



general  
purpose  
committee

1  
section

environment

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**ITEM: 76                      Rear Access and Draft Local Environmental Plan 2(a) to 4(b),  
Windsor Street, Richmond****FILE NUMBER:**            LEP 1/93 and DCP 2/93/EVD/ENB23NBX.V03**PREVIOUS ITEM:**        124, GPC Section 1 - Environment (28.04.1998)**PREVIOUS ITEM:**        93, GPC Section 1 - Environment (28.01.1997)

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**REPORT:**

In regard to the rezoning of land generally between Hobart Street and Pitt Street, fronting Windsor Street, Richmond from Residential 2(a) to Light Industrial 4(b). Council, at its Ordinary meeting of 11 February, 1997 resolved:

- "1.     That Council not proceed with the Development Control Plan.
2.     That Council reaffirm its previous decision to rezone this land to Light Industrial and part of the rezoning have a restriction that no vehicular access from Windsor Road be allowed and that a road easement be created over the rear of these properties.
3.     That finalisation of the LEP will be dependent on a resolution of the rear access to all of the properties."

Following a further report on the matter, Council resolved on 12 May, 1998 that the following options (c) and (d) be further investigated and a further report be submitted to Council. Options (c) and (d) are as follows:

- (c)     rezoning the land to Light Industrial 4(b) except for land required for rear access and this rear land be reserved as Proposed Road 9(b). No development be permitted on the 4(b) land until the rear land is dedicated and constructed by the developer. This would mean that development of the 4(b) land could only occur progressively from either end as the rear access becomes public road; or
- (d)     Council resume the land required for rear access, construct and dedicate the land as public road and then proceed to rezone the front land to Windsor Street to Light Industrial 4(b). Acquisition and construction costs to then be recovered as each lot is developed.

A survey has been undertaken of the area to identify buildings that may be located on any proposed rear access lane. (Survey plan attached.)

A 10m wide lane can be provided from Lukis Avenue up to and including the Windsor Exhaust property (No. 13 and 13A) with a turning bay on No. 17. This turning bay and part lane will provide rear access to No. 15 Windsor Street.

Windsor Exhaust has currently a development application before Council (MA 62/99) to erect substantial additions on the 4(a) zoned land while maintaining vehicular access to Windsor Street. The "L" shaped vacant building on No. 13A is to be demolished and replaced by car parking.

The proposed lane to service the eastern lots is proposed off Hobart Street with half located on the 2(a) zoned lots No's 1-11 and half on the large lot, already zoned 4(b). The turning bay is also shown on the larger lot (Lot 5).

Approximately 50 metres of Hobart Street would need to be constructed for access to these lots and the cost could be recovered with the industrial development of these lots.

It is recommended that the draft local environmental plan continue in accordance with Option (c) and the proposed rear land reservation be advised to all owners for comment.

**RECOMMENDATION:**

That :

1. Council resolve to prepare a draft local environmental plan to zone the land shown on the attached map as part Light Industry 4(b) and part Proposed Road 9(b). The draft local environmental plan will prohibit direct access to Windsor Street, and not allow development to proceed prior to the rear road access being suitable and constructed.
2. Council's Section 94 Plan be amended to include the construction of part of Hobart Street, to be recoverable from the properties which will gain access via that street.

**ATTACHMENTS:**

**AT-1** Survey Plan showing possible rear lane access

**AT-2** Area for Draft LEP

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**ITEM: 77**                      **Green Web-Sydney Action Plan Presentation****FILE NUMBER:**            GP010/001/EVD/ENB23NBX.V13**PREVIOUS ITEM:**        74, GPC Section 1 - Environment (02.02.1999)**REPORT:**

Council at its Ordinary meeting on 9 February, 1999 considered a report on the Green Web-Sydney Action Plan and resolved as follows:

*"That the information be received and a presentation be made to the next General Purpose Committee."*

A presentation has been prepared for this meeting.

The following is a summary of the action proposed by Green Web Action Plan and our recommended responses:

| <b><u>ACTION</u></b>                                                                     | <b><u>RECOMMENDATION</u></b>                                                                                                                                                                          |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Protection of Indigenous Vegetation on Public Land as Biodiversity Conservation Zones | , No further action, consistent with Green Web recommendation                                                                                                                                         |
| 2. Vegetation and Habitat Protection Order                                               | , Research the validity of updating the current Tree Preservation Order to become a Vegetation and Habitat Protection Order<br>, Consideration of tree clearing in HSADS and the Urban Land Strategy. |
| 3. Generic Development Control Plan                                                      | , Finalise draft DCP for Wildlife Corridor and Biodiversity Conservation and place on public exhibition.                                                                                              |
| 4. Integrate Biodiversity Conservation into Planning Instruments                         | , The biodiversity conservation be addressed in the urban land strategy and HSADS.                                                                                                                    |
| 5. Preparation of Environmental Impact Statements                                        | , Explore funding options for the employment of a Biodiversity Regional Officer and liaise with adjoining Councils                                                                                    |
| 6. Habitat Core Areas and Corridors                                                      | , No further action covered in Wildlife Corridor DCP                                                                                                                                                  |
| 7. Bushland and Habitat Rehabilitation Programs                                          | , Incorporate this action into future DCP'S for all development and subdivision                                                                                                                       |

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| <b><u>ACTION</u></b>                                             | <b><u>RECOMMENDATION</u></b>                                                                                                                          |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Habitat Requirements in Landscape Design for New Developments | , Complete a DCP for Landscaping and place on public exhibition                                                                                       |
| 9. Landscape Design Guidelines for Habitat in Private Gardens    | , Include this action in DCP for Landscaping and adopt the attached handout titled "Habitat for Native Animals in your garden" for public information |
| 10. Education and Training Programs                              | , No further action, consistent with Green Web recommendation                                                                                         |
| 11. Biodiversity Management Manual for Staff and Contractors     | , No further action, consistent with Green Web recommendation                                                                                         |
| 12. Site Specific Biodiversity Management Plans                  | , No further action, consistent with Green Web recommendation                                                                                         |
| 13. Propagation and Seed Collection Program                      | , No further action, consistent with Green Web recommendation                                                                                         |
| 14. Fire Management                                              | , No further action, consistent with Green Web recommendation                                                                                         |
| 15. Multidisciplinary Environmental Management Working Group.    | , No further action, consistent with Green Web recommendation                                                                                         |
| 16. Community Environment Committees                             | , A further report be prepared to Council investigating the possibility and implications of establishing a Local Environment Committee.               |
| 17. Proposed Reserves                                            | , No further action, consistent with Green Web recommendation                                                                                         |

**RECOMMENDATION:**

That:

1. The information in the presentation be received.
2. Council adopt recommendations as outlined in the above table.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 77 Oooo

**ITEM: 78                      Draft Local Environmental Plans - Amendments to Hawkesbury  
Local Environmental Plan 1989**

**FILE NUMBER:**        LEP1/93, 9/94, 4/95, 16/95, 11/96, 18/96, 1/97, 2/97, 3/97, 6/97, 7/97,  
10/97, 12/97, 2/98, 3/98, 4/98, 5/98, 6/98, 7/98, 8/98, 9/98, 10/98, 11/98,  
1/99/EVD/ENB23NBX.V01

**PREVIOUS ITEM:**     38, GPC Section 1 - Environment (27.10.1998)

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**REPORT:****Introduction**

At the Ordinary Meeting of 10 November, 1998, Council considered a report of the status of the various amendments Hawkesbury Local Environmental Plan 1989. Regular reports will be submitted for all current draft local environmental plans with appropriate recommendations and status. The following is the current status of all draft local environmental plans.

**File:    LEP1/93 Amendment No. 19**

Site:    Land fronting Windsor Street, Richmond, generally between Pitt Street and Hobart Street.

Council Resolution

Council resolved on 12 May 1998 that the following options (c) and (d) be further investigated and a further report be submitted to Council. Options (c) and (d) are as follows:

- (c)     rezone the land to Light Industrial 4(b) except for land required for rear access and this rear land be reserved as Proposed Road 9(b). No development be permitted on the 4(b) land until the rear land is dedicated and constructed by the developer. This would mean that development of the 4(b) land could only occur progressively from either end as the rear access becomes public road; or
- (d)     Council resume the land required for rear access, construct and dedicate the land as public road and then proceed to rezone the front land to Windsor Street to Light Industrial 4(b). Acquisition and construction costs to then be recovered as each lot is developed.

Present Position

A survey plan has been prepared of the area and a separate report appears elsewhere on this agenda.

Recommendation

For information.

**File: LEP9/94 Amendment No. 48**

Site: Lot 12 DP736138 and Lot 4 DP610341 84 - 112 Mulgrave Road, Mulgrave (Elf Mushrooms).

Council Resolution

Council resolved on 11 October 1994:

*"to prepare a draft local environmental plan to rezone 5.47 (five point four seven) hectares of the subject land from Rural 1(c) to Light Industrial 4(b)."*

Council resolved on 14 November 1995, after the plan had been on exhibition, as follows:

*"That the draft local environmental plan for rezoning of Lot 4 DP610341 and Part Lot 12 DP736138 No. 84 - 112 Mulgrave Road, Mulgrave, from Rural 1(c) to Light Industrial 4(b) not be referred for final gazettal until the owner ceases the operation of composting on that parcel of land".*

Present Position

The relocation of the composting operation in Blaxlands Ridge area is the subject of a draft LEP and DA at present, to be determined following a Public Hearing, which was held from 8-12 February, 1999.

Recommendation

It is recommended no further action be taken at this time.

**File: LEP4/95 Amendment 45**

Site: Proposed Lots 23 and 24 in resubdivision of Lots 4 and 5 DP786671, Lot 1 DP781792, Lot 7 DP738354, Lots 89 and 90 DP834019 and Lots 22, 24, 26, 27, 28, 29 and 32 - 41 DP17870 Grose Vale Road, North Richmond (Kemsley Pastoral Company).

Council Resolution

On 14 February 1995, Council supported a community title rural residential subdivision and resolved in part to support the preparation of a Draft Amendment to the LEP restricting further subdivision of the proposed Lots 23 and 24 containing a total of 212 hectares.

Following exhibition of the draft plan, the applicant wished to amend the zoning boundary and Council resolved on 3 September 1996 in part as follows:

*"- That the plan be forwarded to the Minister for Urban Affairs and Planning requesting gazettal of the plan subject to an additional objective being added to the Rural 1(d) zone to retain the holding for some future purpose without fragmentation.*

- *The zone boundary to be finalised following submission of a final subdivision plan within 12 (twelve) months".*

At the Ordinary Meeting of Council on 10 November 1998, Council resolved as follows:

*"The applicant be requested to submit a revised plan within twenty eight (28) days and the draft LEP be forwarded to DUAP for finalisation following the 28 days".*

The applicant was requested to submit the plan by letter dated 19 November 1998 and a 7 day follow up letter was sent on 15 January 1999. No reply has been received and the plan will now be forwarded to the Department of Urban Affairs and Planning for finalisation.

#### Recommendation

For information.

**File: LEP16/95 Amendment No. 64**

Site: Grose Wold Area.

#### Council Resolution

Council resolved on 7 November 1995 to rezone part of the Grose Wold area to Rural 1(c1) so as to permit 4 hectare subdivisions with the consent of the Council.

#### Present Position

DUAP issued the Section 65 Certificate on 24 January 1997 and the draft plan was exhibited up to 14 March 1997.

Various studies and reports have been prepared and Council resolved on 8 September 1998 as follows:

- "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(3) - 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".*

The draft plan is currently on exhibition and a further report will be submitted to Council after the exhibition period.

Recommendation

For information.

**File: LEP11/96 Amendment No. 86**

Site: City of Hawkesbury.

Council Resolution

Council resolved on 12 March 1996 to prepare:

*"A Draft Local Environmental Plan to amend Hawkesbury Local Environmental Plan 1989 to revert to the estimated 1:100 year flood frequency level as the floor level requirement for any habitable rooms and the surface level requirement for the subdivision of rural land".*

After exhibition and public consultation, Council resolved on 18 March 1998 to revert to the 1 in 100 year flood frequency standard as the minimum residential floor height standard and refer the draft plan for gazettal.

Present Position

Following consideration by DUAP and Parliamentary Counsel, minor amendments were made and the final plan referred to DUAP on 16 October 1998 for gazettal. The plan was gazetted on 22 January, 1999.

Recommendation

For information

**File: LEP18/96 Amendment No. 83**

Site: Lot 191 DP751656 No. 1344 Singleton Road, East Kurrajong.

Council Resolution

On 11 March 1997 Council resolved to prepare a site specific LEP to permit mushroom composting and to restrict subdivision around the site. On 18 November 1997 Council resolved to invite a development application and then hold a public inquiry into the development application and draft LEP.

Present Position

A development application has been lodged and publicly exhibited. A Public Hearing was held from 8-12 February, 1999. The matter will be reported to Council following receipt of the Commissioner's Report.

Recommendation

For information.

**File: LEP1/97 Amendment No. 97**

Site: City of Hawkesbury.

Council Resolution

Council resolved on 11 February 1997 to prepare a draft LEP to make general amendments to HLEP 1989. The plan includes several other resolutions for draft plans, amalgamating them in one draft plan.

Present Position

A report on the general amendments and corrections was presented to Council and adopted at the Ordinary Meeting of 9 February, 1999. When all mapping is completed, the draft plan will be forwarded to the Department of Urban Affairs and Planning for gazettal.

Recommendation

For information.

**File: LEP2/97 Amendment No. 91**

Site: Former Hawkesbury Hospital Site.

Council Resolution

On 8 July 1997 Council resolved to:

*"Proceed with rezoning the former Hawkesbury Hospital from Special Uses 5(a) to Hospital to General Business 3(a) ...".*

Present Position

Following exhibition and endorsement at the Ordinary Meeting of 8 December 1998, the draft LEP was forwarded to the Department of Urban Affairs and Planning on 15 December 1998 for gazettal.

Recommendation

For information.

**File: LEP3/97 Amendment No. 92**

Site: The wetland area being part of Lot 60 DP815570, Lot 6 DP861098, Lots 8 and 9 DP708335 and Portion 213 Parish of Wilberforce (Hadden Farm).

Council Resolution

Council resolved on 8 April 1997 to rezone the Wetland to Environmental Protection 7(a) Wetland under HLEP 1989.

Present Position

The proposed subdivision of Hadden Farm was not been supported by DUAP and an appeal has been heard and dismissed by the Land and Environment Court. The purpose of the draft LEP was to protect the Wetland area following small lot subdivision on the periphery. As the subdivision will now not proceed in the form previously proposed, no further action is required on the draft plan.

Recommendation

No further action be taken on this draft plan.

**File: LEP6/97 Amendment No. 95**

Site: City of Hawkesbury.

Council Resolution

Council resolved on 11 August 1997 as follows:

- "1. *The Richmond Archaeological Plan be adopted as reference guide and a stand alone study.*
2. *A draft local environmental plan to amend Hawkesbury Local Environmental Plan 1989 be prepared to incorporate definitions for archaeological sites.*
3. *A draft local environmental plan be prepared to amend Hawkesbury Local Environmental Plan 1989 generally as shown attached.*
4. *A draft local environmental plan be prepared to map approximately 205 (two hundred and five) archaeological and potential archaeological sites as a new schedule to HLEP 1989".*

Present Position

The draft plan has been prepared and forwarded to the Department of Urban Affairs and Planning for issue of the Section 65 Certificate to allow the draft plan to be exhibited.

Recommendation

For information.

**File: LEP7/97 Amendment No. 96**

Site: City of Hawkesbury.

Council Resolution

On 30 September 1997 Council resolved to prepare a draft LEP to amend Clause 13 of HLEP 1989 in relation to boundary adjustments.

Present Position

The plan was gazetted on 8 January 1999.

Recommendation

For information.

**File: LEP10/97 Amendment No. 100**

Site: Lots 25, 26, 27, 28, 29, 30 and 175 DP32260 and unformed lane corner Woods Road, Bradley Road and George Street, South Windsor.

Council Resolution

Council resolved on 9 December 1997 as follows:

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

Present Position

Following exhibition and a public hearing, Council endorsed the draft LEP at the Ordinary Meeting of 8 December 1998. The draft plan was forwarded to the Department of Urban Affairs and Planning on 15 December 1998 for gazettal.

Recommendation

For information.

**File: LEP 12/97 Amendment No. 102**

Site: Lot 21 DP748280 Comleroy Road, Kurrajong.

Council Resolution

Council resolved on 9 December 1997 to prepare a draft LEP to rezone Lot 21 DP748280 Comleroy Road, Kurrajong (HLEP 1989 Amendment No. 14) to Environmental Protection - Consolidated Land Holdings 7(e).

On 9 December 1997 Council issued a deferred commencement consent for a 36 (thirty six) lot rural residential subdivision with the proposed golf course on Lot 22 in that subdivision.

Present Position

This draft plan has been placed on hold until the golf course is substantially commenced and the development consent becomes operational.

Recommendation

No further action be taken on this LEP at this time.

**File: LEP2/98 Amendment No. 104**

Site: Lot 311 DP752061 Collith Avenue, South Windsor.

Council Resolution

Council resolved on 9 June 1998 to prepare a draft LEP for Lot 311 DP752061 Collith Avenue to remove the 9(b) Proposed Road reservation and to adjust the 2(a) Residential A and 1(b) Rural B zone boundaries on the property to suit the subdivision layout of SA176/93 approved by Council on 23 March 1994.

Present Position

The draft plan was encorsed by Council at the Ordinary Meeting on 9 February 1999 and will be forwarded to the Department for gazettal.

Recommendation

For information.

**File: LEP3/98 Amendment No. 105**

Site: City of Hawkesbury but generally all residential zones.

Council Resolution

Council resolved on 9 June 1998 to prepare a draft LEP to define a "detached dual occupancy" but not require an environmental study to be prepared.

Present Position

The Department of Urban Affairs and Planning issued the Section 65 Certificate on 9 December 1998 and the draft plan was exhibited from 23 December 1998 to 29 January 1999. A separate report appears elsewhere on this agenda.

Recommendation

For information.

**File: LEP4/98 Amendment No. 106**

Site: Lot 1 DP870157 No. 146 Golden Valley Drive, Glossodia.

Council Resolution

Council resolved on 9 June 1998 to prepare a draft LEP to rezone Lot 1 DP870157 No. 146 Golden Valley Drive, Glossodia from Part Special Uses "A" School/Part Residential "A" to Residential "A".

Present Position

The draft plan was gazetted on 16 October 1998.

Recommendation

For information.

**File: LEP5/98 Amendment No. 107**

Site: Lot 10 DP719776 No. 1142 Bells Line of Road, Kurrajong Heights.

Council Resolution

Council resolved on 8 September 1998 as follows:

- "1. Council not support the proposal for the Bellbird Hill Lookout site incorporating development of a toboggan slide, for the reasons outlined in this report;*

2. *The feasibility of developing a tourist facility at Bellbird Hill Lookout incorporating a restaurant/kiosk, viewing platform, amenities facilities, tourism information services and a forest walking trail within the property be further investigated; and*
3. *Council inform the Department of Urban Affairs and Planning of its decision not to proceed with the toboggan slide but to continue with the draft LEP to re-classify the land and to allow its use for Tourist Facilities. Further, that Council will use the Best Practice Guidelines for the preparation of the draft LEP."*

**Present Position**

The draft plan was on public exhibition until 20 November 1998 and a Public Hearing was held on 14 January 1999. The draft LEP was endorsed by Council at the Ordinary Meeting of 9 February 1999 and the plan will be forwarded to the Department of Urban Affairs and Planning for gazettal.

**Recommendation**

For information.

**File: LEP6/98 Amendment No. 108**

**Site:** City of Hawkesbury.

**Council Resolution**

Council resolved on 11 August 1998 to prepare a draft LEP defining exempt and complying development.

**Present Position**

The draft plan is currently on exhibition until 26 March, 1999 and a further report will be submitted to Council following the exhibition period.

**Recommendation**

For information.

**File: LEP7/98 Amendment No. 109**

**Site:** Lot 15 DP39350 No. 14 Manns Road, Ebenezer.

**Council Resolution**

Council resolved on 11 August 1998 to prepare a draft LEP in respect of Lot 15 DP39350 14 Manns Road, Ebenezer to reclassify from community to operational land.

Present Position

The draft LEP has been on exhibition and a Public Hearing was held on 14 January 1999. Council endorsed the draft LEP at the Ordinary Meeting of Council on 9 February 1999 and the matter will be forwarded to the Department of Urban Affairs and Planning for gazettal.

Recommendation

For information.

**File: LEP8/98 Amendment No. 108**

Site: City of Hawkesbury.

Council Resolution

Council resolved on 11 August 1998 as follows:

- "1. *The draft Hawkesbury Sustainable Agricultural Development Strategy document be received.*
2. *A draft local environmental plan be prepared to amend Hawkesbury Local Environmental Plan 1989 to incorporate future character statements into the rural and environmental protection zones and to address the issue of rural subdivision by alternative options.*
3. *A further report be prepared on the implications of the recommendations of HSADS in terms of Council's Management Plan.*
4. *The Committee consisting of Councillors, government agencies and residents be thanked for their input in developing HSADS over the past 18 months and that the Committee continue to advise Council on the implementation of the Strategy and plans produced from the Strategy.*

Present Position

A further report will be submitted to Council on Item 2 to the GPC in March 1999.

Recommendation

For information.

**File: LEP9/98 Amendment 111**

Site: Portion 15 Parish of Colo, County of Cook, Comleroy Road, Wheeney Creek.

**Council Resolution**

Council resolved on 8 December 1998 to rezone the site from National Parks and Nature Reserve 8(a) to Environmental Protection 7(d) Scenic as the land is privately owned and not part of Wollemi National Park.

**Present Position**

The Section 65 Certificate was issued on 17 December 1998 and the draft plan was exhibited from 6 January 1999 to 12 February 1999.

A separate report appears elsewhere in this agenda.

**Recommendation**

For information.

**File: LEP10/98 Amendment 112**

**Site::** Lot 315 DP214758 No. 188 Spinks Road, Glossodia;  
Lot 524 DP214758 No. 15 Chestnut Drive, Glossodia;  
Lot 42 DP217499 No. 25 Boomerang Drive, Glossodia; and  
Lot 274 DP217501 No. 132 Mitchell Drive, Glossodia.

**Council Resolution**

Council resolved on 8 December 1998 to rezone the above public reserve lots from Open Space Existing Recreation 6(a) to Residential 2(a) and to reclassify the land from Community land to Operational land to allow the lots to be sold for residential development.

**Present Position**

The Section 65 Certificate was issued on 11 January 1999 and the draft plan was exhibited from 20 January 1999 to 19 February 1999. A public hearing is proposed to be held on 25 February 1999 and a report will be submitted to Council following the hearing.

**Recommendation**

For information.

**File: LEP11/98 Amendment 113**

**Site:** Lot 1 DP544412 No. 1019 Grose Vale Road, Kurrajong;  
Lot 2 DP544412 No. 1021 Grose Vale Road, Kurrajong;  
Lot B DP416222 No. 1027 Grose Vale Road, Kurrajong;  
Lot 2 DP7006 No. 1041 Grose Vale Road, Kurrajong;  
Lot 3B DP341461 No. 1063 Grose Vale Road, Kurrajong;

Lot B DP356350 No. 1065 Grose Vale Road, Kurrajong;  
Lot C DP374602 No. 1067 Grose Vale Road, Kurrajong;  
Lot D DP374602 No. 1069 Grose Vale Road, Kurrajong;  
Lot E DP374602 No. 1071 Grose Vale Road, Kurrajong;  
Lot 3D DP346122 No. 1073 Grose Vale Road, Kurrajong; and  
Lot F DP374602 No. 1075 Grose Vale Road, Kurrajong.

#### Council Resolution

Council resolved on 8 December 1998 to relocate the boundary between the Rural 1(c1) and the Rural 1(b) zone from within 3 large properties to Grose Vale Road, Kurrajong. The draft plan also affects small lots along Grose Vale Road.

#### Present Position

The draft plan has been referred to the Department of Urban Affairs and Planning for the issue of the Section 65 Certificate to allow the draft plan to be exhibited. It has been determined that Council's delegate cannot issue the Section 65 Certificate as the draft plan relates to a rural residential development.

#### Recommendation

For information.

**File: LEP1/99 Amendment 114**

**Site:** Lot 1 DP508894 No. 1387 Bells Line of Road, Kurrajong Heights.

#### Council Resolution

Council resolved on 9 February 1999 to prepare a draft local environmental plan to allow a 3 lot subdivision of the above lot at Kurrajong Heights.

#### Present Position

The draft plan, when prepared, will be forwarded to the Department of Urban Affairs and Planning for the issue of the Section 65 Certificate.

#### Recommendation

For information.

## ENVIRONMENT

Meeting Date: 23 February, 1999

Item: **78**

### **RECOMMENDATION:**

That the information contained within the report be received and the individual recommendations for each local environmental plan be adopted by Council.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 78 Oooo

**ITEM: 79**                      **Application to Modify Development Consent - Three lot subdivision  
Lot 21 DP759090 - Police Station, 534 Wilberforce Road, Wilberforce**

**FILE NUMBER:**            SA0041/96/EVD/ENB23NBX.V08

**PREVIOUS ITEM:**        45, GPC Section 1 - Environment (29.10.1996)

**PREVIOUS ITEM:**        16, GPC Section 1 - Environment (26.08.1997)

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## **REPORT:**

### **Request**

Consent was issued for a three (3) lot subdivision on 15 November, 1996. The applicant has now requested deletion of Condition No. 7 of the approval which is as follows.

*"Construction of concrete kerb and gutter, the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder over the frontage of proposed Lot 61 where not already constructed together with any such works as are necessary to make this construction effective. The footway is to be cleared and reshaped to provide adequate sight distance to the north."*

### **History**

At the Ordinary Meeting on 12 November, 1996, Council approved the subdivision of the land into three (3) lots, all with frontage to Wilberforce Road. Two of the lots were battleaxes. The approval required the construction of kerb and gutter and road shoulder over the frontage of the land where not already provided.

At the Ordinary meeting on 9 September, 1997 Council approved an amended plan which relocated access to the rear lots to David Street leaving only one lot (i.e. the existing dwelling lot) with frontage to Wilberforce Road. The requirement to construct kerb and gutter and pavement in Wilberforce Road was retained.

### **Assessment**

The applicant has submitted a letter in support of his request which is summarised below:

1. The existing residence and its frontage to Wilberforce Road is not being changed nor is there any additional access being created to Wilberforce Road.
2. The existing driveway to the house already has kerb and gutter.
3. The works will involve the lowering of a cast iron water main located in the high footpath.
4. The lot facing Wilberforce Road is 3,000m<sup>2</sup> and roadworks in Wilberforce Road could be required when the lot is further developed.

While it is true that the frontage to Wilberforce Road is not being changed the total site is still being subdivided into residential lots. The rear lots are already at minimum size allowing for effluent disposal. The front lot may have further subdivision potential but effluent disposal, together with heritage considerations, will be the final control. The dwelling on the site is a listed heritage item being the old Wilberforce Police Station.

The creation of residential lots creates the need for full servicing which includes roadworks. This normally includes new lots containing existing developments as well as new vacant lots. The alternative to this is patchwork road works with small sections omitted. Council is the only authority in a position to complete these.

In this particular case the construction is only about 30 metres long and is the final section of kerb and gutter required in the immediate vicinity. The kerb and gutter can be constructed with very little earthworks and as the water main is likely to be able to be left as is.

It is noted that a question without notice was asked at the Ordinary Meeting of 8 December, 1998 regarding the construction with the reply being that it would be carried out with the subdivision.

**RECOMMENDATION:**

That Council retain Condition 7 of the subdivision approval requiring construction in Wilberforce Road and refuse the application to modify the development consent.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 79 Oooo

**ITEM: 80**                      **Lot 12 DP 736138 and Lot 4 DP 610341 Mulgrave Road, Mulgrave (Elf Mushrooms) - Notice to Complete Compost Tunnel Development**

**FILE NUMBER:**            DA0218/90; P1362/445Pt02/EVD/ENB23NBX.V04

**PREVIOUS ITEM:**        130, Ordinary (09.02.1999)

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**REPORT:**

At the Ordinary meeting of 9 February 1999 Council resolved that the following report be deferred to the General Purpose Committee meeting to allow the community to speak on the matter.

In September 1990 development consent was granted for the extension of the existing operations in two stages, consisting of 21 tunnels, a shed and ancillary activities. The tunnels were intended to provide aeration for the total composting activities and documentation submitted with the development application indicates that a substantial reduction in the emission of odours would occur. The original approval was granted in 1980.

To date, two tunnels only have been constructed on the property and Council has considered options for action to complete the development on 14 June 1994, 8 August 1995 and 30 September 1997. On each occasion Council has resolved to allow an extension of time to complete the development in response to requests from Mr Tolson, the owner, as he was actively seeking a new site in a better location.

The matter was last considered by Council at the Ordinary meeting of 14 October 1997, when it was resolved that the Notice requiring completion of the tunnel development be withdrawn and that the matter again be reviewed in twelve months, i.e. October 1998. The matter is now submitted to Council for review.

Council will be aware that the owner of the subject property lodged a development application in June 1998 to establish a new mushroom substrate production facility at Blaxlands Ridge.

A search of the relevant files reveals that two written complaints have been received since October 1997, and a small number of telephone complaints have been received by Council staff.

Given the current situation with the development application for Blaxlands Ridge and the relatively low level of complaint for the Mulgrave site, it is considered appropriate to defer any further action pending determination of the Blaxlands Ridge application.

However, should Council wish to take action the options are as follows:

1.        Issue a fresh notice under the new orders provisions of the Environmental Planning and Assessment Act requiring completion of the development.
2.        Commence Class 4 proceedings in the Land and Environment Court to enforce conditions of the 1980 approval (i.e. amenity of the neighbourhood).

3. Take action under the Clean Air Act in respect of "offensive odour".

At the Ordinary Meeting on 9 February, 1999 a Ms Kim Smith expressed concern that her written complaint was referred to Mr Tolson by Council Staff. It is confirmed that a written complaint was forwarded to Councillors by Ms Smith in 1995. A copy of the letter was forwarded to the operator of the composting facility in an effort to resolve the complaint. Ms Smith was advised of this action by letter.

It is pointed out that Council Policy, adopted in 1981, is that Council officers may reveal a complainant's name to the person of whom the complaint is made. Following representations in 1995 by a solicitor on behalf of Ms Smith, a detailed response was provided and apologies were expressed for any alarm caused to Ms Smith by referral of her correspondence to Mr Tolson.

Correspondence has been sent to persons who have lodged complaints back to 1995 advising of this report.

**RECOMMENDATION:**

That no action be taken in relation to the completion of the compost tunnel development at Mulgrave Road, Mulgrave, pending determination of the development application for mushroom substrate production at Blaxlands Ridge. Further, that this matter be reviewed following determination of the Blaxlands Ridge development application.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 80 Oooo

**ITEM: 81**                      **Draft Local Environmental Plan 3/98 Detached Dual Occupancy in Residential Zones - Amendment 105**

**FILE NUMBER:**            LEP 3/98/EVD/ENB23NBX.V02

**PREVIOUS ITEM:**        245, GPC Section 1 - Environment (09.06.1998)

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**REPORT:**

At the Ordinary meeting of 9 June, 1998 Council resolved to prepare a draft local environmental plan (LEP) to allow detached dual occupancies in Residential Areas. This followed the repeal of Sydney Regional Environmental Plan No. 12 - Dual Occupancy.

The draft plan was referred to Integral Energy, Telstra, Sydney Water Corporation, Environment Protection Authority, Hawkesbury Nepean Catchment Management Trust, and Department of Land and Water Conservation. The Trust has advised that they have no particular comment to make and the Environment Protection Authority have replied as follows:

*"The EPA has significant concerns regarding the disposal of effluent from unsewered areas in the Hawkesbury local government area. Council has told the EPA that the McGraths Hill and South Windsor Sewerage Treatment Plans (STPs) are at capacity and cannot handle any additional input. Currently effluent from septic tanks is disposed of in the Blaxlands Ridge Sewerage Ponds which is an unsatisfactory arrangement.*

*The EPA therefore considers that dual occupancy should not be allowed in unsewered areas until such time as the current sewage treatment facilities in the area are upgraded or the proposed Three Towns Sewerage Scheme is operational."*

Council now only permits dual occupancy development on unsewered land where it can be shown that adequate area is available for on-site disposal of all effluent. It is considered appropriate to amend the dual occupancy development control plan to formalise this practice.

No other replies have been received.

The Director General of Urban Affairs and Planning issued the Section 65 Certificate on 9 December, 1998 and the draft plan was exhibited from 23 December, 1998 to 29 January, 1999. No submissions have been received.

The Parliamentary Counsel has advised the draft plan can be legally made and a copy of the draft plan document is attached to the report.

**RECOMMENDATION:**

That:

1. Council endorse the draft plan as exhibited.
2. The draft plan be forwarded to the Department of Urban Affairs and Planning in accordance with Section 68 of the Environmental Planning and Assessment Act.
3. Council resolve to amend Hawkesbury Development Control Plan for Dual Occupancy to include performance requirements for dual occupancy on unsewered land.

**ATTACHMENTS:**

**AT-1** Draft LEP 3/98

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989****(AMENDMENT No. 105)**

I, the Minister for Urban Affairs and Planning, in pursuance of Section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (P98/00296/001)

Minister for Urban Affairs and Planning

Sydney,

1998.

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**Citation**

1. This plan may be cited as Hawkesbury Local Environmental Plan 1989 (Amendment No. 105).

**Aims, objectives, etc**

2. The aim of this plan is to allow, with consent, detached dual occupancies in all residential zones under Hawkesbury Local Environmental Plan 1989.

**Land to which plan applies**

3. This plan applies to all land zoned residential under Hawkesbury Local Environmental Plan 1989.

**Relationship to other environmental planning instruments**

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

**Amendment of Hawkesbury Local Environmental Plan 1989**

5. Hawkesbury Local Environmental Plan 1989 is amended by inserting after Clause 15 the following clause:

**Detached dual occupancy on land within Zones Nos. 2(a), 2(a1) and 2(c)**

15A. (1) Despite any other provision in this plan, a person may, but only with the consent of the Council, carry out development for the purpose of detached dual occupancy on land within Zone No. 2(a), 2(a1) or 2(c).

(2) In this clause, "detached dual occupancy" means a residential flat building containing 2 free-standing self-contained dwellings on one allotment of land.

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oooO END OF ITEM 81 Oooo

## ENVIRONMENT

Meeting Date: 23 February, 1999

Item: **82**

**ITEM: 82**                      **Current status of Hawkesbury City Waste Management Facility**

**FILE NUMBER:**            P2018.55/EVD/ENB23NBX.V09

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### **REPORT:**

Concerns have recently been raised that areas available for the depositing of waste at Council's Waste Management Facility, have been used up, and that there will be no available space for rate payers to dispose of their rubbish.

Tender documents and construction plans are currently being prepared for the construction of Cell Number 3, which will be located between the existing full Cell Number 1 and The Driftway.

Cell 2 is nearly full with waste, although PPK Consultants have identified an extra 240,000 cubic metres approximately of space to be filled, to overtop and give finished contours over both Cells 1 and 2 prior to the capping and rehabilitation. This space will give ample time to go through the tendering and construction process before filling space has been expended.

Rehabilitation plans are currently with the Environment Protection Authority (EPA) for the remediation of the old waste disposal site, on the corner of Blacktown Road and The Driftway. These drawings and management plans have been with the EPA for approximately eighteen months awaiting their approval prior to the remediation commencing.

Further enquiries will be made with the EPA as to the likely time of approval, as the site is continuing to deteriorate while the work remains outstanding.

The remediation of the old site will incorporate clay capping, contouring, top soiling and revegetation. This site is also the proposed site for the "Pretreatment Facility" being considered by the Western Sydney Waste Board.

### **RECOMMENDATION:**

That the information be received.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 82 Oooo

**ITEM: 83**                      **Draft Local Environmental Plan 9/98, Amendment No. 111, Portion 15, Parish of Colo, County of Cook, Comleroy Road, Wheeny Creek**

**FILE NUMBER:**            LEP9/98/EVD/ENB23NBX.V06

**PREVIOUS ITEM:**        103, Ordinary (08.12.1998)

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**REPORT:**

Portion 15, Comleroy Road, Wheeny Creek is incorrectly zoned as National Parks and Nature Reserve 9(a) on Hawkesbury Local Environmental Plan 1989 and, Council, at its Ordinary meeting of 8 December, 1998, resolved to prepare a draft local environmental plan to rezone the land to Environmental Protection 7(d) Scenic.

A Section 65 Certificate was received on 17 December, 1998 and the draft plan was exhibited from 6 January, 1999 to 12 February, 1999. No submissions have been received.

The draft plan was referred to the following agencies for comment pursuant to Section 62 of the Environmental Planning and Assessment Act 1979:

- Integral Energy;
- Telstra;
- Sydney Water Corporation;
- Environmental Protection Authority;
- NSW Agriculture;
- Department of Land and Water Conservation;
- Hawkesbury-Nepean Catchment Management Trust; and
- National Parks and Wildlife Service.

The following replies have been received and the Environmental Protection Authority and Department of Land & Water Conservation have verbally advised that they have no objections.

Hawkesbury-Nepean Catchment Management Trust

*Thank you for seeking our comments on the above proposal. Having regard to its goal of achieving a healthy, diverse and productive river system and catchment, the Trust has no objection to the proposal. The Trust would however urge Council to consider the relevant provisions of Sydney REP 20 - Hawkesbury Nepean River (No. 2-1997), particularly if any development is to occur on the site.*

NSW National Parks and Wildlife Service

*It is noted that the subject site is bordered by Wollemi National Park on the north, east and west boundaries. The NPWS has no objection to the rezoning of the land to 7(d) (Environmental Protection (Scenic)) as it will provide protection to the existing scenic qualities of the site and assist in the retention of native vegetation.*

The Environmental Protection Authority and Department of Land & Water Conservation have advised by telephone that they have no objections to the proposal.

The Parliamentary Counsel has been requested for an opinion on the draft plan by letter dated 22 December, 1998 but no reply has been received.

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

**RECOMMENDATION:**

That:

1. Council endorse the draft plan as exhibited;
2. Council exercise its delegation for the Section 69 Report on behalf of the Director General of Urban Affairs and Planning; and
3. The draft plan be referred to the Department of Urban Affairs and Planning for gazettal.

**ATTACHMENTS:**

**AT-1** Copy of draft LEP as exhibited

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989****(AMENDMENT No. 111)**

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

Minister for Urban Affairs and Planning

Sydney,

1999.

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**Citation**

1. This plan may be cited as Hawkesbury Local Environmental Plan 1989 (Amendment No. 111).

**Aims, objectives, etc**

2. The aim of this plan is to enable the land to which this plan applies to be rezoned from National Parks and Nature Reserves 8(a) to Environmental Protection 7(d) Scenic. The land is privately owned and not part of Wollemi National Park.

**Land to which plan applies**

3. This plan applies to land within the City of Hawkesbury, being Portion 15, Parish of Colo, County of Cook, Comleroy Road, Wheeny Creek, as shown edged red and lettered "7(d)" on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No. 113)" deposited in the office of the Council of the City of Hawkesbury.

**Relationship to other environmental planning instruments**

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

**Amendment of Hawkesbury Local Environmental Plan 1989**

5. Hawkesbury Local Environmental Plan 1989 is amended by inserting at the end of the definition of "the map" in clause 5(1) the following words:

Hawkesbury Local Environmental Plan 1989 (Amendment No. 111)

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oooO END OF ITEM 83 Oooo

**ITEM: 84                      Metropolitan/South Coast Regional Algal Co-Ordinating Committee -  
Draft Algal Contingency Plan****FILE NUMBER:**            GR060/061/EVD/ENB23NBX.V11

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**REPORT:**

The Metropolitan/ South Coast Regional Algal Coordinating Committee (RACC) chaired by the Department of Land and Water Conservation has put forward a Draft Algal Contingency Plan dated January 1999. The Draft copy was received at the last RACC meeting held on 12 February 1999 in Kangaroo Valley.

The regional algal contingency plan sets out procedures to effectively manage and control algal blooms which develop within the region in order to minimise occurrence and impact. The plan outlines the various steps to be taken by participating Government agencies, in the event of an algal bloom.

The contingency plan specifically states Council's responsibilities, these include:

- monitor algae in surface water, estuaries and reservoirs;
- cover costs of algal monitoring and analysis;
- report algal monitoring results to RACC;
- installation and maintenance of warning signs;
- local community information dissemination;
- report on operational problems to DLWC and health problems to NSW Health;
- maintain contact with Public Health Unit;
- provide monitoring of their water supply storages and systems and forward results to NSW Health; and
- following NSW Health advice, arrange appropriate publicity about water quality and treatment including effects on water use and drinking supplies.

The Hawkesbury River is referred to as recreational waters under the contingency plan. Recreational waters refers to both primary (eg swimming, diving and water skiing) and secondary contact ( eg boating and fishing). Within 1998 the Hawkesbury River has had algal blooms for six (6) months of the year. This means that the algal counts are in excess of 15,000 cells/ml within this period. Algal counts over 15,000 cells/ml initiates the implementation of protocols in the contingency plan.

Under the draft contingency plan Council would be required to carry out sampling. The samples would have to be taken to a NATA registered laboratory for analysis, to confirm the algal counts and species. In the event of an algal count being more than 15,000 cells/ml for more than 2 consecutive weeks, weekly monitoring is required.

For example Shoalhaven City Council currently has high levels of Blue- Green Algae in Bendeela Pondage, which is a drinking water supply with algal counts above 2,000 cells/ml. The contingency plan requires the Council to sample daily because the algal counts are above 2,000 cells/ml and the affected area is a drinking water supply.

Bendeela Pondage is tested all year round. During winter it is tested once a month and during the summer months it is tested once a week depending on the algal counts. Shoalhaven Council has been sampling the area for approximately two months. Shoalhaven Water is covering the expenses for this monitoring and analysis because it is affecting the water supply they are providing. Currently their costs for the past two months are \$ 20,000 not including labour costs.

In the event of an algal bloom within the Hawkesbury, Council will be required to report weekly results to RACC, notify all affected landholders, erect warning signs, notify Council's Local Emergency Management Officer as well as carrying out weekly monitoring and sending the samples to a NATA registered laboratory.

To carry out these procedures the Environment & Waste Branch will have to divert staff resources and finances that are already stretched to their limits.

The carrying out of the monitoring is presently undertaken by the department of Land and Water Conservation. It is understood that their resources have been depleted, hence the move to burden Council's with these requirements.

**Resources required for sampling**

- 4 hours of staff time per week
- a sample pole, long enough to obtain a algal sample from a jetty or bridge
- 250ml plastic bottles
- gloves
- Lugols solution which will kill, stain and preserve the algae
- courier
- small boat

**RECOMMENDATION:**

That:

1. A letter be forwarded to the Minister stating that Hawkesbury City Council does not have the resources or capabilities to address these responsibilities outlined within the Regional Algal Coordinating Committees Draft Algal Contingency Plan.
2. The minister be requested to have the Department of Land and Water conservation continue with the current testing and reporting arrangement.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 84 Oooo

**ITEM: 85**                      **Hawkesbury's "Green Re-Use Scheme"****FILE NUMBER:**            GG021/202 PT03/EVD/ENB23NBX.V10

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**REPORT:**

Hawkesbury's "Green Re-use Scheme" was established through funding from the NSW Environmental Protection Authority (EPA) and Hawkesbury City Council (HCC). The purpose of the trial was to develop and evaluate options for the collection, re-processing and re-use of green waste. This involved the establishment of a central processing site, a drop-off collection service and a pasteurisation process capable of producing mulch in accordance with the Australian Standards AS4454.

To assist HCC in the design and implementation of the trial Resource Recovery Management Pty Ltd (RRM) were engaged as industry consultants to provide technical support, develop contract documentation and manage the trials.

The pasteurisation process proved to be a viable and cost effective method of producing mulch and was able to meet all the requirements of the Australian Standard AS4454. The indicative cost of the trial process was \$13 (thirteen dollars) per cubic meter (approximately \$32.50 per tonne) which is similar to current commercial green waste processing rates which range from \$27 (twenty seven dollars) to \$34 (thirty four dollars) per tonne. Further improvements in operational efficiency resulting from lessons learnt during the trial have the potential to further lower this cost.

Overall, the trial proved a success with high participation rates from residents resulting in higher than anticipated green waste volumes being collected. This response primarily occurred in the early stages of the scheme and has been attributed to the nil charge for dedicated green waste loads delivered too the Hawkesbury City Waste Management Facility (HCWMF) whilst the trial was operating, in combination with advertising and promotion of the scheme.

The higher than anticipated volumes of green waste caused shredding costs to increase significantly, with expenditure \$56,000 (fifty six thousand dollars) higher than the budgeted amount. Revenue generated from the sale and re-use of mulch within HCC made up for the budget shortfalls.

The production of Grade A mulch proved unsuccessful because of chemical contamination from Arsenic in treated timber which rendered this product unsuitable for "off-site" use. This result is primarily due to lack of site supervision and failure to remove contaminants by contractor staff, as well as limited public education.

The marketing of the Grade B material proved successful with market demand from Council and horticulture utilising all of the trial product. Additional markets may need to be identified and market development work carried out for a longer term program.

The satellite collection sites were well received by the public but do not appear to be cost effective with only 176 cubic metres collected, at an average cost of approximately \$32 (thirty two dollars) per cubic metre. These figures compare to the 9,500 cubic metres of green waste delivered to the

HCWMF. There did however appear to be a high demand for the drop-off service in the Wilberforce and Glossodia areas and may indicate some potential for a regional drop-off site to divert additional green waste from the domestic waste stream. It should be recognised that this option is not likely to be cost effective.

Introduction of the scheme did not appear to influence the volumes of the domestic, commercial/ industrial, building/demolition waste streams, and therefore any significant diversion of green waste out of these waste streams could not be identified. In addition, there appeared to be no significant change in green waste sources. Nevertheless, a significant amount of green waste was diverted from the landfill. Over the course of the trial approximately 8,330 cubic metres of Grade B mulch and 1,320 cubic metres of Grade A mulch (approximate total of 3,860 tonnes) were produced.

This total represents approximately 27% of all waste received at the HCWMF during the trial period. When the trial data is extrapolated the annual amount of recycled green waste is indicated to be 4,600 tonnes, which is approximately 47% of the waste recycling target (approximately 9,700 tonnes per annum) required to achieve the State Government's waste reduction objectives.

The cost analysis of producing pasteurised mulch indicated a cost benefit of approximately \$6 (six dollars) per metre. Provided this material can be sold for a modest price a greater benefit may be realised.

**RECOMMENDATION:**

That:

1. Council continue to utilise the pasteurisation process to produce a quality mulch.
2. Council continue market development work to ensure sustainable markets are developed to provide a solid platform upon which to divert a large proportion of waste from the landfill in a cost effective manner and move closer to achieving waste reduction targets.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 85 Oooo

## ENVIRONMENT

Meeting Date: 23 February, 1999

Item: **86**

**ITEM: 86**                      **Trial Environmental Flows in the Hawkesbury-Nepean River**

**FILE NUMBER:**              GR060/081/EVD/ENB23NBX.V12

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### **REPORT:**

Since 7 February 1999, Sydney Water has been releasing water from its water supply dams. Water has been released from Nepean, Cordeaux and Cataract Dams. These environmental flows form a component of a environmental impact statement Sydney Water is required to prepare under its Operating License.

The release of water will be used to monitor the relationships between flow and improvements to the rivers ecosystem. Monitoring will be carried out in the form of experiments, to be carried out before and after a release of water. The experiments carried out will assess some of the key indicators of river health, such as macroinvertebrates, clams and aquatic plants.

The trial has been agreed upon by the Department of Land and Water Conservation and is supported by the Healthy Rivers Commission of NSW. Only a minimum amount will be released at a time to ensure valid experiments and enable compliance with the Operational License.

The river is expected to rise approximately 250mm downstream of Penrith. The flows will remain will within the banks of the river. The expected rise in the water level will subside the following week after the release of water.

### **RECOMMENDATION:**

That the information be received.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 86 Oooo

**ITEM: 87**                      **Home Activities at 22 Hall Street, Pitt Town - Compliance with Conditions and Review of Home Activity Provisions - Further Report**

**FILE NUMBER:**            DA47/91/EVD/ENB23NBX.V07

**PREVIOUS ITEM:**        39, GPC Section 1 - Environment (27.10.1998)

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**REPORT:**

**Introduction**

Council at its Ordinary Meeting on 10 November, 1998 considered a Section 96 application to extend the hours of operation of an approved swim school at 22 Hall Street, Pitt Town. At the meeting Council resolved:

- "1.     *The extension of hours not be supported; and*
2.     *Regulations relating to home activities be further reported to Council."*

Concern was also raised regarding compliance with conditions of consent relating to the swim school.

This report looks at proposed changes to home activity regulations and reports on the outcome of investigations relating to compliance with conditions of consent attached to the existing approval for the swim school at 22 Hall Street, Pitt Town.

**Home Activity Requirements**

In Clause 5 of Hawkesbury Local Environmental Plan (HLEP) 1989, the definition of a home activity is as follows:

*"means any activity, pursuit, occupation or profession not specifically defined elsewhere in this clause, carried on for personal gain in a building or a room or a number of rooms forming part of, attached to or on the same parcel of land as a dwelling-house or in a dwelling in a residential flat building where:*

- (a)     *only goods made or produced therein as a result of the activity or pursuit and goods ancillary thereto are displayed or sold; and*
- (b)     *the activity or pursuit does not -*
  - (i)     *interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;*
  - (ii)    *involve exposure to view from any public place of any unsightly matter;*

- (iii) *require the provision of any essential service main of a greater capacity than that generally available in the locality;*
- (iv) *involve the employment of persons other than residents of the dwelling-house or dwelling; or*
- (v) *involve the exhibition of any notice, advertisement or sign (other than a notice or sign not exceeding 1 metre by 0.6 metres exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident thereof);”*

Draft HLEP 6/98 (Exempt and Complying Development), currently on public exhibition, deletes the definition of a "Home Activity" from Clause 5 and adopts the definition of a "Home Industry" and a "Home Occupation" under the Environmental Planning and Assessment Model Provisions 1980.

A Home Industry, will be local development and require a development application and approval by Council. An example of a home industry would be small furniture manufacture or upholsterer.

A Home Occupation, will be exempt development provided no customers visit the site or additional parking is required. If a business does not meet these requirements then consent would be required from Council.

The adoption of these two definitions largely restricts the scale of commercial type activities which may be carried on from a residential premise. For example a home industry is restricted to a maximum area of 50m<sup>2</sup>.

## **22 Hall Street, Pitt Town - Compliance with Conditions**

Numerous site inspections were undertaken between 19 November, 1998 and 27 January, 1999 by Council's Development Control Officer to determine compliance with conditions of consent, which includes the definition of a home activity. The following conclusions were drawn:

- , The property is used for domestic purposes and the pool is used for teaching children to swim.
- , The subject site is accessed via a sealed driveway which has a sign indicating a 10kmp/h speed limit.
- , The dwelling and pool are not visible from the road frontage due to Colourbond fencing and the landscaping provided by the applicant.
- , Parking has been provided between the dwelling and the landscaping area, vehicles parked in this area are not visible from the roadway or surrounding properties. The parking spaces have not been marked.
- , The development appears to be very low key and the residents of the premises are the only employees.

It was considered that the development is conducted in general accordance with the conditions of approval.

**Conclusion**

By deleting the definition of a home activity and adopting the above definitions of a home occupation and home industry, it will introduce tighter controls on the type of land uses in areas which may have adverse impacts on surrounding properties. If a proposed development does not fall under the definition of a home occupation or home industry it will be defined as another use which may be a prohibited use under the land use tables in Hawkesbury Local Environmental Plan 1989. This means that future swim schools may be a prohibited use if they do not fall under the above definitions.

From investigations carried out it is considered the existing swim school at 22 Hall Street, Pitt Town is being conducted generally in accordance with conditions of approval

**RECOMMENDATION:**

That the information be received.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF ITEM 87 Oooo