



General
Purpose
Committee
Meeting

Mayoral Minutes

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General Purpose Committee Meeting - 25th August, 1998

RAAF Base Richmond P2343

The magazine Aviation Australia in its September 1998 issue contained an article “*Southern RAAF Bases under Review - Richmond will close.*” The article goes on to say that the Department of Defence is undertaking two business case reviews of southern RAAF bases with a view to rationalisation, disposal and cost savings.

The first review is to cover Richmond, Williamstown and Amberley and the second Pearce, Embra and East Sale. This review is to determine the most appropriate ways of rationalising and consolidating the bases including deciding which should close. The article goes on to say “*of great interest is the fact that it has already been decided that Richmond west of Sydney and the home of the RAAF Airlift Group and its two C130 Hercules Squadrons will be disposed of.*”

The article then goes on to speculate about the second Sydney Airport and the benefits of Richmond.

The article indicates that the Airlift Group will move to Amberley.

It is most unfortunate that this matter is continually raised that gives little confidence to the local community and those in business in the area that rely on the existence of the Base and its personnel.

I have written to the Minister for Defence and Federal Member Kerry Bartlett indicating the problems with these continued rumours and asked them to provide a further statement of the current position and have this provided to the media including “*Australian Aviation*”.

Councillor Robert Calvert
Mayor

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environment

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ITEM: 9 Waste Board Directors**FILE NUMBER:** GW010/022 PT08/GMA/ENH25NAX.G05

REPORT:

The current appointments of Waste Board Directors expire in September 1998. The Waste Act stipulates that the appointment of Directors should not exceed two years, however, the Act also states that existing Directors may be re-appointed.

The Minister for the Environment has indicated she sees a very good argument for aligning the future appointment of Waste Board Directors with the Local Government elections so that there is a minimum disruption to the work of the Boards. This position is agreed with and it certainly works well with other regional organisations such as WSROC and previously with the Electricity County Councils.

The Minister is proposing to seek Cabinet approval to reappoint all current Directors until the 31st January, 2000.

The Minister has indicated that any individual Councils not wishing to take this approach should provide alternative nominations for appointment, together with detailed resumes no later than the 31st August, 1998.

To minimise disruption to Waste Boards during the period between the Council elections in September 1999 and the appointment of new Directors in December, 1999 any Councils with Directors who are elected representatives will also be asked to ensure that their nominated Deputy is a Council employee. In this way Councils will continue to be represented by the Deputy in the event that the Director is not re-elected.

It is agreed that this course of action will provide stability and continuity for the Waste Boards and better ensure focusing on the important task of waste reduction.

RECOMMENDATION:

That Council advise the Minister for the Environment that it agrees with the aligning of Waste Board Directors with Local Government terms and further concurs with the continuing appointment of Councillor Paine as its representative.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 9 Oooo

ITEM: 10 Hawkesbury-Nepean Flood Management**FILE NUMBER:** GR060/075 PT02/GMA/ENH25NAX.G06**REPORT:**

The Chairman of the Hawkesbury-Nepean Flood Management Advisory Committee has forwarded a copy of the Committee's Supplementary Report that is in response to the public exhibition of the Committee's November 1997 Report "*Achieving a Hawkesbury-Nepean Floodplain Management Strategy*".

The report addresses a range of issues in 23 pages and some annexures.

There are five supplementary recommendations and these are as follows :

1. *That all evacuation route suggestions should be referred to the SES for consideration during reviews of existing and proposed Flood Plans.*
2. *That the funding provision for flood warning sirens in Section 7.2.3 - Flood Warning of the Committees' Report, be applied to the installation of a cost effective flood warning network comprising a combination of sirens and other appropriate technology.*
3. *That all of the issues and responses relating to Land Use Planning be drawn to the attention of the action agency responsible for completing the Regional Floodplain Management Study.*
4. *That post-flood recovery planning become a "High Priority" Strategy component, funded by the approved Strategy Budget, rather than by the present resources of post-flood recovery agencies, as previously recommended in Section 7.3.3 (p69) of the Report.*
5. *That this Supplementary Report be published and copies be distributed to those individuals, organisations, State Government agencies and Councils who contributed submissions on the publicly exhibited Report and Strategy, and also be made available generally to the interested public, other agencies and community organisations."*

Some of the interesting comments from the submissions received were :

- * **Flood Mitigation Dam vs Auxiliary Spillway of Warragamba.** The Committee noted that irrespective of whether there was an auxiliary spillway or a raised dam at Warragamba, the strategy proposed was to require it.
- * **Regional Flood Modification Works.** The Committee was criticised for failing to seriously consider the beneficial effects of a large number of structural options. The Committee notes that it engaged Engineering Consultants to investigate the wide range of matters proposed and that while some of them offered measurable flood mitigation benefits, the economic and environmental costs were assessed as being very high and would diminish their viability.

The Committee did not find any single or combination of initiatives that would prevent a major or extreme flood in the Hawkesbury-Nepean Catchment.

- * **Land Use Planning.** The Committee was criticised for not preventing further expansion in the valley. The Committee noted that recent investigations revealed the potential for flooding in the valley to be much greater than previously realised. That to better manage future land use on the floodplain, a Regional Floodplain Management Study involving policy initiatives and best practice guidelines was recommended. The Committee further did not consider it appropriate for individual landowners to indemnify Councils against possible flood damage as this would not prevent a future landowner instituting action.
- * **Insurance.** The concept of flood insurance was raised with the suggestion of State and/or Commonwealth subsidies. The Committee determined that with the implications extending well beyond the Hawkesbury-Nepean Valley, it was beyond the scope of the Committee's recommendations to direct the insurance industry as to how to conduct its business.

The Hawkesbury-Nepean Catchment Management Trust has also provided a copy of their submission and in general terms, they agree with the Committee's recommendations. They also agree strongly of the need to have two groups in place to co-ordinate and monitor the Strategy. They suggest that these be :

1. The current Committee with it being reconstituted with a brief to monitor implementation of the Strategy and preparation of the Study. The Committee should also have an advisory role and would need to meet two to three times a year.
2. An Executive Co-ordinating Group to :
 - . Guide preparation of the Study
 - . Co-ordinate implementation of the Strategy
 - . Oversee the preparation of local floodplain management plans by each Council in the catchment.

They see that this group would need to meet four to six times per year and should comprise senior level staff of agencies involved including Councils.

Interesting in terms of funding of the Strategy, the Trust endorses the proposed five year funding program and then suggest that as floods are a risk/natural event like bushfires, that perhaps local communities should bear some of the costs associated with floodplain management through a special rate.

There could be endless arguments regarding this matter as various communities are more flood liable than others and all areas across Australia are subject to natural disaster and subsequent relief that a tax payer funded. In this particular regard, it is recommended that the Trust be advised that while special rates do have a place (eg the provision of specific services such as waste management and water and sewerage) that they are more often divisive than not and that great care should be taken in their consideration and implementation.

RECOMMENDATION:

The information regarding the Hawkesbury-Nepean Flood Management Advisory Committee be received. The Hawkesbury-Nepean Catchment Management Trust be advised in relation to their proposal to give consideration to possible special rates to have local communities bear some of the costs associated with flood plain management, that such rates can be particularly divisive and generally should only be considered where there is direct service provision/quantifiable benefit to the persons paying.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 10 Oooo

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **11**

ITEM: 11 **Proposed dual occupancy/duplex containing 2 x 3 bedroom dwellings and two (2) lot subdivision - Lot 36 DP787272, No. 25 Flinders Place, North Richmond**

FILE NUMBER: DA163/98, SA77/98/EVD/ENH25NAX.V01

Applicant: Ambrose Constructions
Applicants Rep: Not applicable
Owner: R & S Ambrose
Stat. Provisions: HLEP 1989
Area: 1898m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners, closed 16 July, 1998, four submissions received
Date Received: 23 June 1998

Key Issues: DCP Dual Occupancy
 Overlooking and privacy
 Shadow effects
 Flooding
 REP 20
 Views
 Amenity
 Visual Impact
 Height

Action: Approval

REPORT:

A development application has been received to erect a attached duplex on the above site at North Richmond being on the lower side of Flinders Place, overlooking the Hawkesbury River and floodplain.

The proposed building, because of the slope to rear, is single storey at the front and three storeys at the rear.

At street level, each dwelling, contains a double garage, study and foyer. There are stairs from the foyer down to living, dining, kitchen and family area and stairs up to three bedrooms and bathrooms. There are also stairs from the living areas to the laundry and rumpus at the rear of the building on ground level at this point.

There are balconies, at the rear, from the living areas and two of the bedrooms.

A shadow diagram has also been submitted which shows the extent of shadows on the site and adjacent lots and buildings.

An application for a two lot subdivision has also been submitted resulting in lots of 865m² and 823m².

Statutory Situation

HLEP 1989

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

The floor height standard for the site is 17.4m AHD. The 1 in 100 year flood height as proposed under the draft local environmental plan is 17.5m AHD. The site varies between approximately 14m AHD and 25m AHD with the rear of the proposed dwellings being at approximately 19m AHD.

In regard to the proposed subdivision, the minimum area under Clause 12(1)(a) of HLEP 1989 is 450m² per lot.

DCP Dual Occupancy

The Council's Development Control Plan (DCP) for Dual Occupancy is applicable to the proposed development.

REP 20

The site as located within the boundaries of a scenic corridor of regional significance under Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 - 1997). Development consent is required within scenic areas under REP.

Community Response

Adjoining owners were notified of the proposal and four submissions were received from neighbours either side of the site. A summary of the concerns is as follows:

- bulk and width of building only 1m from side boundaries;
- three storeys cast substantial shadow;
- views will be diminished from adjacent dwellings;
- predominantly single storey residence area;
- split level design required;
- amenity of area adversely affected;
- impact of privacy of rear yards of adjoining properties;
- overshadow adjacent properties;
- impacts will affect property values; and
- inaccurate plans.

These matters are covered where applicable in the environmental assessment of the proposal.

Environmental Assessment

A full assessment of the Heads of Consideration under Section 90(1) of the Environmental Planning and Assessment Act 1979 has been made. The following are the relevant matters for consideration:

DCP Dual Occupancy

The application generally conforms to the DCP however several items do not totally conform. These are as follows:

- garages should be 6.0m wide but are 5.4m;
- more than two storeys at rear but land slope dictates building height at rear;
- living areas do not face north but to the south towards the view over the river; and
- the designated levelled courtyard areas are in shadow, particularly Unit 2, but there is ample rear yard still available that is not shadow affected.

The garages could be increased by 0.6m to 6.0m wide however this would present an elevation to Flinders Place which is dominated by garages. Adequate width is available to allow a standard vehicle to enter and leave.

The design proposed has taken into consideration the slope of the land, with split level areas, and taking the constraints into account is an economic use of the site.

The living areas do not face north however the significant views are to the rear and the proposed floor layout is considered acceptable.

There is ample shadow free rear yard for each dwelling be it not immediately adjacent to the dwellings.

Overall the application is considered satisfactory.

REP 20

The Council must consider the following matters under REP 20 and comments are given after each subclause:

- (a) *The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)*

Comment: The proposed building is single storey at the front and three stores at the rear and the design includes split level layouts to keep the rear height as low as possible. The proposed building is similar to others erected in this part of Flinders Place with steep slope to the River.

- (b) *Whether the materials used in stabilising the banks are consistent with the scenic character of the area as described in the Scenic Quality Study.*

Comment: No stabilising of the banks is proposed in this application.

- (c) *Whether the development will damage the banks of the river or creeks.*

Comment: The development will not damage the bank of the river.

- (d) *Whether the development is adequately set back from the river.*

Comment: The building is set back approximately 45 metres from the rear boundary of the site and there is a further 80 metres of public reserve to the river. It is considered that the building is adequately set back from the river.

- (e) *Whether it is necessary and appropriate to increase public recreational and visual access to the river.*

Comment: There is a public reserve between the site and the river and public access is available. There is no need to increase further recreational and visual access to the river because of this proposal.

- (f) *The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting.*

Comment: Some screen planting is recommended for the elevated courtyard area and bottom floor of the building.

- (g) *Whether any proposed works will improve scenic quality by repairing degradation.*

Comment: No degradation is evident and no works are proposed.

The proposal is similar to other development along the roads that face the river and this proposal does not conflict generally with the REP 20 development control provisions.

Flooding

The site is flood liable on the lower part, however, the building site is flood free being above the 1 in 100 year flood frequency level.

Shadow Effects

A shadow diagram has been submitted with the application which shows the 9.00am and 3.00pm shadow as they effect the site and the adjacent lots. Part of the rear of the site behind the proposed building will be in shadow most of the day in mid winter while No. 27 Flinders Place will be affected by shadow in the morning mid winter and No. 23A and 23B Flinders Place will be affected by Shadow in the afternoon. Conversely No's 23A and 23B will cast a morning shadow on the subject site.

The slope of the land increases the height and therefore increases the shadow lengths in mid winter.

Any building erected on the site, even a single dwelling, will cast shadow to some extent on the adjacent lots due to their aspect and slope. It is recommended that the setback to Flinders Place be reduced by 3m to reduce the impact.

Overlooking and Privacy

Due to the slope of the site and adjacent sites to the rear, adjacent lots will overlook the rear yards of their neighbours as most buildings are orientated to take in the river views at the rear.

The only living area windows that overlook the adjacent lots are the kitchen windows. These windows could invade the privacy of the adjacent residents and it is recommended they be reduced to highlight windows or glazed with frosted glass.

Views

All lots on this side of Flinders Place have views over the Hawkesbury River and the flood plain. Views to the sides depend on the development erected on each lot and the extent of projection for each building into the side views.

The side views cannot be guaranteed to remain constant as the area is developed.

One submission pointed out that the plans are inaccurate and give a misleading impression of the impact on views. The plans have since been amended to reflect the true situation and our assessment, based on the accurate plans is that the impact on views from adjoining properties is acceptable.

Amenity

There is a dual occupancy development on the adjacent lot No's 23A and 23B and a large dual occupancy development diagonally opposite the site on the corner Lot 2. Single dwellings are the predominant type of dwelling in the area but dual occupancies and medium density developments do exist and are permissible.

The development of the site with any type of dwelling would have an impact on the adjacent lots due to the land slope, the aspect of the lots and the existing development on each lot. There will be some adverse impact on the amenity of the area because of this development.

Visual Impact

The proposal is an infill development between an existing dual occupancy and a dwelling but is a larger building than the adjacent buildings in respect of site coverage. The proposed building is however similar in height to the adjacent buildings and will be visually similar when viewed from the river, public reserve and flood plain. The proposed duplex, being single storey at the front, will have less visual impact from the front street than the two adjacent buildings.

Height

The proposed building is single storey at the front and three storeys at the rear. The existing dwelling on the western side and the existing dual occupancy on the eastern side are both three storeys at the rear. The existing dual occupancy has rear balconies on the middle and top floors and the existing dwelling has a rear balcony on the middle floor.

The proposed development conforms in general appearance and height to the building on either side.

Conclusion

Overall the development is considered satisfactory and the split level design proposed uses the land slope to keep impacts to a minimum. It is recommended that the building be brought forward to give a 5.0m building line to Flinders Place which will reduce the extent of the shadows to the rear to a minor degree. It is also recommended that the elevated rear courtyards, the batters and the bottom floors of the building be screened by landscaping to improve the visual aspect from the river, open space areas and the flood plain.

RECOMMENDATION:

That:

- A. The development be approved subject to the following conditions:
1. The development shall be carried out in accordance with Plan No. 9627.1278, 2 sheets dated May 1998 and August 1998 except where modified by conditions of this consent.
 2. Proposed building to be located a maximum of 5.0m from Flinders Place and the kitchen windows be reduced in depth to highlight windows only or be glazed in frosted glass.
 3. A contribution of \$1,629.00 (one thousand, six hundred and twenty nine dollars) 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.

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4. Provision of satisfactory vehicular access to the land to the requirements of the Divisional Manager Engineering Operations.
5. Floor level of bottom floor (laundry and rumpus room) to be above 17.5m and a survey plan to be submitted as part of the building application to show the finished floor level when the building reaches this level.
6. Construction of Council's standard residential footway and layback vehicular crossing to suit the access to the site with a minimum width of 6.0m.
7. The provision of conduit/ducts under new driveways to the requirements of Prospect Electricity, in accordance with Prospect Electricity drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
8. Submission of a building application, plans and specifications complying with the Building Code of Australia.
9. No excavation or site works shall be commenced prior to the issue of the building permit.
10. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
11. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
12. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
13. 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. Screen landscaping shall be provided on the edges of the rear levelled areas and down the batters to screen at least the bottom floor of the dwellings and the batters from the Hawkesbury River, open space area and the flood plain.
14. The submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
15. All 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.
16. 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.
17. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the building application.

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18. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of underground electrical reticulation to each of the dwellings.

B. The subdivision application be approved subject to standard conditions.

ATTACHMENTS:

AT-1 Site plan

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oooO END OF ITEM 11 Oooo

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **12**

ITEM: 12 **Proposed land clearing for the construction of a 5.9 megalitre rural dam and filled area for a shed - Lot 733 DP864751 No. 189 Grono Farm Road, Ebenezer**

FILE NUMBER: DA104/98/EVD/ENH25NAX.V03

Applicant: S Vella
Applicants Rep: D Wutherspoon of Blue Mountain Wilderness Services Pty Ltd
Owner: KC and RW King
Stat. Provisions: HLEP 1989
Area: 9.257 hectares
Zone: Environmental Protection Scenic 7(d1)
Advertising: 14 days to adjoining owners, closed 22 May, 1998, seven objections received. Amended plan and Flora and Fauna Survey advised to adjoining owners and objectors, closed 7 August, 1998, 4 objections received.
Date Received: 28 April, 1998, amended plan and Flora and Fauna Survey received 21 July, 1998.

Key Issues: DCP Dam Construction
 SREP 20
 Flora and Fauna Survey
 Shed location
 Sedimentation and erosion control

Action: Approval

REPORT:

The original development application was for the clearing of existing vegetation, the construction of a 6 megalitre rural dam and the material from the dam to be used to fill an area for a house with shed. There is an existing dwelling on the Ebenezer Wharf Road frontage and the major part of the land is used for a market garden.

The applicant was requested to provide additional information and an amended plan. The proposal was amended to include clearing for a 5.9 megalitre rural dam and level pad for a shed. A flora and fauna survey has also been submitted with the amended plan. The home site has been deleted from the application.

The proposal involves the removal of a number of trees for the dam and shed platform. A strip of trees will also be removed to provide service corridors and a dish drain on the western side of the property to channel surface run-off. To compensate the removal of vegetation it is proposed to re-plant Cumberland Plain Woodland species around the western perimeter of the property.

Statutory Situation

The site is zoned Environmental Protection 7(d1) Scenic under HLEP 1989 and the land clearing, filling and dam construction requires Council's consent.

The provisions of Council's Development Control Plan for Dam Construction needs to be considered.

The contents of Sydney Regional Environmental Plan 20 (SREP20) also need to be considered and the development needs consent under that Plan.

Community Response

The receipt of the amended plan and Flora and Fauna Survey was advised to adjoining owners and the objectors to the original application. Four submissions have been received, one from an adjoining owner, one from Action to Save the Hawkesbury Environment (ASHE) and two from residents who live away from the site. A summary of the concerns follows:

- Flora and Fauna Survey prepared on behalf of applicant. Conflict of interest?
- species not viable or of any significant number. Not a reason to remove;
- statement in passing that other land has been cleared is wrong and irrelevant;
- land zoned environmental protection, everybody should protect the area;
- treed area should be fenced and allowed to regenerate;
- bushland of all type is accepted by wildlife, it does not have to be viable or orderly;
- bushland is not highly stressed and degraded, die back is a natural process;
- photos in survey belie the dying claim;
- dam is justified as a run-off and erosion control that was not needed before applicant started to use land;
- reported that koalas and yellow-bellied gliders have been sighted on land, other possum species in area too;
- shed and dam should be constructed on already cleared land;
- revegetated proposals supported;
- applicant has disregard for bushland. 12 trees already removed, 11 with Council approval;
- replaced trees are short living trees and hollow gesture; and
- market gardens should be on lowlands and not located on shale and sandstone hills.

The relevant matters are addressed in the environmental assessment of the application.

Environmental Assessment

A full assessment has been made under heads of consideration under the Environmental Planning and Assessment Act 1979 and the following are the relevant matters that require specific consideration.

Flora and Fauna Assessment

The flora and fauna survey has been submitted by the applicant which concludes that a Species Impact Statement is not required.

The Flora and Fauna Survey makes the following summary and essential recommendations:

Executive Summary

1. *The site supports a small Cumberland Plain Woodland remnant, part of which is not viable, and its removal is not significant. The proposal is to restore part of the site currently cleared, rehabilitate part of the site supporting degraded forest, and remove some of the forest which is highly stressed and degraded. The Eight Part Test does not find the impact to be significant, and a Species Impact Statement is not recommended.*
2. *Agricultural runoff from the site drains, untreated, to the neighbour's dam and thus to the Hawkesbury River. This dam is not managed to cope with high volumes of stormwater run-off, or to recycle nutrients.*
3. *Flora and fauna habitat are of minimal value, and there is no significant impact anticipated from any proposal on this site.*
4. *The tree canopy may be cleared to some extent without losing the visual amenity from the neighbouring properties and the roads.*
5. *There is no impediments to this proposal within the scope of this report.*

Essential Recommendations

*Trees removed for this development be replaced in a landscaping plan. In order to ameliorate impact of any development, Cumberland Plain Woodland species can be used in the landscaping, as specified by the Currency Creek Landcare Group. Species chosen to be trees and shrubs naturally occurring on this soil, such as *Eucalyptus tereticornis*, *Eucalyptus crebra* and *Acacia parramattensis*.*

A landscaping approach which places new tree plantings at the south west corner of the site will have maximum visual enhancement.

The Survey is a preliminary study of the property and has identified species common to the area. It is of interest to note that while bird life was abundant, the only mammals located in the area were rabbits and domestic cats. The bird life nominated is not listed as vulnerable or at risk.

The report is generally acceptable however, while the vegetation to be removed is small in area compared to other vegetated areas in the location, the cumulative effect must be considered as more and more small areas are cleared and native vegetation is lost to the environment and its native inhabitants.

DCP Dam Construction

The amended plan proposed by McKinlay Morgan and Associates Pty Ltd shows in detail the area to be excavated and the area to be filled with the excavation material, mostly sandstone. A catch drain is proposed either side of the dam to ensure as much run-off from the farm is directed to the dam. The spillway is located so that overflow enters the dam on the adjoining property in a similar location to the existing overland flow.

The construction details and sedimentation and erosion controls are considered acceptable.

SREP 20

Under Part 3 Development Controls of SREP 20 filling of land requires consent however there are no specific additional matters for consideration listed in the REP.

Shed Location

The Middle Nepean Hawkesbury Catchment Management Committee has recommended the relocation of the shed, and therefore the filled area, out of the treed area to the corner of Grono Farm Road and the unnamed gravel road. This would result in the extent of treed area to be disturbed being restricted to the dam area only, a reduction of over 50% of that which is now proposed.

The relocation of the filled area and shed will involve greater cost to the applicant as the material will have to be transported from the dam site to the new location. Also this new shed and filling site has been cultivated and underground irrigation installed.

It is however recommended the filling and shed site be relocated to this new site near the corner of Grono Farm Road and the unnamed road to reduce the impact on the existing vegetated area and retain the existing trees south of the dam.

Sedimentation and Erosion Control

The dam construction and catch drains will direct most of the run-off from the market garden into the dam and therefore assist in sedimentation and erosion control for the downstream dam and downstream creeks.

The use of the cleared parts of the site for a market garden is a legitimate rural use of the land and the controls proposed will also help to protect the remaining vegetated areas from market garden run-off.

Conclusion

The construction of the proposed dam is supported in the location shown on the amended plan.

However it is considered that shed and filled area should be relocated to the already cleared area near the corner of Grono Farm Road and the unnamed gravel road, that is, in the south eastern corner of the land. Note, this corner of the site is above the 18 metre contour.

RECOMMENDATION:

That the application be approved subject to the following conditions:

1. The dam location and dam construction to be in accordance with Plan No. 89831:E:1 dated 9 July, 1998 prepared by McKinlay Morgan and Associates Pty Ltd and the filling area for the proposed shed be located on the already cleared area near the corner off Grono Farm Road and the unnamed road, that is in the south eastern corner of the site. A detailed plan to be submitted for the new location and approved before work commences.
2. The site works and revegetation recommendations to be carried out in accordance with the Flora and Fauna Survey dated 14 July, 1998 prepared by D Wutherspoon of Blue Mountains Wilderness Services Pty Ltd.
3. The dam is to be constructed in accordance with Hawkesbury City Council's Development Control Plan for dam construction with the following design restrictions:
 - i. a minimum crest width of three (3) metres;
 - ii. a freeboard of one (1) metre;
 - iii. a minimum upstream dam wall batter slope of 1:2.5 (vertical:horizontal);
 - iv. a minimum downstream dam wall batter slope of 1:3 (vertical:horizontal);
 - v. a maximum dam wall height of two (2) metres; and
 - vi. a minimum spillway width of three (3) metres.
4. Top soil is to be stripped and stockpiled clear of any natural watercourse and used to cover the dam banks.
5. The dam wall and filled area are to be compacted by track rolling or similar in layers no greater than 150mm.
6. 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 for the dam and filling works.
7. The spillway is to be cut into the natural surface, is to disperse water flow clear of the toe of the dam wall and is not to concentrate water onto the downstream property.
8. No excavated material, including soil, shall be removed from the site.
9. All works shall be completed within three (3) months of commencement.
10. No trees, other than those approved to be removed for dam construction, are to be felled and removed from the site unless approval has been granted to do so under Council's Tree Preservation Order.
11. Council's Subdivision and Development Engineer is to be notified prior to construction commencing.

12. Dam and filling embankments are to be completed with a least 100mm of top soil and all disturbed areas are to be grassed using the attached recommended grass mix to the satisfaction of Council's Subdivision and Development Engineer.
13. On completion the dam and filled area and to be certified by the contractor that it was constructed in accordance with the conditions of this consent, Hawkesbury City Council's Development Control Plan for Dam Construction and using sound dam construction practice.
14. 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.
15. The landfill site shall be secured to prevent the depositing of any unauthorised material.
16. 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.
17. All 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.
18. Vegetation removed for the construction works are not to be burnt on the site but removed from the site, mulched, chipped or used for fence posts.
19. All trees to be removed are to be tagged and approved by Council prior to works commencing.

ATTACHMENTS:**AT-1** Site Plan

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **12**

oooO END OF ITEM 12 Oooo

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **13**

ITEM: 13 **Two lot subdivision - Lot 13 DP865977, 18 Johnston Street, Pitt Town**

FILE NUMBER: SA87/98/EVD/ENH25NAX.V04

Applicant: Don Fox Planning
Applicants Rep: Peter Lawrence
Owner: Bona Vista Citrus Pty Ltd
Stat. Provisions: HLEP 1989
Area: 20.15 hectares
Zone: 7(d1) Environmental Protection Scenic
Advertising: Adjoining owners. No objections.
Date Received: SA received 30 June, 1998

Key Issues: Preservation of curtilage to heritage item
 SEPP No. 1 objection to minimum lot size

Action: Approval subject to conditions

REPORT:

Proposal

The application is for a two lot subdivision of the property known as "Bona Vista" at 18 Johnston Street, Pitt Town. The size of the existing allotment is 20.15ha. The proposed allotments are Lot A (2.109ha) and Lot B (18.041ha).

The applicant advises that the owners of Bona Vista no longer wish to pursue an agricultural enterprise on the land and the proposed subdivision will allow the disposal of the unconstrained residual land holding to the market place and provide funds to assist the owners of Bona Vista maintain the existing dilapidated slab huts on the land.

The proposed subdivision pattern has been based on preserving the curtilage of Bona Vista which is heritage listed under Schedule 1 of HLEP 1989.

The applicant has submitted an objection to the zone's minimum allotment size of 10ha under the provisions of State Environmental Planning Policy Number 1.

Statutory Situation

The subject land is zoned 7(d1) Environmental Protection (Scenic). Clause 11(2)(b)(i) of HLEP 1989 requires that an allotment created in this zone has an area of not less than 10 hectares. The proposal creates one lot which is under the minimum allotment size.

The property is listed as an heritage item under Schedule 1 of HLEP 1989. Schedule 1 defines the item as:

“Bona Vista”, house and slab barns 10A, 10B, 10C and 10D, and curtilage area of 2.109

The proposed subdivision boundary adopts the identified curtilage.

Subject Site

The subject site is on the south-eastern corner of Johnston Street and Amelia Grove, Pitt Town.

Towards the Amelia Grove street frontage is a cluster of buildings including the sandstone dwelling with slate roof constructed circa 1880 and timber slab barns.

Small stands of trees are scattered throughout the site. Almost all of the orchard has been removed since the cessation of operations over a decade ago.

The site is within an area recently identified by Council as having future urban potential.

SEPP No. 1 Objection

The applicant has justified the variation to the minimum lot size on the following grounds:

- the variation to the minimum lot size will ensure the disposal of the unconstrained residual land holdings to the market place and provide funds to assist the owners of Bona Vista to maintain the existing heritage listed slab huts; and,
- the slab barns are not suitable to convert to any other purpose hence the only realistic option to maintain the barns will be to excise the heritage curtilage from the remaining lands as proposed.

Planning Assessment

Objectives of HLEP 1989 and the 7(d1) zone

The relevant objectives of HLEP 1989 are:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*
- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production; and*
- (d) *to conserve and enhance buildings, structures and sites of recognized significance which are part of the heritage of the City of Hawkesbury for future generations.*

The relevant objective of the Environmental Protection Scenic 7(d1) zone are:

- (a) *to preserve the river valley systems, scenic corridors, environmentally sensitive areas and other local features of scenic attraction;*

The proposed development preserves the curtilage of Bona Vista as well as providing a large residue allotment which is capable of future agricultural use. It is therefore considered that the proposed subdivision is consistent with the objectives of HLEP 1989 and the 7(d1) zone.

Minimum lot size provision

The total area of the subject site is 20.15ha. Under the provisions of Clause 11(2)(b)(i) of HLEP 1989 the site has potential for two allotments. The applicant proposes two lots and hence the applicant is not seeking an advantage in terms of the number of lots allowable under HLEP 1989.

This proposal is consistent with other larger “lot averaging” subdivisions recently approved by Council which created lots smaller than the required minimum.

Heritage Assessment

The significance of Bona Vista, its associated outbuildings and curtilage has been identified in Schedule 1 of HLEP 1989 as well as the Pitt Town Slab Barn Study prepared by Graham Edds and Associates on behalf of Council and the Department of Planning.

The proposed subdivision follows the boundary of the curtilage and hence preserves this curtilage and the integrity of the farm house and slab barns.

The proposed subdivision is to provide funds for the maintenance of the slab barns. A schedule of works for the preservation of these barns has not been provided with the application. It is proposed that any consent be conditional upon a schedule of works and time frame for these works being approved by Council.

Provision of Services

The existing dwelling house on the site is provided with reticulated water and has an existing septic tank and absorption trenches, located to the rear of the dwelling, which is well within the heritage curtilage boundaries. Stormwater drainage from the existing dwelling house can feed to Amelia Grove, while a stub easement will be created to the rear of the property permitting the site to drain across the adjoining land.

Conclusion

The proposed subdivision is consistent with the objectives of HLEP 1989 and the 7(d1) zone in that it preserves the heritage significance of the listed items as well as preserving a larger land holding for possible future agricultural uses.

The variation to the minimum lot size allows for a subdivision of the curtilage of the listed items. The subdivision does not create more lots than is permitted under the provisions of the 7(d1) zone.

The proposal is recommended for approval.

RECOMMENDATION:

- A. That the Council support the SEPP No. 1 objection and seek the Director of the Department of Urban Affairs and Planning's concurrence to the SEPP No.1 objection.
- B. Upon concurrence being gained from the Department of Urban Affairs and Planning, the Council approve the two lot subdivision subject to the following conditions:
 - 1. Subdivision being carried out in accordance with plan titled "Proposed Subdivision of Lot 13 DP 865977" submitted with the application received on 30 June 1998.
 - 2. A schedule of works which identifies maintenance works and likely time frame for works being prepared for the timber slab barns on the property. The schedule of works is to be submitted and approved by Council prior to the release of the linen plan.
 - 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 \$4,013 (four thousand and thirteen dollars) 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 a linen release fee of \$200.00 (two hundred dollars). This amount is valid until 30 June 1999.
 - 8. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
 - 9. The slab barns are to be maintained in accordance with the schedule of works approved by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 13 Oooo

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **14**

ITEM: 14 **Proposed Grading and Storage of Pine Bark at 53 Post Office Road Ebenezer, Lot 262 DP 751665**

FILE NUMBER: DA142/98/EVD/ENH25NAX.V10

Applicant: BetterGROW Pty Ltd
Applicants Rep: Adam Kirkwood/Craig Hogarth
Owner: Mushroom Composters Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 10.07 hectares
Zone: Environmental Protection
Advertising: Adjoining owners for 14 days, an additional nine (9) owners in Post Office Road, Ebenezer Wharf Road, Sackville Road and Tizzana Road. The proposal was also advertised in the Hawkesbury Gazette for two (2) weeks. Three (3) submissions were received.
Date Received: 28 May, 1998

Key Issues: Noise
 Traffic
 Dust
 Water

Action: Determination under delegated authority

REPORT:

Introduction

This application proposes to utilise the existing facilities on the subject land for the purposes of sorting pine bark into various grades by the use of a trommel grading machine operation. After grading, the pine bark will be placed in separate stockpiles on the existing concrete slab to await collection and distribution to the local market. Small amounts of saw dust will also be stored on the site.

History of the site

The site was previously used for a mushroom compost production operation by Mushroom Composters Pty Ltd. After problems related to odour, Class 4 proceedings were commenced in the Land and Environment Court alleging that the company was in breach of development conditions.

In May 1993 Chief Justice Pearlman handed down her decision finding that the operation of mushroom composting was in breach of conditions of development consent sought by Council. Composters were given twelve months from the date of the judgment to remedy the situation.

After further appeals and cross appeals the final result was that Mushroom Composters ceased operation on 15 December 1995 as resolved by Council on 30 November 1995. The site has been vacant since early 1996.

Proposal

The application proposes to utilise the existing buildings and infrastructure on the site to grade/screen pine bark that is delivered to the site ungraded. A trommel machine will be housed in the large shed at the eastern boundary of the site and this is where the grading of the material will take place. The graded pine bark will be removed from the storage shed and stockpiled on the large concrete hard stand area awaiting dispatch. The applicant estimates that the total volume of pine bark stored on the site at any one time will be approximately 1500 cubic metres.

The open ended storage sheds located at the western end of the site will be used for the storage of small quantities of saw dust and blinds/roller shutters will be installed to protect the sawdust from weather extremes. This shed will also be used for the storage of machinery.

The proposed hours of operation are 6am to 6pm Monday to Friday and 7am to 3pm on Saturdays. The facility is expected to employ three staff initially and increase to six employees over the next two years.

Traffic will be generated at a rate of approximately 15 vehicles per day which will consist of delivery trucks, customer truck and staff vehicles.

The proposal also includes details of the upgrading of the site as follows:

- upgrading of landscaping works;
- creation and grading of driveways for delivery vehicles;
- upgrading of storage at the western end of the site;
- upgrading of existing pre-fabricated building for office activities;
- development of a car park near the main entrance for six vehicles;
- establishment of a bunded pine bark delivery stockpiled area;
- installation of screening equipment; and
- upgrade of main storage shed including installation of concrete bays.

A site plan is attached at the end of this report.

Statutory Situation

The land is zoned Environmental Protection 7(d1) under Hawkesbury Local Environmental Plan 1989. The proposal is defined as a rural industry which is an allowable use in the zone with Council approval. The objectives of the zone are as follows:-

- (a) *to preserve the river valley systems, scenic corridors, environmentally sensitive areas and other local features of scenic attraction;*

- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*
- (c) *to ensure that development does not create unreasonable or economic demands, or both, for provision or extension of public amenities or services.*
- (d) *to prevent the establishment of traffic generating development along main and arterial roads; and*
- (e) *to control outdoor advertising so that it does not disfigure the rural landscape.*

The proposed development does not compromise the objectives of the zone. The proposed development does not fall under the definition of designated development as prescribed in Schedule 3 of the Environmental Planning and Assessment Act 1979.

Community Response

The application was advertised to adjoining owners for 14 days. Due to the history of the site an additional 9 owners in Post Office Road, Ebenezer Wharf Road, Sackville Road and Tizzana Road were also notified. The proposal was also advertised in the Hawkesbury Gazette for 2 weeks and the exhibition closed on 17 July, 1998. Three objections to the proposal were received and are summarised below:

- Hours of operation should be limited to 9am to 5pm weekdays and 9am to 3pm on Saturdays.
- Type and volume of traffic will result in negative impacts on the health and safety of the residents, particularly young children.
- Traffic noise and possible industrial noise.
- Potential dust created by traffic and the processes on site which may be increased due to the lack of water supplies to the site which could be used to limit dust.
- Lack of water to the site - the dam on site is only filled through natural runoff and water can run out leaving the site dry.
- Post Office Road is not designed for continual heavy traffic.
- Responsibility of maintaining the road.
- Enforcement of conditions of development consent.

These matters are addressed in the environmental assessment.

Environmental Assessment

A full assessment has been made in accordance with the heads of consideration under Section 90(1) of the Environmental Planning and Assessment 1979 and the following matters are relevant for Council's consideration.

The site is irregularly shaped and has road frontage to Post Office Road. The surrounding land uses are rural in character and the closest dwelling is approximately 200m away. At the top of King Road, there are several smaller allotments ranging from 1000sqm to 3 hectares.

Access and Parking

Access to the site is via a gate at the western end of the site which is not sealed. It is considered that the access drive should be constructed with a sealed pavement and any necessary drainage completed.

Parking is proposed for six (6) vehicles on the western boundary (i.e. one (1) space per employee, which is considered acceptable). Parking for six vehicles in this area will not allow for adequate manoeuvring due to the limited space between the existing landscaping and sheds. It is considered that some parking could be provided in this area and should be sealed, other parking could be formalised on the existing concrete area. Appropriate conditions will be imposed to address this issue.

Traffic

The application states that the proposed development will increase traffic in the order of approximately 15 vehicles per day. This will consist of the following:

1. Delivery Trucks being Kenworth and Volvo trucks - 6 per day.
2. Dispatch/customer trucks such as Volvo tippers and smaller trucks - 4 to 8 per day.
3. Other vehicles such as staff and visitors - 4 to 6 per day.

The additional traffic proposed is considered to be within the capacity of the local traffic network and no upgrading of Post Office Road would be required.

Hours of Operation

The proposed hours of operation are 6am to 6pm Monday to Friday and 7am to 3pm on Saturdays. Objections from adjoining owners have suggested limited hours of operation being 9am to 5pm weekdays and 9am to 3pm on Saturdays.

This issue is addressed further under the heading addressing noise.

Noise

Concerns were raised with applicant in relation to noise of the trommel grading machine operating in the large Colorbond shed and the vehicles used on the site and the applicant was requested to provide an acoustical report. To date this report has not been lodged. Particular conditions could be placed on any approval in response to the acoustic report. This could be done under delegated authority provided the acoustic report is considered satisfactory.

Landscaping

Some landscaping exists on the site from the previous use and consists of poorly maintained native species mulched with blue metal. This is located along the Post Office Road boundary and requires upgrading.

Fauna and Flora

The undeveloped part of the site consists of timbered bushland and undergrowth. The application states that the redevelopment of the site will include the removal of weeds that have grown since the site was vacated by the previous owner. The proposal does not involve the removal of any significant vegetation and it is considered that the proposal will not have a significant impact on any threatened or endangered species.

Water Usage

The site is not connected to town water and the applicant proposes to purchase the existing water licence from the current owners. The water will be drawn from the dam located to the north of the concrete area which is filled from localised runoff and water pumped from the Hawkesbury River.

Dust

The application states that some dust may be generated by the pine bark screening process. This process will be carried out entirely within the large storage shed which will have the effect of limiting the dust. However some dust may be created by the stockpiles of fine grade pine bark located on the site. The application proposes to spray the 3mm grade pine bark with small quantities of water drawn from the earth dam on the site to mitigate any potential dust emissions.

It is considered that fixed sprinklers should be mounted to further facilitate the suppression of dust. A condition of consent will require all dust to be contained on site.

Waste water and nutrient management

Some waste water will be produced firstly, by the spraying of the water to suppress dust and secondly, in rain events. From the concreted hard stand areas the water will be diverted to the concrete dam on the site which is acceptable. Discharge from the concrete dam will require a licence under the Pollution Control Act.

The application also states that an existing hard stand area to the east of the site is to be utilised for the stockpiling of ungraded pine bark. Bunded earth walls are to be constructed to contain water run off and diverted to the concrete dam. It is considered that this area should also be sealed and connected to the existing drainage system to further limit the impacts of the proposal in terms of soil erosion and sedimentation control.

It is considered that surface diversion banks should be installed to a height of 1 metre to divert overland flows from the storage area to the concrete dam on the existing concrete area where graded pine bark will be stored.

An amenities block exists at the north of the site which is connected to underground septic tanks. An application to permit the operation of the Sewerage Management Facility is required under the provisions of the Local Government Act.

Conclusion

The proposed development is allowable in the zone and is compatible with the objectives of the zone. The noise issue is of some concern and has not been adequately addressed in this report due to the lack of information supplied by the applicant. Given the concerns raised in the submissions regarding the impact of noise it is considered that the application should not be determined until the noise report is lodged. In this regard it is recommended that the application be determined under delegated authority upon receipt of a satisfactory acoustical report.

RECOMMENDATION:

That:

1. The application be determined under delegated authority upon receipt of a satisfactory acoustical assessment.
2. Objectors be informed of the progress of this application.

ATTACHMENTS:

AT-1 Site Plan

AT-2 Location of objectors

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **14**

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **14**

oooO END OF ITEM 14 Oooo

ENVIRONMENT

Meeting Date: 25 August, 1998

Item: **15**

ITEM: 15 **Proposed open area test site for electromagnetic/interference/energy - Lot 2 DP751632, 714 Upper Colo Road, Upper Colo**

FILE NUMBER: DA90/98/EVD/ENH25NAX.V11

Applicant: ADI Limited
Applicants Rep: Mr Rick Dowd
Owner: Mr G & Mrs L Baczocha
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 24 hectares
Zone: Environmental Protection (Scenic) 7(3)
Advertising: Adjoining owners. Three objections.
Date Received: DA 16 April, 1998. Additional information received 27 July, 1997.

Key Issues: Emission of electromagnetic energy
 Electromagnetic interference
 Character of the area
 Scenic quality/visual amenity

Action: Approval subject to conditions

REPORT:

Proposal

The application is for an open area test site (OATS) for the testing of electromagnetic emissions. The test site is used to measure emissions from electrical and electronic equipment.

The test site comprises a large flat surface (concrete slab) with a metal ground plane, a turntable and antenna, and an adjacent site office. The proposed testing area is approximately 200m from Upper Colo Road. The concrete slab is tee-shaped and measures 35m long by 5 - 10m wide. The antennae is 4m high. Exact details of the site office have not been supplied, however, the applicant has advised that the site office will be a caravan approximately 6m long X 3m wide X 3m high and fitted with a tank toilet which will be pumped out by private contractor as required.

The test site works by placing a device on the turntable at one end of the concrete slab and turning it on. The antenna, placed at the other end of the concrete slab, picks up signals radiated from the device. The signals are then sent to a receiver to measure the levels of electromagnetic emissions. The applicant has advised that because the levels of electromagnetic emissions are so low a very quiet site in terms of electrical interference in a remote location is required to accurately measure the emission.

The items proposed to be tested will be typical domestic and workplace equipment such as TV's, VCR's, PC's, telephone, microwaves, washing machines, tumble dryers, electric drills etc.

One person is proposed to be employed with the hours of operation being 9am to 5pm Monday to Friday. The applicant anticipates one sedan or light truck will make a delivery to the site per day.

Electromagnetic Compatibility Framework

From January 1996 through to January 1999 the Australian Communication Authority has and will be introducing new standards of conformity for emission of and immunity against electromagnetic interference for a wide range of products. Conformity to these standards is designed to ensure emissions from electrical products are minimized. Below is a list of Australian Standards for the testing of residential, commercial and light industrial equipment testing.

AS4251	Generic emission standard.
AS 1044	Electrical motor - operated and thermal appliances for household and similar purposes, electrical tools and similar apparatus.
AS 1053	Sound and television receivers and associated equipment.
AS 2064.1/2	Industrial, scientific and medical equipment.
AS 2557	Vehicles, motor boats and spark ignition engine driven devices.
AS 3548	Information technology equipment.
AS 4051	Electrical lighting and similar equipment
AS 4052	Microwave Ovens

Military and defence equipment is exempt from the Electromagnetic Compatibility Framework.

Subject Site

The subject property is located on Upper Colo Road, approximately 7km from Singleton/Putty Road. The property is located either side of Upper Colo Road and consists of low flat pasture lands towards the road and river, with bushland behind rising to approximately 160m AHD. A small intermittent watercourse runs through the property separating the lowlands and bushland. The proposed development is approximately 30m to the north of the watercourse.

A large green metal rural shed has been erected within the bushland in the south - eastern corner of the property.

Parts of the property are flood effected and the property is within a high bush fire risk area.

Surrounding land uses include a residence, cleared grazing paddocks, the road and the Colo River to the north and east, bushland to the west and the Wollemi National Park to the south. A similar outdoor electromagnetic testing site operated by EMC Technologies Pty Ltd is located at 1247 Upper Colo Road, approximately 4km from the proposed test site. The existing test site was approved by Council in 1994.

The nearest residence from the proposed testing ground is approximately 250m to the north - east.

Statutory Situation

The subject land is zoned 7(d) Environmental Protection (Scenic) under HLEP 1989.

The proposed works may be defined as “generating works” as defined by the EPA Model Provisions 1980. HLEP 1989 adopts this definition.

Generating works are possible with consent.

Public Notification

The application was on public exhibition from 30 June to 15 July 1998. Council received three letters of objection. A summary of these objections is provided below:

- the proposed activities by ADI may result in unacceptable levels of electromagnetic interference which may prevent EMC Technologies from carrying out their business;
- it is unclear what devices will be tested. Will the testing be restricted to typical consumer items (TV, VCR, PC etc) or will it also include testing of other devices such as high power industrial machinery, scientific and radio transmitting equipment, defence or military systems?;
- the domestic devices nominated in the application are usually tested indoors. The size of the concrete slab and requirement for three phase power suggests that high emission commercial/industrial/defence devices will be tested at the site;
- what will be the strength of emissions produced at the test site and what are the health effects of these emissions?;
- for how long is a particular item/device tested?; and,
- the proposed development with large concrete slab, work trailer, amenities block, access road and test equipment will create significant visual degradation in an area renowned for its visual beauty.

Applicant's Response to Objections

The proposed site at Upper Colo was selected because, in order to meet the test requirements under the EMC framework an area around the test site needs to have an extremely low electromagnetic signature. The Upper Colo region is one of the few areas in and around Sydney with this characteristic.

The proposed ADI site and the EMC Technologies site are 4 kilometers apart (5.5 kilometers by road) with 3 ridges separating them to a maximum height 240 metres. There is no technical evidence to suggest that the goods being tested will cause interference to EMC Technologies.

No high powered industrial machinery will be tested or Defence and Military Systems. These are required to be tested either in-situ or under laboratory conditions.

The size of the concrete slab is not to support the weight of the tested item but to provide the necessary distance between the antennae and the item under test to meet the EMC standard. Also the concrete slab is required as it is covered with wire mesh to ensure a conductive surface. The use of 3 phase power is not to support high emission testing but allows the isolation necessary between equipment under test and the site measurement equipment.

The emissions are no different to what is experienced when these products (the products being tested) are in their designed use. In most cases that is what is experienced in a normal household or workplace environment.

The length of test is generally 4 to 8 hours per item.

We have intentionally set aside for the site an area approximately 200 metres from the road (there are existing pine trees between the road and the test site) to minimize any visual degradation. The access road is by and large existing and we do not intend to construct an amenities block. Under these circumstances we consider our proposed development would have minimal impact on the visual beauty of the area.

Planning AssessmentObjectives of the 7(d) zone

The relevant objectives of the Environmental Protection Scenic 7(d) zone are:

- (a) *to preserve the existing wooded ridges and escarpments.*
- (b) *to protect hilltops, ridge lines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of building, access roads and landscaping;*
- (e) *to protect the low density, broad-acre character of the rural areas;*

The proposed development is located on the low flat cleared portion of the site and hence does not effect the adjacent existing wooded ridges and escarpments.

The proposed development requires two small dead trees to be removed around the test site area. The development will be setback approximately 200m from Upper Colo Road and will be substantially screened by an existing stand of approximately 35 mature casuarinas.

An existing unsealed access road serves the lower part of the property. The road is proposed to be extended along the northern boundary by 180m to service the test area.

The appearance of the concrete slab can be softened by providing additional screening vegetation and by colouring the concrete a dark tone or similar colour to the existing vegetation.

It is considered that the proposed development is of such a sufficiently small scale that it will not significantly impact upon the scenic quality or low density/broad acre character of the area.

Sydney Regional Environmental Plan No.20

The property is within the Colo River Catchment Area defined by SREP No. 20. The property is not within any of the scenic corridors defined by SREP No. 20.

The aim of this plan is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land use are considered in a regional context.

Potential impacts of this development on the environment will occur during construction of the concrete slab and as a result of the appearance of the site office. These impacts can be controlled by appropriate erosion and sedimentation devices, revegetation of disturbed areas and ensuring the colour of the external walls of the site office and concrete slab are compatible with the surrounding vegetation.

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury - Nepean River either in a local and regional context.

Flooding

The floor height standard for the area is 18.3m AHD. Topographical maps of the area are not of sufficient detail to accurately determine the height of the test area and site office. It is considered however that the area is lower than 18.3m AHD. Clause 25 of HLEP "Development of flood liable land" permits the erection of a building on this land at or above 15.3m AHD. The applicant proposes a mobile site office such that during flood events the site office can be moved to higher flood free ground on the property. Hence the provisions of Clause 25 are not relevant.

Bushfire

The test area and site office is located within a cleared area which is of sufficient size and depth to ameliorate bushfire threat from the nearby bushland/National Park.

Impact of the development of the environment

The levels of emissions produced by the electrical goods being tested are similar to that which would result during their household and workplace use. These emissions must comply with Australian Standards. It is considered that there will be no effect on the environment as a result of the emissions produced during testing. Concern has been raised by objectors about the potential of stronger emissions being produced due to the testing of high powered industrial machinery or defence and military systems testing. The applicant confirmed in writing that they will not test such equipment at the site. It is proposed that any consent be conditioned such that this type of equipment not be permitted to be tested at the site.

The site is flat and will require a minimum of cut and fill to construct the testing pad (concrete slab) and driveway. Subject to erosion and sedimentation control devices being installed and suitable revegetation of the disturbed area the effect of the concrete slab on the environment during construction and times of flood would be minimal.

Effluent generated by the employee will be held in the storage tank of the site office and pumped out by private contractor. No effect on the environment is expected to occur from this method of disposal.

Landscape or scenic quality

The proposed development is setback a minimum of 200m from Upper Colo Road and will be substantially screened by an existing stand of mature casuarinas. External colour of the concrete slab and site office can be conditioned such that they are compatible with the surrounding vegetation.

Vehicle access to the site and amount of traffic to be generated

Access to the test area will be provided by an unsealed driveway along the northern boundary of the property. This driveway is proposed to be extended by 180m to service the test area. An all weather surface of crushed sandstone or similar is considered adequate to provide access to the site.

The applicant states that one person will be employed at the site and that one sedan or light truck will make a delivery to the site per day. The small amount of traffic to be generated by the development will not detract from the amenity of the area or cause traffic congestion or nuisance.

Existing and likely future amenity of the area

The existing and likely future amenity of the area is a quite rural setting defined by the bushland to the south and west and the Colo River to the east and north. The applicant advises that the test area requires the employment of one person and involves the operations of domestic and commercial electrical appliances. The test site is setback approximately 200m from Upper Colo Road and will be screened by existing vegetation. Subject to suitable conditions controlling the colour of the site office and concrete slab it is considered that the activities of the test site will not detrimentally effect the amenity of the area.

Conclusion

The proposed development is permissible within the Environmental Protection (Scenic) zone 7(d). The proposed development satisfies the objectives of the zone and is unlikely cause harm to the scenic quality of the area or the surrounding environment.

The proposed development is recommended for approval.

RECOMMENDATION:

That the application for an open area test site for electromagnetic emission testing being approved subject to the following conditions.

1. The development being carried out in accordance with the plan titled "Location of Proposed Open Area Test Site" and accompanying documentation submitted with the development application.
2. The testing of high powered industrial machinery or Defence and Military Systems is not to occur on the site.
3. Details of the proposed site office are to be submitted and approved by the Director of Environment and Development prior to installation.
4. 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.
5. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of the Director Environment and Development prior to occupation or use of the building.
6. The submission of an erosion and sedimentation control plan for approval prior to any works commencing.
7. A plan of landscaping/revegetation of areas disturbed by the construction of the access road and concrete slab shall be submitted and approved by the Director of Environment and Development prior to works commencing. Such landscaping/revegetation is to be completed prior to the use of the site.
8. Operating hours shall be limited to Mondays to Fridays and 9.00am to 5.00pm. Any alteration of these hours will require the approval of the Divisional Manager Environment and Development. (Monday to Friday 9.00am to 5.00pm)

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9. 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.
10. The access drive, parking and turning areas shall be constructed with a crushed rock pavement.
11. No works is to occur or equipment to be stored within 20m of the existing watercourse.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 15 Oooo

ITEM: 16 **Draft Local Environmental Plan 4/98 Amendment 106 - Lot 1 DP870157 No. 146 Golden Valley Drive, Glossodia**

FILE NUMBER: LEP4/98/EVD/ENH25NBX.V02

PREVIOUS ITEM: 129, GPC Section 1 - Environment (26.05.1998)

REPORT:

Council, at its Ordinary Meeting of 9 June, 1998, resolved as follows in respect of surplus land at the Glossodia Public School:

1. *A draft local environmental plan be prepared to rezone Lot 1, DP870157, No. 146 Golden Valley Drive, Glossodia from Part Special Uses "A" School/Part Residential "A" to Residential "A".*
2. *An environmental study not be required as the proposal is a minor matter.*
3. *Council exercise its delegation in respect of Sections 65 and 69 of the Environmental Planning and Assessment Act, 1979.*

The Section 65 Certificate was issued by Council's delegate on 24 June, 1998 and the draft plan was exhibited from 8 July, 1998 to 14 August, 1998. No submissions have been received.

The draft plan was referred to the Parliamentary Counsel and advice has been received through the Legal Branch of the Department of Urban Affairs and Planning that the plan may be legally made.

The draft plan was referred to Sydney Water and Integral Energy pursuant to Section 62 of the Act and no replies have been received.

The draft plan can now be finalised and forwarded to the Department of Urban Affairs and Planning for gazettal.

RECOMMENDATION:

That:

1. Council not conduct a hearing pursuant to Section 68 of the Environmental Planning and Assessment Act, 1979;
2. Council exercise its delegation in respect of the Director General's Report pursuant to Section 69 of the Environmental Planning and Assessment Act 1979; and

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3. The local environmental plan be referred to the Department of Urban Affairs and Planning for gazettal.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 16 Oooo

ITEM: 17 **Urban Land Strategy****FILE NUMBER:** GT150/016/EVD/ENH25NBX.V07**PREVIOUS ITEM:** 14, Ordinary (11.08.1998)

REPORT:

At the Ordinary meeting of Council held on 11 August, 1998 it was resolved to defer this matter to the General Purpose Committee meeting.

Introduction

A number of reports have been presented to Council in recent years concerning rezoning or release of land for residential development within the City. The most recent report, which tabled a draft residential strategy, was presented in November 1997.

A review of the draft strategy and discussions with officers from the Department of Urban Affairs (DUAP) and Planning have raised some possible discrepancies between assumptions made in the strategy and current State policy. Other variables are also now relevant, ie:

- a recent request from the owner of the “Kemsley Downs” land at North Richmond for residential zoning for 200 potential lots;
- a request by the Local Economic Development Board to investigate possible industrial rezoning of land at Vineyard; and
- the relationship between rural subdivision and residential release (a report appears elsewhere on this agenda concerning this).

The purpose of this report is to rationalise the process for pursuing residential release and to link this to our overall strategic approach for development within the City.

Draft Residential Strategy

The draft Hawkesbury Residential Strategy was distributed to Councillors and reported to Council on 25 November 1997. The draft strategy contained some analysis of physical constraints and infrastructure, a description of housing demand, a review of policy and a settlement strategy.

The settlement strategy recommends the following releases:

Immediate Release

North Richmond	200 lots
North Bligh Park	600 lots

Short Term Release 0 - 5 years

Vineyard Area 1	400 lots
Vineyard Area 2	500 lots

Medium Term Release 5 - 15 years

Wilberforce	300 lots
Pitt Town	depends on strategy at time

Long Term Release 10 - 20 years

Vineyard Area 3	600-700 lots
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The draft strategy was further considered at Council's Strategic Planning Workshop in February 1998. To date, the strategy has not been publicly exhibited, however the recommendations as reported in November 1997 have raised expectations of rezoning for areas identified for "immediate release".

Current Situation

The following matters are of relevance in further pursuing urban release, some of which have arisen since preparing the draft strategy.

Advice from Department of Urban Affairs and Planning

DUAP advised in July 1997 that:

- there should be further discussion with various government agencies and service providers before the strategy is debated in the public arena;
- any release proposing 150 dwellings or more is required to be incorporated in the Urban Development Program before a section 65 certificate could be issued for rezoning;
- development west of the Hawkesbury River should be limited to infill and incremental growth in existing towns and villages; and
- the rural lands study should identify land to be considered for residential development.

This advice was reiterated in a letter in March 1998.

It is clear from the written advice and more recent discussions that the residential strategy is unlikely to receive support from DUAP unless further investigations and discussions with relevant agencies are pursued. It is also clear that any proposed residential release would need to be accepted on the Urban Development Program prior to preparing a draft local environmental plan.

Release of the Floodplain Management Strategy

The Floodplain Management Strategy recommends improvements to flood evacuation routes. This may resolve the previous concerns with release of land at North Bligh Park.

Pitt Town Investigations

Following representations, Council resolved on 9 June 1998 to “advise the consultants on behalf of the owners of Lot 1 DP 133026 and Lot 5 DP 854221 that it supports in principle the conclusion that the land is capable of urban development subject to detailed suitability studies being carried out to determine its limitations”.

These investigations have now commenced.

Request by the Local Economic Development Board

At its last meeting the Hawkesbury Local Economic Development Board requested that an investigation of land at Vineyard be carried out to assess its potential for future employment/industrial use. This includes the land identified by the draft residential strategy for future residential release.

Rezoning Request for “Kemsley Downs”

A request has been received on behalf of the owner of this property for Council to prepare a draft LEP to allow rezoning to proceed immediately. The request includes a copy of a planning report prepared in 1988 for an earlier proposal.

The request is based on the expectations created by the draft residential strategy and the report to Council in November 1997 which stated; “The Residential Strategy proposes that action be commenced immediately for the rezoning of the Kemsley Downs Estate for 200 lots”.

Advice from DUAP is that any release proposing 150 dwellings or more is required to be incorporated in the Urban Development Program before a section 65 certificate could be issued for rezoning. Also development, other than infill and incremental growth in existing towns and villages, will not be supported west of the Hawkesbury River.

Clearly, any decision to rezone this property at this time would not be successful. It is considered that a coordinated approach to DUAP with a revised Residential Strategy will be necessary if we are to gain support for residential release at North Richmond.

Council resolved in 1996 to prepare a draft LEP for adjacent land at North Richmond, between Redbank Creek, Bells Line of Road and Rural Press, owned by Richmond Pastoral Company. Following advice from DUAP, the draft plan did not proceed in the absence of an overall residential strategy. It is considered that this area should be investigated as part of the revised strategy.

Rural Subdivision Strategy

A separate report appears elsewhere on this agenda concerning options for rural subdivision. If Council wishes to explore the transfer of development rights, the residential strategy will have to accommodate this by identifying “receiving areas”

Conclusion

Although it provides valuable information and a coordinated approach to releases, the draft residential strategy does contain some discrepancies and creates some conflicts with the current position of the Department of Urban Affairs and Planning.

We now have the opportunity to resolve those discrepancies and to move towards sustainable residential release through a more coordinated approach. We also have the opportunity to coordinate the residential strategy and the rural subdivision strategy.

It is concluded that Council should prepare local environmental studies for land identified on the attached maps at North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce, subject to their inclusion in the Urban Development Program. This will ensure that end design and yield is a product of the physical capability of the land, rather than a design which is largely market-driven to achieve a particular lot yield. The cost of the studies can be recovered via Section 94 contributions. Recent independent work carried out at Pitt Town could be reimbursed to the owner via Section 94, upon completion of future subdivision.

RECOMMENDATION:

That:

1. Council recognise that land identified in the attached maps at North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce has capability for urban development in the short to medium term;
2. Further discussions are held with the Department of Urban Affairs and Planning to promote the inclusion of the above areas in the Urban Development Program;
3. Local environmental studies be prepared by Council for the areas listed in (1) above, subject to Department of Urban Affairs and Planning agreeing to their inclusion on the Urban Development Program;
4. The draft Residential Strategy be reviewed to resolve discrepancies, to incorporate comments of relevant State Agencies and to address the relationship between residential release and rural subdivision;

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5. Council inform all affected land owners of the above resolution. In particular that a draft local environmental plan will not be prepared at this time for “Kemsley Downs” at North Richmond; and
6. Regular status reports be provided to Council.

ATTACHMENTS:

- AT-1** Area Map - North Richmond
- AT-2** Area Map - North Bligh Park
- AT-3** Area Map - Vineyard
- AT-4** Area Map - Pitt Town
- AT-5** Area Map - Wilberforce

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oooO END OF ITEM 17 Oooo

ITEM: 18 **Proposed community consultation for Urban land Strategy and Subdivision Options for Rural areas****FILE NUMBER:** GT150/16/EVD/ENH25NBX.V12**REPORT:**

Council is considering at its meeting today two reports titled “*Urban Land Strategy*” and “*Subdivision Options for rural areas*”. These reports address the future development of land within the City and is essential that the community be kept informed of the process of these strategies as well as having input into them.

This report seeks to outline the community consultation process that will be carried out in the process of preparing these strategies and any draft local environmental plans that may result from the above strategies.

The Environmental Planning and Assessment Act 1979 provides for the consultation process that must take place in the process of a draft local environmental plan which includes notifying affected owners and advertising in the Hawkesbury Gazette. Given the complexity of the issues it is necessary to consult much wider than what would normally be required which would occur prior to the draft local environmental plans being formally placed on public exhibition. In this regard the process will consist of the following:

- Consultation with the Department of Urban Affairs and Planning and other relevant departments, agencies and service companies.
- Consultation will be held with the various interest groups that represent the areas of Pitt Town, Vineyard, North Richmond, North Bligh Park and Wilberforce including the Pitt Town Progress Association, Vineyard Resident Action Group and the Hawkesbury Rural Action Group.
- Notifying affected residents, that is, those living in the “sending areas”/urban release areas and providing a public forum for comment. This may be conducted in a series of public meetings in the relevant townships which could be chaired by a Councillor.
- Press releases at various stages will also be prepared to ensure that as many residents as possible are informed.
- Preparation of detailed brochures explaining the strategies in plain English and the implications for land owners.
- Exhibition of the draft plans at the relevant stages for public comment.

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RECOMMENDATION:

That community consultation be carried out in general accordance with the above when preparing the Urban Land Strategy and Subdivision Options for rural land.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 18 Oooo

ITEM: 19 **Subdivision options for rural areas**

FILE NUMBER: GT150/015PT/EVD/ENH25NBX.V09

PREVIOUS ITEM: 12, Ordinary (11.08.1998)

REPORT:

At the Ordinary meeting of Council held on 11 August, 1998 it was resolved to defer this matter to the General Purpose Committee. The report is reproduced below for Council's consideration.

The General Purpose Committee at its meeting of 28 July 1998 adopted a report on the Hawkesbury Sustainable Agricultural Development Strategy. Included in the resolutions of the Committee was the recommendation to prepare a draft local environmental plan to amend the Hawkesbury Local Environmental Plan 1989 to incorporate, among other issues, alternative methods of rural subdivision.

This report seeks to outline some of those alternatives as an adjunct to Council considering the report from the General Purpose Committee.

There are many ways to manage rural subdivision ranging from minimum allotment sizes to zoned rural residential areas; from concessional lots, to fix sized lots as currently used in the Hawkesbury LEP. In terms of a viable replacement for the current system, and given the fact that the Department of Urban Affairs and Planning has rejected lot averaging, it seems that there are three alternatives each with several permutations. The options would appear to be:

1. Continue the same, ie, allow the remaining 450-500 lots currently available in the rural areas to be subdivided using the current policies.
2. Introduce density controls, ie, to allow the lots to be generated by the land area involved but have a different minimum lot size than those currently available.
3. Transfer of development rights, ie, the ability to transfer the right to subdivide from one parcel of land to another. This philosophy of transfer of rights has been incorporated into the Sydney City Council's Local Environmental Plan. It is used to transfer the "rights" to construct levels in a multi-level building so that buildings with heritage protection have the ability to transfer their potential floor space to sites without heritage protection.

1. Continue the same subdivision policy

In adopting the recommendations from the HSAD Strategy, Council could continue the same subdivision policies as currently exist and allow the remaining 450-500 lots to be subdivided.

Advantages:

- it is a known system;
- it will end, ie, there is a finite number of lots to be created; and
- it will allocate more blocks in the rural environment

Disadvantages:

- the number of lots are not relevant to the land capability;
- lot sizes are fixed;
- can create unsuitable boundaries across areas such as wetlands;
- can create more blocks which can lead to more people and their impacts on the rural environment; and
- can create more conflict with adjoining rural industries.

2. Density controls

Density controls could be introduced to create the same number of lots as in the current system but the minimum lot size can be drastically reduced so that lots can be created in one location within the original property.

There are two permutations of this concept, these are:

- (a) Simply divide the area of the original property by the factor and create that number of lots. Council could introduce rules as to where these lots are located and/or rules as to what the remaining large residue lot can contain; or
- (b) Introduce density controls so that before land can be divided by the factor, ie, the number of lots to be created, certain classes of land are excluded; such as those affected by excessive slopes, unstable soils, some classes of vegetation, lands that are affected by flooding. This has the effect of lowering the density, ie, the number of lots that can be created will equate more closely with the capability of the land which is being subdivided.

There are advantages and disadvantages with each of these permutations.

1. No constraints*Advantages:*

- it will create more flexible lot sizes and location;
- the yield will end some time in the future; and
- it will create blocks that are more responsive to the land forms.

Disadvantages:

- same number of lots will be created regardless of the land's capability;
- it can concentrate conflict with adjoining agriculture because the created lots are often located together;
- it can have a greater impact on scenery; and
- the increased number of septic tanks may affect the environment of the locality.

2. With constraints*Advantages:*

- it can respond to the land's capability, ie, the number of lots created more closely equate to the land's ability to absorb them;
- flexible lot sizes; and
- important land types can be preserved, such as vegetation, flood prone lands, primary and agricultural soils.

Disadvantages:

- increased arguments over the yield unless precise definitions are included to describe what has been excluded from the calculation;
- potential increase in conflicts with neighbours; and
- it can concentrate non-agricultural uses in agricultural areas.

3. Transfer of development rights

Transfer of development rights requires the nomination of a sending area and the nomination of a receiving area. The concept is that subdivision potential is transferred from the sending area to the receiving area to allow subdivision to take place there, on the understanding that this is creating some environmental good or protecting some feature of the landscape but still allowing the owner of that land to receive benefits from subdivision potential.

There are at least three permutations for each of the areas, these are;

(i) Sending area:

- (a) use the current lot yield available under the current subdivision rules as being the source of the sending rights; or
- (b) give additional subdivision rights to all lands in rural areas; or
- (c) give bonuses for the consolidation of rural land in the transfer process.

(ii) Receiving areas:

- (a) give bonus densities as a result of using transfer rights; or
- (b) give bonus lots as a result of using transferred rights; or
- (c) that no subdivision takes place unless transfer rights are involved.

There are advantages and disadvantages again with this system. These are:

Advantages:

- it could remove subdivision pressure from agricultural lands;
- it could preserve the superannuation factor of rural subdivision;
- creates no more lots in the rural areas;
- it is not affected by the capability of the sending lands;
- the yield is known;
- can create a competitive market for these rights;
- bonuses can be given for creating environmentally sound results;
- dispersion of windfall gains resulting from land development; and
- rural land is valued for its agricultural value and not potential subdivision.

Disadvantages:

- it is unknown;
- unaccepted by the current market;
- receiving lands will be valued by their ability to obtain transfer rights;
- there is no windfall gain for the owner of the rezoned land;
- there will be a resistance to change; and
- the value to the sending property of the transferred rights may be less than the value received for current subdivision rights for subdivided lots.

For Council to achieve its goal of a co-ordinated rural policy regarding subdivision and the protection of agricultural values, any policy in rural subdivision needs to be co-ordinated with the Land Release Strategy and urban development strategies. Elsewhere in this business paper is a report concerning the issue of urban land strategies.

It is considered that each of the options outlined above is worthy of further detailed investigation as the most viable alternative for carrying out rural subdivision in the review of the Hawkesbury Local Environmental Plan arising from the HSAD Strategy. This review will require detailed discussions with the Department of Urban Affairs and Planning and the adoption of a co-ordinated approach to this land urban release strategy.

RECOMMENDATION:

For the purpose of reviewing rural subdivision, investigations be confined to:

1. Continuation of the current approach.
2. Investigation of density control measures with constraints and with no constraints.

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3. Investigation of use of transfer of development rights with details regarding options for both sending and receiving areas be investigated.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 19 Oooo

ITEM: 20 **Draft Local Environmental Plan - Rezoning of Grose Wold from Rural 1(b) to Rural 1(c1)**

FILE NUMBER: LEP16/95/EVD/ENH25NBX.V13

REPORT:

Council resolved in 1995 to prepared a draft local environmental plan to rezone land in Grose Wold from Rural 1(b) to Rural 1(c1) to allow for a minimum allotment for subdivision of four hectares. Listed below is a brief history of the progress of the plan since the initial Council resolution.

Brief History

November 1995 - Council considered the Our City Our Future Strategy and resolved to prepare a draft local environmental plan. The Department of Urban Affairs and Planning(DUAP) were appropriately notified of the draft plan.

December 1995 - Council consulted with relevant government authorities.

June 1996 - DUAP requested that Council address the Threatened Species Conservation Act 1995 and Lesryk Environmental Consultants were engaged to undertake this work.

October 1996 - After completing a draft report in September, Lesryk Environmental Consultants completed a Habitat Assessment of the Grose Wold Area, addressing Cumberland Plain Woodland (CPW).

November 1996 - Council prepared a scenic quality assessment of the area. The draft instrument was then prepared ensuring that the CPW areas would be protected, providing provisions for lot averaging where land contained CPW. This was prepared after further consultation with DUAP as they could not issue the Section 65 Certificate until satisfied that the CPW and Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River had been addressed.

December 1996 - A meeting was held with residents to discuss the provisions of the draft plan. The draft instrument was amended slightly in accordance with suggestions made at this meeting by residents. The matter was then referred back to DUAP and a Section 65 Certificate requested to enable public exhibition of the plan. Government authorities were also requested to comment on the draft plan.

January 1997 - DUAP issued the Section 65 Certificate and the plan was placed on public exhibition for one month. One hundred submissions were received, 95 letters of support and 5 letters of objection.

March 1997 - Council considered the draft plan and resolved at the April Ordinary Meeting to request gazettal of the plan. At this time an objection was received from the NPWS. NPWS objected on the grounds that the area was of high conservation value and an environmental protection zone was recommended. NPWS also found problems with the methodology that was used by Lesryk Consultants.

May 1997 - A meeting was held with DUAP and NPWS to discuss this issues raised by NPWS. As a consequence Lesryk Consultants were requested to detail further the methodology used in the their survey. This information was forwarded to NPWS and their comments requested.

July 1997 - Section 68 Submission referred to DUAP requesting finalisation and gazettal of the plan.

August 1997 - Objection to the proposal received from NPWS, highlighting the need to resolve various issues at the strategic/LEP level rather than at the subdivision stage.

September 1997 - A meeting was held with the residents of Grose Wold for information purposes and to decide the best way to proceed with the draft plan. It was decided that further work be done in terms of providing an accurate plotting of woodland boundaries. The consultants were then requested to undertake this work.

December 1997 - Plotting of vegetation completed.

February 1998 - Vegetation information placed on Council's GIS and maps printed.

Current position of the draft plan.

The draft LEP is currently at a standstill as DUAP will not proceed with the plan until the objection from NPWS has been resolved. At various stages DUAP have acknowledged their general support of the proposal yet they are not willing to forward the proposal for gazettal with an unresolved objection from another government authority. The key issue with NPWS seems to be that an inappropriate zoning is being applied to the site which has been identified as having environmental significance.

Mr Glen Falson of Falson and Associates was requested to undertake some investigations into the matter and has suggested the that the following options are available:

1. Do nothing

Council could do nothing and eventually the LEP would "fall over" by passage of time. A more appropriate procedure would be for Council to resolve not to proceed with the LEP.

2. Pursue the current LEP

Council could pursue the current LEP with either no or some minor amendments to try and overcome the issues of concern identified through the process. This course of action may not succeed as there is an expectation by DUAP and the other government agencies that their concerns will be addressed prior to the LEP being prepared for gazettal.

3. Undertake further investigation and analysis for possible alteration of the draft LEP

This course of action is most likely to lead to the gazettal of the draft plan and would entail further assessment of the identified issues, mainly be the preservation of the Cumberland Plain Woodland. In this regard a full assessment of the lot yield would need to be undertaken to determine the potential allotments. There is reasonable likelihood that an amended plan would succeed with the major amendment being a specified vegetation protection zone or at least identification as to how the vegetation will be protected.

Potential Allotment yields

Plans are displayed on the notice board at this meeting showing the land to be rezoned, the extent of the vegetation and the subdivision potential of the area. Investigations reveal that there are approximately 130 additional lots should the plan be gazetted as currently drafted.

If the concerns of the NPWS are taken into consideration and the vegetation is excluded from lot yields calculations then there would be the potential for approximately 68 additional allotments.

It is not considered possible to locate all the original anticipated yield outside the vegetated areas. Therefore the lower yield is more realistic.

Conclusion

Given that the lot potential after excluding the Cumberland Plain Woodland is approximately 68 lots, it is considered that the draft plan should continue. Investigations now need to take place into the appropriate boundary of the vegetation which would be rezoned to an environmental protection zone. Whilst this may exclude some residents from subdivision potential, this may be ameliorated through the provisions contained in the report on "*Subdivision options for rural areas*" also being considered at this meeting.

Hawkesbury Local Environmental Plan 1989 already has provisions for an Environmental Protection Zone 7(e) - Consolidated Land Holdings and this is considered to be the most appropriate zone for the vegetated area. The objectives of this zone are attached to this report.

Amending the draft plan in the manner above would be in general accordance with the comments from the NPWS and possibly overcome their objections. Prior to amending the plan, discussions should be held with the NPWS to ascertain how this approach would be accepted.

RECOMMENDATION:

That:

1. Consultation be undertaken with the National Parks and Wildlife Service in relation to amending the draft local environmental plan to ensure the protection of the Cumberland Plain Woodland.
2. Subject to the outcome of discussions with the National Parks and Wildlife that the draft local environmental plan to rezone the Grose Wold area from Rural 1(b) to Rural 1(c1) be amended to incorporate the rezoning of the mapped Cumberland Plain Woodland areas to Environmental Protection 7(e) - Consolidated Land Holdings.
3. The draft plan be placed on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS:

AT-1 Objectives of the Environmental Protection 7(e) - Consolidated Land Holdings

**ZONE NO. 7(e) (ENVIRONMENTAL PROTECTION -
CONSOLIDATED LAND HOLDINGS)****1. Objectives of zone**

The objectives of this zone are:

- (a) to prohibit further subdivision of the land within the zone,
- (b) to preserve areas of significant vegetation stands,
- (c) to protect varieties of wildlife and their associated habitats and corridors,
- (d) to retain the visual and scenic qualities of the escarpment ridges and foot slopes,
- (e) to ensure that development and land management practices do not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as streams and wetlands,
- (f) to ensure that existing and future land uses and land management practices do not lead to a diminution of the environmental values of the land, and
- (g) to permit only minimal development to ensure that the environmental value of the land is not compromised.

2. Without development consent

Nil.

3. Only with development consent

Agriculture not requiring the clearing of native vegetation; conservation management works; dwelling-houses; fencing; home activities; recreational establishments not involving the clearing of native vegetation; tourist facilities not involving the clearing of native vegetation; works for the purpose of landscaping; gardening or bushfire hazard reduction; recreational uses not involving the clearing of native vegetation.

4. Prohibited

Clearing of native vegetation; any purpose other than a purpose included in item 2 or 3.

oooO END OF ITEM 20 Oooo