outside No. 45.
4.11.97 3.00pm	2 vehicles on site No. 43.	2 vehicles on roadway No. 43.	No noise discernable	No activity rear of premises. No vehicle outside No. 45.
10.11.97 1.15pm	1 vehicle on site No. 43. 2 vehicles on site No. 41.	2 vehicles on roadway No. 43. 1 vehicle on roadway No. 41.	No noise discernable	No activity rear of premises. No vehicle outside No. 45.
11.11.97 2.50pm	1 vehicle on site No. 43. 1 vehicle on site No. 41.	2 vehicles on roadway No. 41. 1 vehicle on roadway No. 41. 2 vehicles on roadway No. 40.	No noise discernable	No vehicles outside No. 45. Spoke to staff at No.43 re parking.
12.11.97 12.20pm	4 vehicles on site No. 43.	2 vehicles on roadway No. 43. 1 vehicle on roadway No. 41. 2 vehicles on roadway No. 40 & 44. 1 vehicle on roadway No. 38.	No noise discernable.	No vehicles outside No. 45. Spoke to staff regards parking of vehicles.
14.11.97 10.15am	3 vehicles on site No. 43	2 vehicles on roadway No. 43. 1 vehicle on roadway No. 41. 1 vehicle on roadway No. 40.	No noise discernable.	Spoke to staff at No. 43 regards parking of vehicles. Staff were speaking to patients regards removal to any parked incorrectly.

CH971117.O04/DM

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 65

ITEM: 65 **Draft Local Environmental Plan Clause 13 Hawkesbury Local Environmental Plan 1989 Subdivision by Adjustments for Relocation of Boundaries**

FILE NUMBER: LEP7/97/EVD/ENK25NBX.V04

REPORT:

Council, at its General Purpose Committee of 30 September, 1997, resolved to amend Clause 13 as follows:

13. 1. *Nothing in this plan prohibits subdivision by adjustment or relocation of common boundaries provided that:*
 - (a) *no additional allotments are created;*
 - (b) *no allotment becomes, as a consequence of the adjustment or relocation, capable of subdivision under this plan; and*
 - (c) *the number of undersized allotments resulting from the subdivision does not exceed the existing number of undersized allotments.*
2. *Sub-clause (1) does not apply to allotments smaller than 1,000m² (one thousand square metres) and/or allotments which have a frontage to a public road of less than 20 (twenty) metres.*
3. *Sub-clause (1) does not apply to allotments derived from or forming the whole or part of land resulting from the closure of part or all of a road irrespective of when that closure occurred.*
4. *An adjustment or relocation made under sub-clause (1) shall not prevent the subdivision of any allotment that was prior to the adjustment or relocation, and remains thereafter capable of subdivision under this plan.*
5. *Nothing in this plan prohibits subdivision by the opening of a public road.*

The Council exercised its delegation and issued the Section 65 Certificate on 8 October, 1997. The draft plan was exhibited from 8 October, 1997, to 14 November, 1997, in accordance with the Act 1979 and Regulation 1994.

Two submissions have been received, one from Mr Ken Bennett as follows:

We write to object strongly to Council's proposed amendment to Clause 13 of Hawkesbury Local Environmental Plan 1989, for the following reasons:

1. *Most residential lots in the Hawkesbury City are less than 1000 square metres and have frontages less than the 20 metres mentioned in the proposed amendments. This would effectively deny this mechanism to a large number of landowners.*

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 65

2. *The whole idea of realigning boundaries is to legally overcome the problems of encroachment of buildings on common boundaries. If the amendment is adopted it would prevent those selected landowners ones who may have a genuine need to overcome a minor encroachment for legal reasons eg to satisfy the requirements of a mortgagee.*
3. *Council can still approve lots with areas much less than 1000 square metres (450 square metres) and with frontages down to 4.5 metres for a battle axe lot. Council have recently approved a residential lot and rural residential lots with no frontage at all to a public road and with access only via a right of way easement.*
4. *The amendments will not prevent subdivision otherwise without merit and in areas where the lot size exceeded 1000 square metres.*
5. *There are often cases in large parcels of residential land where portions and lots do not have frontage to a public road and when realigned would comply with Council's requirements.*

The facility for Council to adjust common boundaries upon reasonable grounds, and without such prohibitive restraints is a very good and useful method for overcoming problems with subdivision which were not initially picked up on survey or by Council. The Constraints are too wide.

The other submission was from Bowdens who support, in general, the proposed Amendment to Clause 13 of Hawkesbury Local Environmental Plan 1989.

One point of objection is there reference to "allotments which have no frontage to a public road or a frontage of less than 20 metres". The submission states:

- (a) *There are numerous lots (or portions) throughout the Hawkesbury without any road frontage. These parcels generally front waterways or were created by the old Department for Lands for agricultural or mining purposes. Boundary adjustments for these lots would never be detrimental and may very well be of benefit.*
- (b) *Restricting the frontage to 20 metres is neglecting both "battleaxe" lots and lots which fan out from a small frontage. In both cases, boundary adjustments would very well be of benefit and would almost certainly not be detrimental to the public's interest.*

It is suggested that the clause be applied to "allotments smaller than 1000 square metres that have a minimum width of 15 metres". This size accepts that a dwelling can reasonably be erected on a 15 metre wide lot and the depth to width ratio would still be in the vicinity of 6:1.

The Department of Urban Affairs and Planning has written to Council regarding the amendment to Clause 13 and have stated, in part, the following:

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 65

In relation to the content and intent of the plan, I am concerned that in applying clause 13(1) to lots of not less than 1000m² (as opposed to the current minimum of 450m²) and/or lots with a frontage of 20 metres, Council may be effectively prohibiting subdivision by adjustment or relocation of boundaries in most of the urban areas of the City, where lots are generally smaller. The provisions of clause 6 of SEPP 4 only apply to subdivision which is permissible with consent. The proposed clause 13 to LEP 1989 may have the effect of prohibiting boundary adjustment on lots smaller than 1000m² or without the required frontage and hence SEPP 4 would not apply.

This amendment therefore limits the broad application and flexibility currently available in the instrument, unnecessarily preventing boundary adjustments which are of minor environmental significance and which may be necessary frontage for a genuine reason.

Conclusion

In view of the advice from DUAP, Clause 13 as proposed, should be amended to relate the 1000m² area and 20 metres to rural lots, with all other lots being a minimum size of 450m², similar to the existing Clause.

RECOMMENDATION:

It is recommended that:

1. Council adopt the draft Local Environmental Plan to amend Clause 13 of Hawkesbury Local Environmental Plan, 1989, subject to lot size as follows:

"Subdivision by Adjustment or Relocation of Boundaries

13. 1. Nothing in this plan prohibits subdivision by adjustment or relocation of common boundaries provided that:
 - (a) no additional allotments are created;
 - (b) no allotment becomes, as a consequence of the adjustment or relocation, capable of subdivision under this plan; and
 - (c) the number of undersized allotments resulting from the subdivision does not exceed the existing number of undersized allotments.
2. (a) Subclause (1) does not apply to allotments within Zone No. 1(a), 1(b), 1(c), 1(c1), 1(d), 7(a), 7(d) and 7(d1) smaller than 1,000 square metres and/or allotments which have a frontage to a public road of less than 20 metres.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 65

- (b) Subclause (1) does not apply to allotments within all other zones smaller than 450 square metres.
 - 3. Subclause (1) does not apply to allotments derived from or forming the whole or part of land resulting from the closure of part or all of a road irrespective of when that closure occurred.
 - 4. An adjustment or relocation made under sub-clause (1) shall not prevent the subdivision of any allotment that was prior to the adjustment or relocation, and remains thereafter capable of subdivision under this plan.
 - 5. Nothing in this plan prohibits subdivision by the opening of a public road."
2. Those persons who made submissions in respect to the Draft Plan be advised of Council's decision.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 65 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 66

ITEM: 66

Drainage Construction - Richmond and North Richmond -
Development Contribution Plan, Drainage Catchment No. 4

FILE NUMBER:

DCP2/93, LEP1/93/EVD/ENK25NBX.V02

REPORT:

Council, at its Ordinary Meeting of 10 June 1997, resolved that the draft Development Contribution Plan for Drainage Catchment No. 4 at Richmond be exhibited and land owners be advised of the proposal. The total area is 3.8 hectares which equates to a drainage contribution of \$9.80 per square metre.

The draft plan was exhibited for twenty eight (28) days in accordance with Section 94AB(4) of the Act and no submissions have been received. Several telephone calls were received from owners supporting the contributin plan.

on.

In regard to approval of a contribution plan by the Council, Clause 30 of the Environmental Planning and Assessment Regulation 1994 states as follows:

- 30 (1) *After considering any submissions about the draft contributions plan that have been duly made, the council:*
- (a) *may approve the plan in the form in which it was publicly exhibited; or*
 - (b) *may approve the plan with such alterations as the council thinks fit; or*
 - (c) *may decide not to proceed with the plan.*
- (2) *The council must give public notice of its decision in a local newspaper within 14 days after the decision is made.*
- (3) *Notice of a decision not to proceed with a contributions plan must include the council's reasons for the decision.*
- (4) *A contributions plan comes into effect on the date that public notice of its approval is given in a local newspaper or on a later date specified in the notice.*

RECOMMENDATION:

It is recommended that:

1. Council approve the plan in the form in which it was publicly exhibited;
2. Give public notice of its decision in the local newspaper; and
3. Advise all property owners in the contribution area of the decision.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 66

ATTACHMENTS:

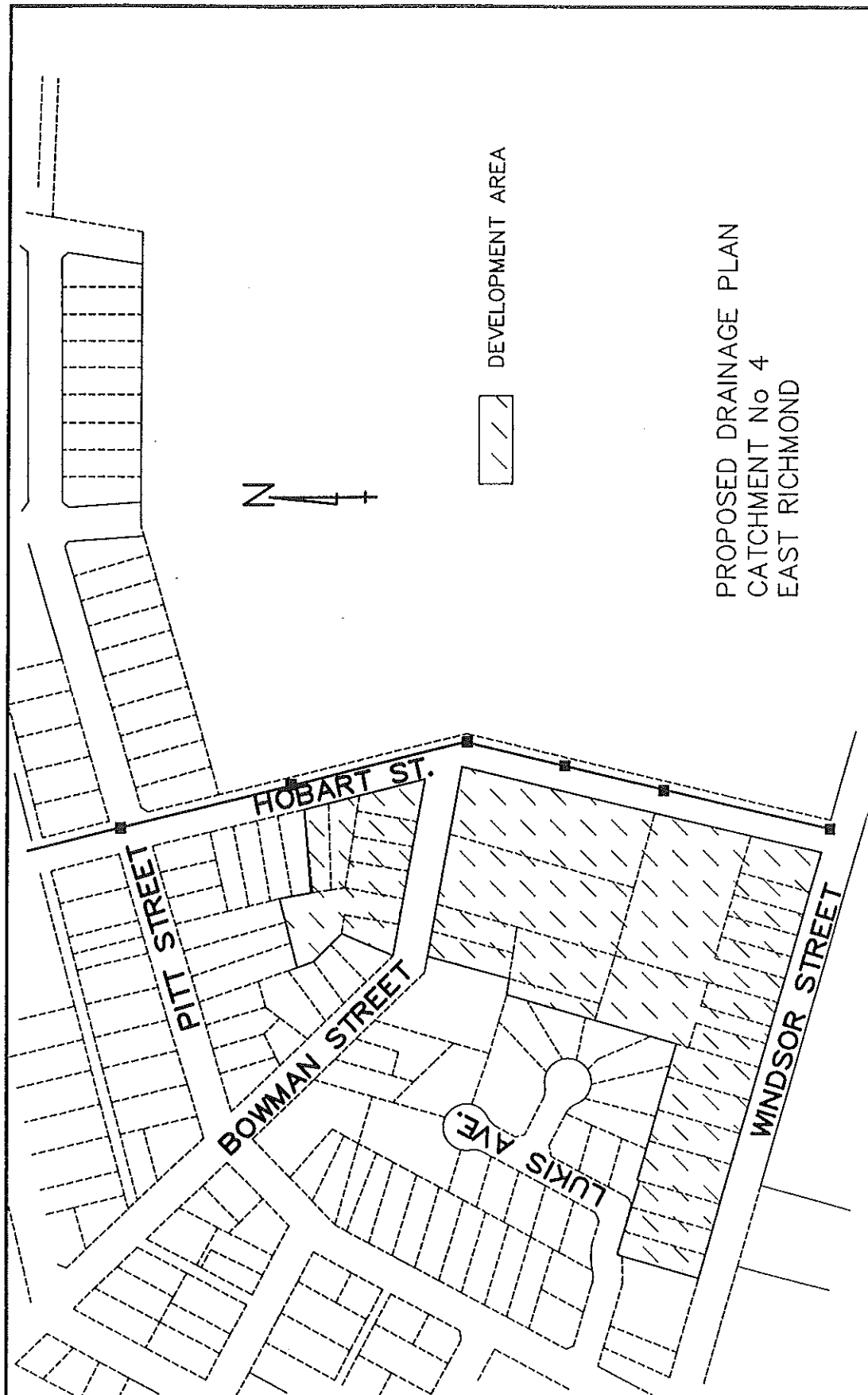
AT-1 Plan

oooO END OF ITEM 66 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 66



ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 67

ITEM: 67

Final Project Report - Regional Implementation of the Metropolitan Strategy for the Greater Western Region of Sydney - WSROC

FILE NUMBER:

GM001/19 PT2/EVD/ENK25NBX.V06

REPORT:

In September 1995, the Western Sydney Regional Organisation of Councils Ltd (WSROC) was successful in obtaining funding from the then Federal Government's Integrated Local Area Planning program (ILAP). The funding was for a project to "develop a model that would improve the regional implementation of the NSW Government's Metropolitan Strategy" (*Cities for the 21st Century*).

Council is in receipt of the 'Team West - Final Project Report' dated June 1997, and provides an 'implementation strategy' - (the Model), combining the two Greater Western Sydney organisations - WSROC and Macarthur Regional Organisation of Councils (MACROC). The Report addresses the role of Team West's approach to confront the relationships between local identity, urban management and the region's role within a globalised economy. The purpose of Team West's Model is to deliver better planning and services to the people who live and work in Greater Sydney. The framework outlined within the report, provides strategic direction from within key regional organisations in local government, business and the community sector.

Notwithstanding the Council's location, the implication for the City of Hawkesbury is one of seeking collaboration between key stakeholders to set and achieve social, economic and environmental outcomes that improve the state of the region such as 'river-quality' issues, social issues, flooding mitigation, agricultural and wildlife sustainability.

The Report outlines a strategic management process which requires, above all else, links to the State Government's *Metropolitan Strategy* and the region. Further, it requires encouragement of people to get behind the idea and make it more work effectively.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 67 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 68

ITEM: 68 **Hawkesbury Residential Strategy**

FILE NUMBER: GT150/016/EVD/ENK25NBX.V13

REPORT:

Introduction

In 1996 Council resolved to prepare a residential strategy for the Hawkesbury City as part of its Strategic Works Program. The need to prepare this strategy arose due to the State Government's deregulation of its Urban Consolidation Policies, the need to identify further land for residential development and the Department of Urban Affairs and Planning's (DUAP) reluctance to re-zone certain lands within the Hawkesbury residential prior to Council undertaking a Residential Strategy.

A draft of the Hawkesbury Residential Strategy is now completed and is ready to be put on public exhibition and a program of community consultation begun. The Residential Strategy contains a review of Council's existing policy structure in terms of its local environmental plans (LEP) and development control plans (DCP) controlling residential development and a settlement strategy for the release of further urban land for residential development.

Residential Policy Review

The Policy Review of the Residential Strategy investigated issues related to both Council's existing LEP and the contemporary relevance of the existing residential zones as well as the three DCP's that provide guidelines and development standards for medium density housing, dual occupancy development and cluster housing developments.

As reported to Council's Ordinary meeting of 14 October, 1997, Council was advised that the State Government had bought in a new State Environmental Planning Policy No. 53 (SEPP53) - Metropolitan Residential Development which replaced previous State Government policies relating to medium density development, urban consolidation and dual occupancy development. Given the progress Hawkesbury Council had made in relation to its Residential Strategy and its existing suite of DCP's and LEP's, Hawkesbury City Council was exempt from SEPP53. Consequently the State Government has left the regulation of residential development in the control of Council.

Hawkesbury Local Environmental Plan 1989

The review of Council's existing LEP in terms of its residential zones revealed that the existing zoning structure that applies on the maps was suitable and working well within the Hawkesbury. The only change the Strategy proposes is that the names of the zones so that they more accurately reflect the predominant land use applicable within that zone. For example, the Residential 2(c) zone which primarily facilitates "walk up" flat style developments would be changed to a Walk Up Flat Zone.

Development Control Plans

In order to modernise Council's DCP's relating to residential development and to ensure the design that satisfies community expectations, it is proposed that Council adopt a new DCP for residential development.

The proposed Draft Development Control Plan - Residential Development has been separately circulated to Council. It is a performance based DCP for dwellings in environmental protection zones, dual occupancies, medium density development and integrated housing development. It is proposed that it will replace Council's existing DCP's for dual occupancies, medium density and cluster housing development.

The primary purpose of this plan is to provide guidelines for the residential development within the City which ensure such developments are compatible to their location and the objectives of the relevant zone under the principle LEP.

The DCP is a performance based code which focuses on planning outcomes rather than prescriptive or numeric minimum standards.

It permits designers to respond to the individual opportunities and constraints of each site, recognising the fact that no two sites are exactly alike. This means that planners and designers can respond flexibly to local conditions, both in terms of a sites potential and its impact on neighbourhood character.

More informed and responsive planning encourages a better use of resources, more viable development, better standards of design and ultimately a wider choice of housing styles.

Settlement Strategy

Investigations associated with the Hawkesbury Residential Strategy reveal that the area was severely restricted in terms of opportunities for urban development. The restrictions on development that have been identified in the report can be summarised as follows:

- the Metropolitan strategy is promoting the concept of "compact cities". In this respect the Department of Urban Affairs and Planning and the State Government will not support large urban releases west of the Hawkesbury river as proposed under past regional planning strategies for Sydney. This means that only relatively small (generally <300 lots) releases in this area will be considered. This means that future urban releases will be restricted to the east side of the river, however;
- land on the east side of the river is also restricted by vast areas of flood liable land and other environmental constraints such as the endangered ecological community of the Cumberland Plain Woodland. Furthermore, what land is unconstrained is generally highly fragmented which makes development difficult in terms of coordination; and

- the area is at or nearing capacity in terms of much of the infrastructure servicing existing developed areas especially water and the road networks linking into the western Sydney region.

Council has a stated aim of achieving a 1.5% growth rate. While this is considered an unrealistic aim given the constraints and restrictions that will operate on land release opportunities, especially in the short term, Council still must provide a managed growth strategy. Failure to do so will result in further decreases in the growth rate.

The areas that have been identified as providing opportunities for urban release in the short to medium term are located at North Richmond, North Bligh Park, Vineyard and Wilberforce.

North Richmond

There were two sites investigated at North Richmond for urban release. These were the subject of previous Council support for re-zoning however were not supported by DUAP without a co-ordinated residential strategy. The sites are located on the southern side of North Richmond on the Kemsley Downs Estate and on the western side of North Richmond adjacent to the Rural Press site.

DUAP advised that large urban releases would not be supported west of the Hawkesbury River and releases had to be generally within the scale of the existing towns and villages. For North Richmond this is considered to represent a maximum residential release of 300 (three hundred) lots. This therefore meant that only one of the above two sites could be considered for residential release.

The site that was chosen was the Kemsley Downs Estate given that it represents a more logical extension to the existing township of North Richmond. The Kemsley Downs Estate is also considered to represent the most viable and suitable site out of all sites that have been identified within the Hawkesbury for urban release. Release of the site is generally supported by all public authorities and consultations with Sydney Water have realised that infrastructure should be capable of being provided to the site in a manner that will make development of the Estate viable. The Residential Strategy proposes that action be commenced immediately for the re-zoning of the Kemsley Downs Estate for 200 lots.

Vineyard

The residents of Vineyard have been seeking the release of this area for over 25 (twenty five) years. However development has been complicated given the highly fragmented nature of land ownership in the area and the constraints in relation to providing water and sewer services to the site. In more recent times SREP19 - Rouse Hill Development Area, has further complicated and frustrated the development of this area.

While there are numerous constraints effecting the Vineyard area, it is considered that subject to further investigations into providing infrastructure to the area, parts of Vineyard could be released for urban development. Furthermore, the State Government has recently announced the release of the Blacktown Schedule Lands Area which has been previously reported to Council.

Correspondence has been sent to DUAP requesting justification as to why the area of Vineyard,

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 68

which has been previously considered and investigated along with Blacktown's Schedule Lands Areas, is not considered in the release of the Blacktown Schedule Lands. DUAP have replied in part as follows:

"The Department investigated the full development scenario put forward in the ERM Mitchell McCotter Study. (A feasibility study that was conducted into the Blacktown Schedule Lands and included the Vineyard area within Hawkesbury LGA.) The conclusions drawn from this investigation have indicated that the Riverstone STP has spare capacity and is capable of accommodating additional lots. The land proposed to be declared a release area in accordance with Clause 6 of REP19, is limited by the amount of spare STP capacity and is focussed on the existing township of Riverstone. For these reasons, the schedule lands at Marsden Park, the non urban land between North Quakers Hill and Schofields and the non urban land at Vineyard have not been included in the proposed release area.

In view of the servicing limitations, it is very unlikely that the land in Hawkesbury LGA and Vineyard will be released in anything other than the long term. It will be some time before development takes place on land in the current proposed release area and Stage 1 of Rouse Hill is not nearing completion. It would be inappropriate to consider releasing more land in the area at the present time. No indication can therefore be given of when the land at Vineyard in Hawkesbury LGA will be considered for release. However, the Department will continue to monitor the take up rates of the release areas and review the matter on an on-going basis."

The above justification is considered not logical given that the Vineyard area within the Hawkesbury LGA is located adjacent to the Riverstone STP and it would have been therefore logical to connect those areas closest to the STP first for residential release. The Department has failed to acknowledge this and it has also failed to acknowledge that there are existing areas within the Vineyard area, especially around the Blackwood Road locality, that exist essentially as residential development.

It is therefore recommended in part that Council make immediate representations to DUAP, and the Minister for Urban Affairs and Planning, to reconsider the release area and seek to have the Vineyard area included within the release area.

In terms of infrastructure, preliminary investigations associated with this Strategy have revealed that there may be other options for the provision of infrastructure to the Vineyard area that have not in the past been investigated. In relation to sewer the Riverstone STP, as was previously stated, has spare capacity and could absorb development of this area. Also, the McGraths Hill STP will be relieved of some of its capacity when the South Windsor STP is augmented.

In relation to the provision of water to the area, the Strategy has always been to service the area from the Prospect System (i.e. from the east of Vineyard). However, it appears that water is available to the area also from the North Richmond system which is understood currently exists up to Park Road which is the border of this Vineyard area. It is therefore recommended as part of the Strategy that Council engage the services of a Consultant to investigate the viability of developing Vineyard while servicing the site from the McGraths Hill STP and providing water from the North Richmond system.

The Residential Strategy breaks the Vineyard area up into four areas and makes recommendations for its future development in terms of both residential and industrial development from both short term to long term scenarios.

In particular the area from Park Road to Level Crossing Road is considered to represent ideal land for residential development. In the past this area has been identified as possibly suitable for industrial development as an extension to the existing Mulgrave Industrial Area. However it is considered that residential development of this area should be given priority for the following reasons:

- there is currently a supply of over 70ha of land zoned for industrial development in the Hawkesbury which is owned by 57 different land owners and represents between 10 and 15 years supply;
- land has been identified on the southern side of the railway line at Mulgrave for industrial development which is relatively flat and cleared with larger land parcels;
- industrial development along the Park Road to Vineyard area would represent ribbon development and it would represent further unsightly industrial development along the Windsor Road entry into the Hawkesbury; and
- the area has been previous identified under SREP19 for residential development.

Furthermore, Council is extremely limited in terms of available land for Residential Development and this land is one of the most suitable sites in the City.

Wilberforce

The area between Old Sackville Road and King Road consisting of some 25ha has been identified for residential development in the medium term. This will, however, be subject to approval and construction of the Three Towns Sewerage Treatment Plant.

Vermont /Pitt Town

In 1996 Council resolved to undertake preliminary feasibility investigations of development options of the Vermont/Pitt Town area as part of this Residential Strategy. The Residential Strategy details the numerous constraints that will apply to this area which make development for residential purposes in the short term both unviable and unrealistic.

A presentation of the constraints and issues confronting development of this area was presented to a meeting of the local community in August. At the conclusion of the meeting it was resolved that the local community needed to determine an appropriate structure and form for the development of the area prior to referring this back to Council for further consideration.

This area should be considered a long term option in relation to development and a time period of 10-15 years is considered a realistic release option.

Growth Rate

Council has previously expressed a desire to achieve a 1.5% growth rate for the Hawkesbury City. Between 1981 and 1991 the Hawkesbury City had the highest growth rate in Western Sydney at 3.3%. However, between the 1991 and 1996 the growth rate had fallen to 2.26% and in more recent times it has fallen steadily away to 0.97% between 1995 and 1996. In a space of five years the Hawkesbury has gone from one of the fastest growing areas in Western Sydney to one of the slowest.

Investigations as part of the Residential Strategy have revealed that this is directly attributed to the availability of land zoned for residential purposes. All of the sites that have been identified for urban development have complications and Council should be under no illusion that DUAP and State Government will agree to re-zoning any of these areas without proper justification and investigations. Without the immediate release of land at North Bligh Park and the re-zonings at North Richmond and Vineyard, Council will have no chance of achieving its desired growth rate of 1.5%. A more realistic growth rate in this sense is therefore to attempt to achieve a steady 1% growth rate into the future.

Conclusion

Investigations associated with the Hawkesbury Residential Strategy are now complete and a preliminary draft of the document has been circulated to Councillors. The Strategy proposes Council adopt a new DCP for residential development within the City, and carry out further action to achieve the release of land at North Richmond, North Bligh Park, Vineyard, Wilberforce and Pitt Town for urban development.

It is recommended that Council now place the Residential Strategy and the Draft Development Control Plan for Residential Development on exhibition for a two month period. During this period Council Officers will be available to make presentations to any interested community groups. The document that has been circulated to Councillors will be subject to some further refinements in relation to the presentation of the document itself and some refinements of the diagrams presented. It is proposed that exhibition will commence in mid January after the Christmas holiday period for a period of two months.

RECOMMENDATION:

1. That Council resolve to place the Draft Hawkesbury City Residential Development Strategy on exhibition for a two month period.
2. That in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations, that Council resolve to prepare and exhibit the Draft Development Control Plan for Residential Development in accordance with those provisions.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 68 Oooo

ITEM: 69 **Wildlife Corridor Plan****FILE NUMBER:** GT021/197/EVD/ENK25NBX.V16

REPORT:**Introduction**

At its Ordinary meeting in July 1997 Council adopted the Hawkesbury Wildlife Corridor Plan and resolved to receive a further report on the recommendations and implementation of the strategy. At its October meeting Council received a report advising that it had won the prestigious Royal Australian Planning Institute Award for Excellence in Planning for the Hawkesbury Wildlife Corridor Plan. It is therefore timely that Council now consider the following recommendations made within that report and a process of their implementation.

Land Use Planning and Development Control

1. *Future amendments to the Hawkesbury Local Environmental Plan 1989 should incorporate the principles for local environmental plans outlined in this report.*

Proposed Action

Amendments to Hawkesbury Local Environmental Plan 1989 are already taking into account the principles outlined within the Wildlife Corridor Plan. An example in this instance is the conservation of Cumberland Plain Woodland in the Grose Wold re-zoning.

2. *The Hawkesbury Local Environmental Plan 1989 should be amended so that development consent for the clearing of native vegetation is required as a minimum in those wildlife corridor areas designated on the maps accompanying this report.*

Proposed Action

Most of the wildlife corridor areas designated on the maps detailed in the Wildlife Corridor Plan are affected by Environmental Protection Zones where development consent is already required for clearing of vegetation. However, given this recommendation and the implications of the Threatened Species Conservation Act and the need to protect land owners from costly litigation, it is recommended that Council resolve to prepare a draft LEP that will require the Council's consent for the clearing of any native vegetation within the rural zones of the Hawkesbury Local Government Area.

3. *That Council pursue the preparation of the draft LEP to conserve areas of Remnant Cumberland Plain Vegetation.*

Proposed Action

This draft LEP was initiated when Council adopted the "Our City Our Future" Strategy. It has taken on more significance with the recent listing of the Cumberland Plain vegetation community as an endangered ecological community under the Threatened Species Conservation Act and the findings of the Hawkesbury City Wildlife Corridor Plan. The draft LEP had been initiated however was deferred pending the outcome of this study. Given the above factors the LEP will be recommenced with Council preparing the draft LEP and seeking a Section 65 certificate from DUAP to enable its exhibition.

4. *A Development Control Plan (DCP) should be prepared along the lines of the draft DCP in Appendix D of this report. In this respect Council should liaise with adjoining Council's and WSROC who are working on a similar generic DCP project.*

Proposed Action

A copy of the draft DCP within the Wildlife Corridor Plan which was circulated to Councillors at the July meeting. This draft DCP has now been finalised and has been separately circulated. It is recommended that Council take immediate action and place this plan on exhibition in accordance with the provisions of the Environmental Planning and Assessment Act and its Regulations.

5. *The guidelines outlined in Appendix F of the Wildlife Corridor Plan should be adopted for the assessment of development applications likely to affect wildlife corridors and biodiversity and should be incorporated into any DCP.*

Proposed Action

The guideline, outlined in the Wildlife Corridor Plan are already being used by Council's staff in the assessment of development applications.

6. *That Council require, as a condition of development consent for development on land with remnant native vegetation, the protection and appropriate management of native vegetation. Such conditions should require the preparation of a plan of management for the land, imposing covenants on the land to restrict vegetation removal, or encourage the making of a conservation agreement with the National Parks and Wildlife Service where appropriate. Landscaping plans or rehabilitation plans could especially be applied to rural subdivisions.*

Proposed Action

Council is already imposing conditions on development consents for development on land with remnant native vegetation so it is protected and appropriate management is undertaken. An example of this is the recent subdivision approvals of Hadden Farm.

7. *In the preparation of the DCP for intensive agriculture, the issue of conserving significant areas of habitat for flora and fauna, and wildlife corridors identified through this study, be addressed in the DCP's provisions.*

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 69

Proposed Action

Council Officers are currently preparing the draft DCP for Intensive Agriculture and these issues are being addressed in the DCP provisions. It is intended that the draft DCP for Intensive Agriculture will be put before Council early to mid 1998.

8. *That Council investigate the rezoning of those areas that have been identified by the National Parks Association for extensions to the existing system of National Parks and Nature Reserves at Morans Rock, Windsor Downs and an area of some 350ha north of the Grose River adjacent to the Blue Mountains National Park, to an appropriate Environmental protection zone.*

Proposed Action

That this matter be investigated.

9. *That Council carry out a general review of HLEP 1989 so that the objectives and structure of relevant zones and provisions provide more effective protection to flora and fauna and wildlife corridors within the city.*

Proposed Action

A general review of HLEP 1989 will be undertaken during 1998 as part of the outcomes of this plan, the Residential Strategy and the Hawkesbury Sustainable Agricultural Development Strategy at which time this recommendation will be implemented.

10. *Investigate the use of a Developer Contribution under Section 94 of the EP & A Act, 1979, to be imposed on developments that result in the clearing of natural vegetation with monies collected to be used for the rehabilitation of corridor areas and acquisition of significant areas.*

Proposed Action

This matter will be investigated during 1998 as a general review of Council's Development Contribution Plan.

Land Management

11. *In its land management activities and plans of management, Hawkesbury Council should resolve to implement procedures to retain native vegetation and to maintain and enhance wildlife corridors.*

Proposed Action

Council's plans of management for community already seek to protect and retain native vegetation and will continue to do so.

Integrated Environmental Management

12. *The Council should establish an integrated environmental management framework within its administration to oversee the implementation of the above recommendations and associated environmental strategies. This could be the responsibility of the existing Environmental Coordination Committee and should also involve the preparation of Environmental Management Plan for the Council which takes a holistic and strategic approach to the environmental management processes of Council.*

Proposed Action

An Environmental Coordination Committee already existing within Council and has considered these recommendations contained within the Wildlife Corridor Plan. In relation to the Environmental Management Plan Council could consider the allocation of funds in its 1998/99 budget for the engagement of a consultant to undertake an Environmental Management Plan for the Council. However, there are likely to more urgent environmental priorities.

Information and Education

13. The Council maintain and update records of vegetation and fauna within the City and this information be made available to developers and the public.

Proposed Action

This may be logistically difficult given that Council does not employ anyone with broad ecological experience. It is proposed that this matter will be discussed further with the consultants who undertook the Wildlife Corridor Plan to determine a straightforward means of achieving this.

14. *The Council undertake an educational programme to make the public more aware of the significance of native vegetation and the need for appropriate land management guidelines. This should be integrated with present environmental education programmes such as improving water quality. In particular, regular media releases, pamphlets and the like could be prepared based on the information included in this report.*

Proposed Action

This issue will be considered further by the Environmental Coordination Committee with a program put in place.

Flora and Fauna Study

15. *In order to provide the community, developers and the Council with a more consistent, holistic and rational approach to the implementation of the Threatened Species Conservation Act, Council should resolve to undertake a Flora and Fauna Study of the City area that seeks to map habitat of species listed under the TSC Act 1995. In order to provide*

a more regional approach to the problem, it is recommended that adjoining Councils, the Hawkesbury Nepean Catchment Management Trust and the NPWS be approached to undertake the project on a catchment basis

Proposed Action

It is proposed that consultation with adjoining Councils and the Hawkesbury/Nepean Catchment Management Trust and the NPWS be undertaken during 1998 to determine a cost effective means of undertaking a further flora and fauna study of the City in order to determine the location of threatened species within the Hawkesbury.

Bushfire Management

16. *Bushfire management plans and activities should take into account the effects on native vegetation and threatened fauna species. To achieve this, detailed profiles should be compiled for important species occurring in the area, especially their habitat and conservation requirements, and knowledge about the effect of fires on their distribution and abundance.*

Proposed Action

It is proposed that this issue be investigated in conjunction with the previous recommendation in relation to preparing a flora and fauna study for the City and consultations occur with Council's Bush Fire Control Officer.

Domestic Pets

17. *The Council should consider adopting policy guidelines for keeping of domestic pets (especially cats and dogs) adjacent to bushland.*

Proposed Action

Council is currently reviewing its policies and DCP's including the keeping of domestic pets. Controls on the keeping of cats and dogs, particularly prohibition, are unlikely to be capable of being policed.

Coordination with Adjoining LGA's

18. *Consultation should take place with adjoining local government authorities to ensure consistent management of corridors and areas of native vegetation located on a catchment basis.*

Proposed Action

It is proposed that this will be done in conjunction with recommendation 15 above.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 69

RECOMMENDATION:

That Council resolve to implement the recommendations of the Wildlife Corridor Plan in accordance with this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 69 Oooo

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 70

ITEM: 70 **Energy Efficient Housing Policy**

FILE NUMBER: GT020/06 PT1, GT015/106 PT1/EVD/ENK25NBX.V14

GE020/061 Pt 1

REPORT: *GT150/016 Pt 1*

Introduction

Earlier this year David Bags from the Greenlight Consortium made a presentation to Council on the NSW Energy Smart Homes Policy. As a result of this presentation Council engaged the Greenlight Consortium to provide Council with a development control plan (DCP) and local approvals policy for energy efficient housing, and a training program for both Council staff and people in the building industry.

Council's staff have already undergone a two half day training program and a seminar has been held at North Bligh Park with interested people from the building industry. The consultants have now provided Council with the Energy Smart Homes Policy which is recommended to be incorporated into the Residential Development DCP and Subdivision DCP and placed on exhibition. The policy was separately circulated to Councillors earlier this year. The relevant sections relating to performance criteria are attached to this report.

Energy Efficient Housing DCP and LAP

Energy efficient homes are homes that, through their design, construction and choice of appliances, maximise use of renewable energy sources (such as sunshine), and use less energy more efficiently. They are "smart" because they simultaneously help preserve scarce resources, reduce the level of greenhouse gas emissions, and provide significant savings.

This is supported by a recent study by the Australian Consumers Association which estimated that an energy efficient home is almost \$1,000 a year cheaper to run than an average new home.

The proposed DCP has been developed as part of a growing community desire to achieve greater efficiency in domestic energy use. It stems from a general concern about the effects of greenhouse gases generated by energy use on the environment and in particular global warming.

The DCP shows how energy efficiency can be achieved in all new dwellings, and in alterations and additions to existing dwellings. It includes design alternatives - such as passive solar design and solar water heating - that will dramatically reduce the need for non-renewable energy, reducing both costs and air pollution, and increase the level of comfort in the average Australian home.

It is proposed that Council adopt the Policy as both a DCP for its consideration during the assessment of development applications and also as a Local Approvals Policy so its is a head of consideration with all building applications.

ENVIRONMENT

Meeting Date: 25 November, 1997

Item: 70

Essentially the Energy Smart Homes Policy details design guidelines and performance criteria for the development for the purpose of subdivision and residential development such as single dwellings, dual occupancies, and medium density dwellings.

Council is also currently considering reports at this meeting on a Residential Development DCP and a Subdivision Development DCP. For reasons of simplicity it is proposed that Council adopt the Energy Smart Homes Policy but prior to placing it on exhibition take out the relevant components relating to Subdivision and Residential Development and place in the respective Residential Development and Subdivision Development DCP's.

The implementation of the Energy Smart Homes Policy will require liaison with local builders and surveyors and a training session.

The policy does not allow the use of off peak electric hot water heaters but instead requires either gas hot water heaters or solar. Given that gas is generally reticulated to residential areas east of the Hawkesbury River, the additional capital cost of solar hot water heaters would not generally be borne by first home owners. In any event, with proper use, the additional capital cost will be returned in reduced electricity charges within the life of the unit.

RECOMMENDATION:

That Council resolve to incorporate the Energy Smart Homes Policy into the Draft Development Control Plans for Residential Development and Subdivision Development prior to placing them on exhibition.

ATTACHMENTS:

AT-1 Performance criteria from Energy Smart Homes Policy.

oooO END OF ITEM 70 Oooo

1.0 SOLAR ACCESS

1.1 OBJECTIVES

To preserve solar access to north facing 'solar collectors' as defined (collectors include windows, photovoltaic cells, solar hot water/air panels, clerestory windows etc.), private open space and clothes drying facilities in all residential development.

Performance criteria: The objectives can be achieved where:

Solar collectors face 20oWest of North and 30oEast of North and receive direct sunlight between the hours of 9.00am and 3.00pm on June 21 as follows:

- * Full solar access is to be maintained to solar hot water or photovoltaic panels.
- * Four hours of direct sunshine is received by 75% of other north facing solar collectors designed/installed under this Plan (see Definitions).
- * Sunlight is available to at least 40% of required private open space for at least three hours.
- * Any new development will not reduce the solar access of solar collector/s of an adjoining property to less than four hours per day in mid-winter except solar hot water panels to which full access must be maintained.
- * Sunlight is available to a clothes drying area for at least four hours on June 21, to a plane one metre above the finished ground levels under the drying lines.

Note: The 20oWest and 30oEast range for 'north-facing' elements represents the limits to energy efficient orientation. Any further variance to these angles will have a significant impact on energy consumption or comfort levels and is not in compliance with this Plan.

2.0 LAND DEVELOPMENT

2.1 SUBDIVISION DESIGN

Objectives

To maximise the number of dwelling allotments which have good solar access and therefore which optimise the design performance of energy smart homes.

To minimise reliance on private car use.

Performance criteria

The objectives can be achieved where:

- * 80% of lots in a new subdivision have 5 star solar access, and the remainder either 4 or 3 star (as defined by an analysis determined from Appendix 1, Energy Smart Homes: Design Guidelines and Scorecards) ie:
 - * Lot sizes reflect reasonable consideration of the impact of topography and aspect to maximise solar access; and
 - * Lots are of a suitable shape to permit the location of a dwelling with suitable solar access and private open space (see Figure 4, Energy Smart Homes: Design Guidelines and Scorecards).
- * Design and location of transport links and access facilitates pedestrian and cyclist activity, and the use of public transport.

2.2 URBAN DESIGN AND LANDSCAPING*Objectives*

To ensure that streetscape components do not detrimentally affect solar access to individual dwellings.

Performance criteria

The objectives can be achieved where:

- * Street tree species are selected to provide summer shading while not impeding solar access to dwellings in winter.
- * Trees are planted or retained so as not to impede solar access to dwellings.
- * Streetscapes contribute as winter windbreaks.

3.0 SINGLE DWELLINGS*Performance criteria:*

The intent can be achieved where:

- * *Building envelope:* a minimum score of 3.5 stars is achieved in Part A of the Single Dwellings Scorecard (see Appendix 2, Energy Smart Homes Design Guidelines and Scorecards) or NatHERS.

- * *Water heating:* a hot water system with a Greenhouse Score of 3.5 stars or greater is installed (see Table 3) and which suits the needs of the occupants (see Part B of the Single Dwelling Scorecard).
- * *Lighting:* the dwelling should be designed so that artificial lighting is unnecessary during daylight hours, and when required uses energy efficient lamps and fittings, requiring less than 3 watts/m² of installed lighting.
- * *Space heating and cooling:* the selection of an energy efficient heating/cooling system should be made during dwelling design stage.

Heating/cooling systems should target only those spaces which require heating or cooling, and ensure efficient distribution/re-distribution of warm/cool air. Where a space heating and cooling system is installed, it should be selected for maximum energy efficiency.

- * *Appliances:* appliances with maximum energy efficiency should be installed.
- * *Clothes drying:* allowance is made for outdoor drying space with solar access, in accordance with Section 2.1 of Energy Smart Homes Design Guidelines and Scorecards. Dryers, where necessary, should have a greenhouse score of at least 3.5 stars and have direct ventilation to outside.
- * *Water supply:* At least AA rated water efficient shower heads, toilets and aerators on bathroom hand basins and kitchen sinks are installed.

4.0 ALTERATIONS AND ADDITIONS

Performance criteria:

The objectives can be achieved where:

- * *Building envelope:* a minimum score of 3.5 stars is achieved in Part A of the either the Major or Minor Alterations and Additions Scorecard of Energy Smart Homes: Design Guidelines and Scorecards or NatHERS.
- * *Water heating:* a hot water system with a greenhouse score of 3.5 or greater (see Table 3) is installed and which suits the needs of the dwelling.
- * *Lighting:* the dwelling should be designed so that artificial lighting is unnecessary during daylight hours, and use of energy efficient lamp, reflectors and fittings, requiring less than 3 watts/m² of installed lighting.
- * *Space heating and cooling:* the selection of an energy efficient heating/cooling system should be made during dwelling design stage.

Heating/cooling systems should target only those spaces which require heating or cooling, and ensure efficient distribution/re-distribution of warm/cool air. Where a space heating and cooling system is installed, it should be selected for maximum energy efficiency.

- * *Appliances:* appliances with maximum energy efficiency should be installed.
- * *Clothes drying:* allowance is made for outdoor drying space with solar access, in accordance with Section 2.1 of Energy Smart Homes: Design Guidelines and Scorecards.
- * *Water supply:* install at least AA rated water efficient shower roses, toilets and aerators on bathroom hand basins and kitchen sinks.

5.0 MEDIUM DENSITY AND ATTACHED DWELLINGS

Performance criteria: The objectives can be achieved where:

- * *Building envelope:* each dwelling in a development individually achieves a minimum 3.5 star NatHERS rating.
- * *Water heating:* a hot water system with a greenhouse score, (see Table 3) of 3.5 or greater is installed and which suits the needs of the dwelling.
- * *Lighting:* the dwelling should be designed so that artificial lighting is unnecessary during daylight hours, and use of energy efficient lamps and fittings, requiring less than 3 watts/m² of installed lighting.
- * *Space heating and cooling:* the selection of an energy efficient heating/cooling system should be made during dwelling design stage.

Heating/cooling systems should target only those spaces which require heating or cooling, and ensure efficient distribution/re-distribution of warm/cool air. Where a space heating and cooling system is installed, it should be selected for maximum energy efficiency.

- * *Appliances:* appliances with maximum energy efficiency should be installed.
- * *Clothes drying:* allowance is made for outdoor drying space with solar access, in accordance with Section 2.1 of Energy Smart Homes Design Guidelines and Scorecards.
- * *Water supply:* install at least AA rated water efficient shower roses, toilets and aerators on bathroom and kitchen hand basins and sinks.

6.0 MULTI-UNIT RESIDENTIAL BUILDINGS

Performance criteria:

The objectives can be achieved where:

- * A minimum NatHERS rating of 3.5 stars to any dwelling is obtained.
- * A satisfactory Energy Performance Statement (EPS) is submitted with each application.
- * *Water heating:* a hot water system or systems with a Greenhouse Score (see Table 4) of 3.5 or greater is installed and which suits the needs of the development and/or individual dwellings.
- * *Lighting:* the building should be designed so that artificial lighting in individual dwellings is unnecessary during daylight hours, and use of energy efficient lamps and fittings, requiring less than 3 watts/m² of installed lighting.
- * *Space heating and cooling:* the selection of an energy efficient heating/cooling system should be made during dwelling design stage. Heating/cooling systems should target only those spaces which require heating or cooling, and ensure efficient distribution/re-distribution of warm/cool air. Where a space heating and cooling system is installed, it should be selected for maximum energy efficiency.
- * *Appliances:* appliances with maximum energy efficiency should be installed.
- * *Clothes drying:* allowance is made for outdoor drying space with solar access, in accordance with Section 2.1, Energy Smart Homes: Design Guidelines and Scorecards, or clothes dryers, when required, with a Greenhouse Score of 3.5 or greater (see Appendix Four, Energy Smart Homes: Design Guidelines and Scorecards).
- * *Water efficient devices:* install at least AA rated water efficient shower roses, toilets and aerators on bathroom and kitchen hand basins and sinks.

7.0 PRIVATE LANDSCAPING

Performance criteria:

Objectives can be achieved where:

- * Specific areas of a dwelling are targeted to receive sunlight in winter (Living rooms as a minimum), shade in summer, (eg outdoor recreation areas where shade from mature tree/s will not interfere with adjoining resident's solar access) through locations and types of trees, shrubs, vines, creepers etc.

- * Landscaping is used to protect against cold winter winds, or to channel summer breezes.

References

SOLARCH, 1996. Water Heating Suitability Review. Report prepared on behalf of Unisearch Limited, UNSW, for Department of Housing. Sydney.

SOLECTA, 1997. Council Energy Efficient Housing Policy (Class I Buildings only). Gareth Cole and Associates Architects Pty Ltd.

State Projects, NSW Public Works Department, 1993. Building Energy Manual. Prepared for the Office of Energy, NSW Government. Sydney.



general
purpose
committee

2
section

infrastructure

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

Table of Contents

Meeting Date: 25 November 1997

Page 2

ITEM	SUBJECT	PAGE
-------------	----------------	-------------

SECTION 2 - INFRASTRUCTURE.

6:	Capital Assistance Programme 1997/98 - Department of Sport Recreation and Racing	
	GG21/172/ENG/INK25NBX.E01	3

oooO END OF TABLE OF CONTENTS Oooo

INFRASTRUCTURE

Meeting Date: 25 November, 1997

Item: 6

ITEM: 6 **Capital Assistance Programme 1997/98 - Department of Sport Recreation and Racing**

FILE NUMBER: GG21/172/ENG/INK25NBX.E01

REPORT:

The Department of Sport and Recreation (DSR) has recently reviewed and restructured the Capital Assistance Funding Programme. The Programme now offers two levels of funding, namely the Capital Assistance Programme (CAP) and a new Regional Sports Facility Programme (RSFP).

CAP (Minimal changes to this programme)	RSFP (New Programme)
* Recommended \$10,000 funding limit * Local and district facilities * Grants are provided on a dollar for dollar basis * Applications are forwarded directly to DSR (This is the major change to this programme) * Applications generally close 30 June	* Maximum \$300,000 funding limit * Regional facilities * Grants are provided on a dollar for dollar basis * Applications are forwarded directly to DSR

Applications for the CAP generally close on 30 June each year, however, delays were experienced due to the review process and applications closed on the 17 October 1997. Previously, a committee consisting of Council Officers, Councillors and Sports Council representatives prioritised the applications before forwarding them on to the Department. This year applications have been sent directly to the Department with input now being sought simply on specific details of each application, and an indication of the level of Council commitment to the proposed projects.

Seventeen applications were received by DSR of which sixteen (16) met the CAP criteria and were forwarded for comment. Due to the time constraints presented by the DSR, the Prioritising Committee has not been convened and the applications have been considered by Council officers and the following priorities assigned (see table over page).

Application forms and guidelines for the RSFP have recently been made available with a closing date of 30 November 1997.

RECOMMENDATION:

That the priorities assigned to the applications be supported.

ATTACHMENTS:

AT-1 Priority listing.

oooO END OF ITEM 6 Oooo

INFRASTRUCTURE

Meeting Date: 25 November, 1997

Item: 6

Recommended Priority	Applicant Organisation	Purpose of Grant	FINANCE					Total Project Cost
			Other Funding Received	Grant Applied For	Contribution From Organisation	Requested from Council	Requested from Sports Council	
High	Hawkesbury Valley Pony Club	Excavate/level/compact/supply & spread materials for dressage arena. Supply & lay power poles. Supply all materials & erect fencing for full sized dressage arena at Glossodia		\$9,530	\$2,980 cash \$2100 in kind donations \$3,450 Vol labour	\$1,000		\$19,530
High	Hawkesbury Sports Council	Installation of weather shelters with table & chair combinations at Benson Lane		\$5,300			\$5 300	\$10,600
High	Windsor Bowling Club	To install & purchase Refractable shade systems at Windsor Bowling Club		\$10,000	\$12,120 cash			\$22,120
High	Hawkesbury City Council	To construct a rage cage at St Albans		\$17,500	\$17,500 Life be in it			\$35,000
High	Bilpin Public School	To resurface multi-purpose court at Bilpin Public School		\$14,500	\$9,500 cash	\$5,000		\$29,000
Medium	Hawkesbury Baseball Club	To install a pipe chainlink mesh & labour to construct back net dugout & batting tunnel at Benson Lane		\$8,000	\$1,500 Vol labour \$6,780 cash			\$16,280
Medium	Hawkesbury City Council	To install a basketball court at Richmond Pool		\$5,000	\$5,500			\$10,500
Medium	Hawkesbury Sports Council	To install 2 synthetic cricket wickets at Kemsley downs, Nth Richmond		\$6,000	\$3,000 cash \$3,000 other			\$12,000

INFRASTRUCTURE

Meeting Date: 25 November, 1997

Item: 6

Recommended Priority	Applicant Organisation	Purpose of Grant	FINANCE					
			Other Funding Received	Grant Applied For	Contribution From Organisation	Requested from Council	Requested from Sports Council	Total Project Cost
Medium	Hawkesbury Softball Assoc	To supply and erect 5 softball nets (5m high x 9m long in u shape) at Benson Lane		\$10,000	\$20, 000 Vol labour			\$60,000
Medium	Maraylya Public School	To purchase and install playground equipment at Maraylya Public School		\$4,438	\$4,438 cash			\$8,875
Medium	Richmond Public School	To construct a multi sport area - basketball/tennis court at Richmond Public School		\$15,000	\$5,000 cash \$10,000 in kind donations			\$32,766
Medium	Grose View Public School	To construct a multi-purpose court at Grose View Public School		\$19,500	\$20,500 cash			\$39,870
Low	Hawkesbury Sports Council	To install chainmesh fencing to secure complex at Benson Lane		\$10,000			\$17,000	\$27,000
Low	North Richmond Community Centre	To build a multi - purpose court & fencing at North Richmond Community Centre		\$20,008		\$20,008		\$40,016
Low	East Kurrajong School of Arts	To construct a toilet block at East Kurrajong School of Arts		\$29,600	\$1,000 cash \$1,000 Vol labour			\$31,600
Low	Hawkesbury City Council	To build a combined BMX & skateboard facility to provide a range of activities for all ages at McGraths Hill		\$10,000	\$21,500 in kind donations \$1,600 Vol labour	\$19,405		\$42,505



general
purpose
committee

3
section

organisation
and
resources

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES**Table of Contents****Meeting Date: 25 November 1997****Page 2**

ITEM	SUBJECT	PAGE
SECTION 3 - ORGANISATION AND RESOURCES.		
17:	Hawkesbury Nepean Catchment Management Trust GR060/006 PT06/GMA/OGK25NAX.G04	3
18:	Alcohol Free Zones GP070/001 PT05/CSV/OGK25NBX.C02	4
19:	Monthly Financial Report - October 1997 FO11/005 PT04/FNC/OGK25NBX.F01	6
20:	Development of Vacant Land at the Corner of Woods Road, Bradley Road and George Street, Windsor GC285/028 PT01/CSV/OGK25NBX.C05	8
21:	Proposed Lease of Part Unused Road - Fiaschi Crescent, South Windsor 0617/R PT02/CSV/OGK25NBX.C03	10

oooO END OF TABLE OF CONTENTS Oooo

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 17

ITEM: 17 **Hawkesbury Nepean Catchment Management Trust**

FILE NUMBER: GR060/006 PT06/GMA/OGK25NAX.G04

REPORT:

Correspondence has been received from the Hawkesbury Nepean Catchment Management Trust advising that membership of the South Creek Catchment Management Committee is due to expire on 31 December 1997. The Minister for Land and Water Conservation has advised that he intends to approve membership for the next term of the CMC by the end of the year.

The Trust acknowledges the immense value Council has contributed as a member of the South Creek CMC and states that the expertise and commitment shown by members representing Council has significantly contributed to the protection and restoration of the catchments. Advising that jointly, with other members of the committee, Council has been instrumental in firmly establishing the CMCs as an important part of the community.

The Trust is seeking nominations from Council for members to the South Creek CMC for its next term commencing 1 January 1998. Nominations need to be confirmed by 28 November 1997.

Council does not currently have a representative on the South Creek CMC.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 17 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 18

ITEM: 18 **Alcohol Free Zones**

FILE NUMBER: GP070/001 PT05/CSV/OGK25NBX.C02

REPORT:

There are a number of Alcohol Free Zones operating throughout the City which are due to expire on the 31 December, 1997.

The required consultation and advertising to re-establish the zones for a further period of three (3) years has been undertaken. Support for the re-establishment of the zones was received from the NSW Drug Awareness Council and the Police - Hawkesbury Local Area Command. No objections have been received.

RECOMMENDATION:

That the following alcohol free zones be re-established for the three (3) year period commencing 1 January 1998 and terminating on 31 December 2000:

- The block having as its boundaries Francis Street, West Market Street, Windsor Street and Bosworth Street, Richmond including the Coles Car park.
- East Market Street, Richmond between Francis Street and Windsor Street.
- Toxana Street, Richmond between Francis Street and Windsor Street.
- Windsor Street, Richmond between East Market Street and Paget Street.
- West Market Street, Richmond between Lennox Street and March Street.
- The block having as its boundaries East Market Street, Windsor Street, West Market Street and March Street Richmond.
- East Market Street, Richmond between March Street and Lennox Street.
- Woodhills Car park, Richmond.
- Bells Line of Road, North Richmond - area known as State Bank Plaza car park adjoining Pitt Lane.
- Windsor Mall, Windsor.
- Golden Valley Drive, Glossodia in front of the Shopping Centre including the car park and access road.

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 18

- Eldon Street, Pitt Town between Grenville Street and Chatham Street.
- McGraths Hill Shopping Centre on the block bounded by Phillip Place, Redhouse Crescent and the McGraths Hill Community Centre.
- Wilberforce Shopping Centre on the block bounded by the George Road entrance, the section of Singleton Road in front of the Wilberforce Pre-School and Child Care Centre to the intersection with King Road, and the frontage of the Shopping Centre and Park along King Road Wilberforce.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 18 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 19

ITEM: 19 **Monthly Financial Report - October 1997****FILE NUMBER:** FO11/005 PT04/FNC/OGK25NBX.F01**REPORT:****A. Expenditure Warrant Number 4 of 1997/98**

Summary of Accounts Paid

Cheque # 53681 - 53680	\$2,818,189.46
EFT 2984 - 3295	\$1,209,349.74
EFT Other (FDC)	\$56,679.40
Cancelled Cheques	\$-1,194.95
Bank Charges	\$20,083.36
	<u>\$4,103,107.01</u>

B. Cash Book Reconciliation

Cash Book Balance as at 1 October 1997	\$-421,201.20
Add: Receipts for month of October	<u>\$3,819,554.94</u>
	\$3,398,353.74
Less: Payments for month of October	<u>\$4,103,107.01</u>
Cash Book Balance as at 31 October 1997	<u>\$-704,753.27</u>

C. Statement of Bank Balances

Bank Statement Balance as at 30 October 1997	\$82,955.86
Less: Unpresented Cheques	<u>\$-511,254.83</u>
	\$-428,298.97
Add: Outstanding Deposits	\$85,045.93
Outstanding Adjustments	<u>\$-361,500.23</u>
	<u>\$-704,753.27</u>

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 19

D. Investments - October 1997

Investment Type	Balance 30-Sept-97	Deposits	Withdrawals	Interest Paid	Balance 31-Oct-97
Managed Funds	17,532,455.74			77,167.79	17,609,623.53
On Call Funds	7,305,000.00	200,000.00	1,900,000.00		5,605,000.00
Term Investments	950,000.00				950,000.00
TOTAL	25,787,455.74	200,000.00	1,900,000.00	77,167.79	24,164,623.53

Responsible Accounting Officer

The summary warrant is fully supported by vouchers and invoices which have been duly certified.

The detailed warrant is available upon request.

The Cash Book and Bank Statements have been reconciled as at 31 October, 1997.

The investments outlined above are the total of all funds that have been invested. All investments have been made in accordance with the Act, Regulations and Council's investment policies.

The Rate Book has been reconciled as at 31 October, 1997.

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 19 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 25 November, 19970

Item: 20

ITEM: 20 **Development of Vacant Land at the Corner of Woods Road, Bradley Road and George Street, Windsor**

FILE NUMBER: GC285/028 PT01/CSV/OGK25NBX.C05

REPORT:

The Property Development Strategy identified the site located at the corner of Woods Road, Bradley Road and George Street, South Windsor as surplus to operational requirements and suitable for residential development.

The site which comprises Lots 25, 26, 27, 28, 29, 30 and 175 in Deposited Plan 32260 has a total area of 1,400m², including an unformed laneway. A plan of the site is attached. The whole site is zoned Open Space Existing Recreation 6(a) and has a Community classification. Lot 175 was reserved for public garden and recreation by way of a subdivision which took place in 1962 resulting in DP32260 being created. It is noted that the narrow lots and rear laneway were originally created for the purpose of establishing a neighbourhood shopping centre.

It is proposed to consolidate the lots and market the property as having potential for an appropriate medium density development. It is considered that the sale would yield approximately \$110,000 - \$120,000 (one hundred and ten to one hundred and twenty thousand).

It is considered that there is already ample open space within the South Windsor area and in particular, the Woods Road/Bradley Road precinct. Also development of the site would meet urban consolidation objectives.

The proposal requires a formal closure of the laneway, reclassification of land from Community to Operational and rezoning. Approval is sought to initiate the procedures to enable same, with the whole process expected to take at least twelve months.

RECOMMENDATION:

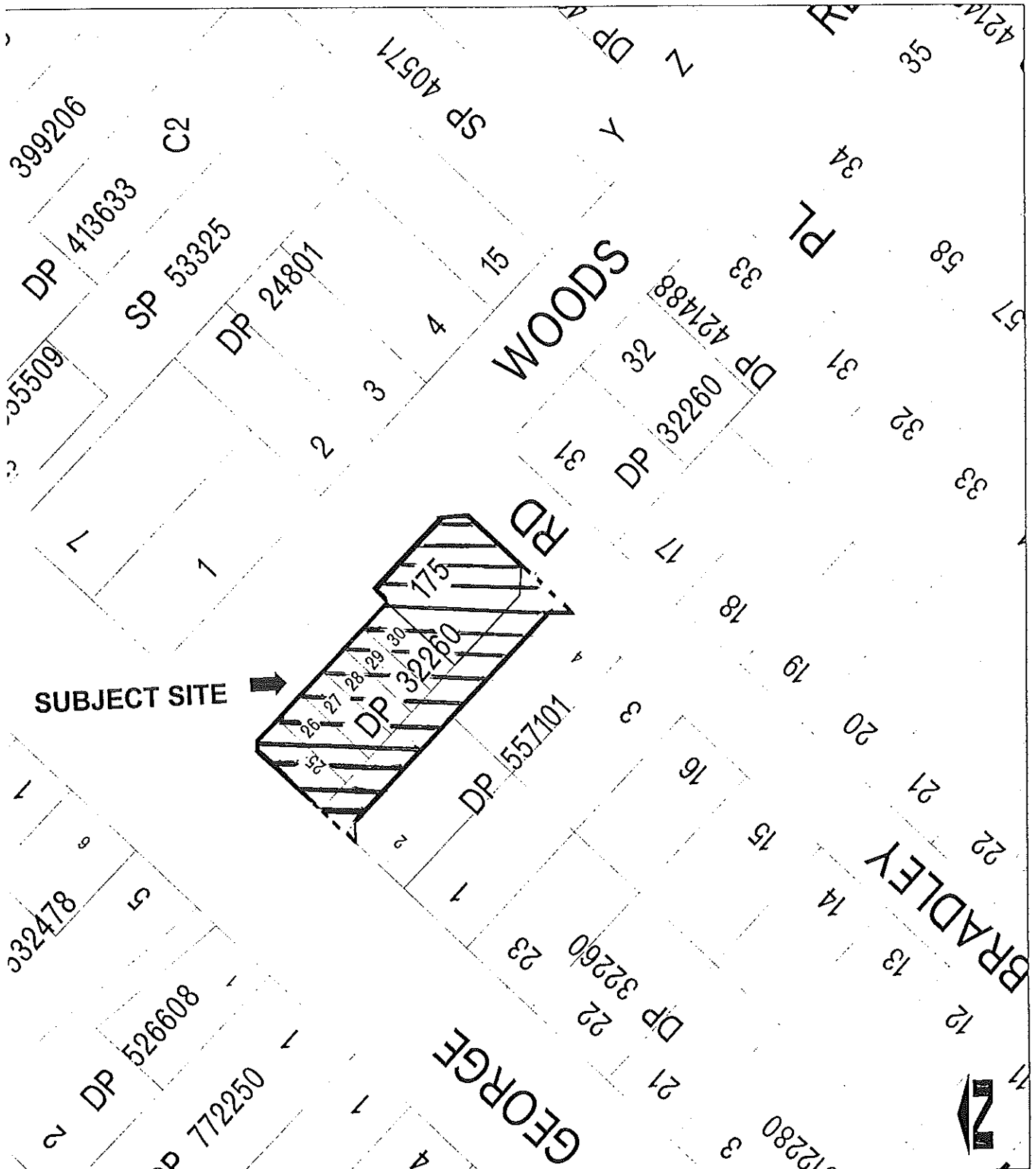
That the lots located on the corner of Woods Road, Bradley Road and George Street, South Windsor and described as Lots 25, 26, 27, 28, 29, 30 and 175 in Deposited Plan 32260 be rezoned Residential 2(a) and reclassified from community to operational land. Further that application be made for the unformed laneway adjoining the property to be closed, and consolidated with the adjoining site and classified as operational upon the formal closure.

ATTACHMENTS:

AT-1 Site Plan

oooO END OF ITEM 20 Oooo

LOCATION PLAN



ORGANISATION AND RESOURCES

Meeting Date: 25 November, 1997

Item: 21

ITEM: 21 **Proposed Lease of Part Unused Road - Fiaschi Crescent, South Windsor**

FILE NUMBER: 0617/R PT02/CSV/OGK25NBX.C03

REPORT:

An application has been received from the adjoining owner, Mr Graham Delardes to purchase a section of unused road at the end of Fiaschi Crescent, South Windsor. The area of road he proposes to purchase is approximately 530m² and located between Lot 205 in Deposited Plan 707488 and Strata Plan 33689 (22 and 23b Wimbow Place). A location plan is attached.

Given the current review of flood levels for the area and the implication on building rights and therefore value of the site, a valuation was obtained on the basis of both with and without building rights. The value was assessed to be \$30,000 (thirty thousand) with building rights and \$10,000 (ten thousand) without. The applicant was advised that if the land was to be sold now, it would be sold on the basis of with building rights, as such he was not interested in purchasing the property for \$30,000 (thirty thousand). Subsequently, it was determined that it would be appropriate to offer a lease to the applicant until a decision is made regarding the flood levels. Also, it is proposed that in the interim, procedure be initiated to formally close the road.

The applicant proposes to lease the area of land for the purposes of parking his truck which he describes as a Kenworth semi-trailer with a 42.5 tonne rating, and weighs 16 tonnes empty. It is noted that Wimbow Place or Fiaschi Crescent do not have a low load limit and that Mr Delardes is currently parking his truck on the site and he has been for some time. The intention of the lease, and a proposed condition of such, is for Mr Delardes to park one truck only, being his truck.

The required public consultation has been undertaken. With three objections being received.

Sydney Water objected due to a water main within the road. It is proposed that access will not be denied to any authority and any conditions required by them be included in the lease agreement. It is noted that Integral also have services within the site and have requested conditions be included in the lease.

Two objections from owner/occupiers of properties in Wimbow Place and Fiaschi Crescent relate to the noise of the trucks and driver/s, the appropriate use of the road and the number of trucks to be parked on the site.

Recent advice has been that the number of trucks parking on the site has been up to three at a time with the trucks sometimes parking on the road as well. Photos evidencing the number of trucks on the site have been submitted. Complaints regarding the level of noise from the trucks and the drivers at various times during the day and night have been received.

The complainants have been advised that until the site is leased, any complaints should be directed to the Police. This office has reinforced with Mr Delardes that only one truck should be parked on the land.



g e n e r a l
p u r p o s e
c o m m i t t e e

m e e t i n g f i l e n a m e : - G P 9 7 B P B A . E V Y

e n d o f
b u s i n e s s
p a p e r

This business paper has
been produced
electronically to reduce
costs, improve efficiency
and reduce the use of
paper. Internal control
systems ensure it is an
accurate reproduction of
Council's official copy of
the business paper.