



**general
purpose
committee**

**1
section**

environment

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ENVIRONMENT

Meeting Date: 23 May, 2000

Item: 116

ITEM: 116 **Nine (9) Lot Community Title Subdivision No 67 and No 77 Tierney Road, Kurmond, Lot 250, DP751649 Lot 158 DP751637**

FILE NUMBER: M2047/99/EVD/ENE23NAX.V02

Applicant: J Brookes
Applicants Rep: N/A
Owner: John Wayland Pty Ltd, J Brookes and P Laferla
Stat. Provisions: HLEP 1989, SEPP1, SREP20
Area: 31.87 hectares
Zone: Rural 1(c1)
Advertising: Notified to adjoining owners and occupiers. No letters of objection received.
Date Received: 30 December 1999

Key Issues: - Undersized lot/SEPP No 1 objection
 - Flora and Fauna
 - Effluent Disposal
 - Integrated Development Application

Action: Approval, subject to conditions

REPORT:

Introduction

An application has been received seeking consent to subdivide the existing two properties into nine (9) allotments under a community title subdivision.

The application is being reported to Council in accordance with Council's policy on undersized lots adopted at the Ordinary meeting dated 26 May 1998. This policy stated that:

“applications involving more than one undersized lot and/or a variation greater than 10% from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.”

This report details the proposal, the current statutory situation and an assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment, the application is recommended for approval, subject to conditions.

The Proposal

The application proposes to subdivide two existing parcels of land comprising 31.87 hectares into nine (9) community title lots, including a neighbourhood property allotment. Access to the subdivision is via a private access road extending from Tierney road which will form part of the neighbourhood property.

The lots sizes proposed are as follows:

Lot 1	3987sqm (neighbourhood access road)
Lot 2	4 ha
Lot 3	4 ha
Lot 4	3.47 ha
Lot 5	4 ha
Lot 6	4 ha
Lot 7	4 ha
Lot 8	4 ha
Lot 9	4 ha

Proposed Lots 2 and 7 have existing cottages with the other lots being vacant. Howes Creek adjoins the properties to the east with a tributary that traverses the properties to the north. Refer to Attachments 1 and 2.

The application required concurrence from the Department of Urban Affairs and Planning (DUAP) due to the undersized lot and also referral to Department of Land and Water Conservation (DLWC) as an Integrated Development Application due to works being proposed within 40m of a natural watercourse (Howes Creek).

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The subject property is zoned Rural 1(c1) under HLEP 1989. The proposed subdivision is permissible with development consent.

The proposed subdivision complies with the relevant objectives of the Rural 1(c1) zone as the subdivision pattern and size allows for a rural residential living style that is capable of on-site effluent disposal as demonstrated in an effluent disposal report submitted with the application. The development is maintaining the rural character of the area by restricting the amount of trees to be cleared and earthworks carried out to ensure minimal disturbance to the landscape.

Clause 11 of HLEP 1989 allows land that is zoned Rural 1(c1) to be subdivided into lots no smaller than 4 hectares. The proposed subdivision generally complies with this clause with the exception of proposed Lot 4 which is 3.47 hectares. The application was supported by a SEPP 1 objection to this clause.

Integrated Development

The subject application being an Integrated Development Application was referred to the DLWC.

The Department has raised no objections to the proposed subdivision and provided General Terms of Approval. These general terms are to be included in the consent should the application be supported.

Sydney Regional Environmental Plan No.20 (SREP20) - Hawkesbury-Nepean River No.2 (1997)

SREP No.20 applies to the land and there are additional matters under Clause 11 (17) that require consideration for the proposal. This clause relates to sewerage system or works and as indicated in the effluent disposal report prepared by Geotechnique P/L the proposed mound system generally satisfies these matters. The proposed subdivision is generally consistent with SREP 20.

State Environmental Planning Policy No.1 – Development Standards

The application included an objection under SEPP 1 to clause 11(2)(d) of Hawkesbury LEP 1989 which sets the minimum allotment size for Rural 1(c1) as 4 hectares. The applicant considers the development standard is unreasonable and unnecessary in the circumstances for the following reasons:

- Lot sizes vary in the surrounding area from 25 hectares to well below 4 hectares
- The subdivision achieves the zone objectives
- Precedent has been set in the area
- The proposal to contain an allotment having an area of 3.47ha is not detrimental to the zoning provisions as the variance could be considered to be within the 10% if the neighbourhood lot area of 3987sq.m was added giving 3.868 hectares.
- The proposed development adjoins existing lots of similar size and therefore would not detract from the character of the density evident in this section of Kurmond and the Rural 1(c1) zone.

Comment: The proposed subdivision if arranged into traditional Torrens title lots would require eight access handles to serve the proposed allotments. This would create an undesirable subdivision pattern and would also provide for one undersized lot that would be within the 10% variance. The proposed subdivision involving a private access as a neighbourhood property is a more desirable solution.

The undersized lot meets the zone objectives and is compatible with the surrounding allotment sizes and subdivision patterns. The lot has no constraints (such as vegetation and a watercourse) for building a future dwelling on the property. All the other lots within the proposed subdivision comply with the minimum allotment size.

The neighbourhood property which is the access road, is undersized but due to the lot being used for access and not being able to be developed this lot is not considered "undersized" for the purposes of SEPP 1.

Therefore, the variation to the lot size under SEPP 1 is supported.

DUAP Concurrence

The application was referred to DUAP for their concurrence to use SEPP No.1. The Department has indicated:

"The Department concurs with Council granting consent to the variation of the subdivision standard clause 11(2)(d) of HLEP 1989, which limits the minimum area for subdivision in rural zone 1(c1) (minimum subdivision area of 4ha), to enable the subject lots to be subdivided generally in accordance with the development application MA2047/99 forwarded with Council's letter."

Community Consultation

The application was notified to adjoining owners and occupiers for a period of 14 days in accordance with the 'Public Notification of Development Proposals' development control plan.

There were no submissions received.

Planning Assessment

The following are relevant matters for consideration under Section 79C (b), (c), (d) and (e) of the EP&A Act 1979:

Character of the Area

The proposal is compatible with the subdivision pattern and allotment sizes of the locality. The proposal is part of a subdivision creating rural residential lots which is typical of the surrounding area.

Site Suitability

The site is generally cleared with grass. A watercourse traverses the properties with a dense riparian zone. Most of the proposed site slopes towards the watercourse.

The proposed subdivision has been designed to avoid removal of trees and has located the access road to further reduce any environmental impacts. Building and effluent disposal areas are located away from the vegetation and watercourse.

The proposal provides lots that can maintain rural residential living without detrimental effects on the environment. The proposed subdivision is considered suitable for the area.

Access and Traffic

The site currently gains access from a dirt track which extends from Tierney Road. The proposed access road extends from Tierney road but will be constructed and located to the north of the existing track and watercourse. This access road is 10m wide and will be suitably sealed.

Access to proposed lots 6, 7 and 8 is via a right of carriage way to avoid construction of additional crossings over the watercourse as required by the Department of Land and Water Conservation. This access will also be sealed.

The proposed subdivision will generate an additional six (6) lots which will not significantly impact on the local road network. Access is considered suitable for the subdivision.

Flora and Fauna

A Flora and Fauna Assessment was undertaken by Urban Bushland Management Consultants Pty Ltd dated June 1999 and November 1999. The Assessment includes an Eight Part Test to determine if there is likely to be a significant affect on threatened species, populations and /or endangered ecological communities and their habitats. As a result of the eight part test a species impact statement is not required.

The proposed subdivision layout has all building areas and roadworks outside the vegetated areas which is the riparian zone along the natural watercourse on the properties. The consultant concluded that the property is occupied mainly by introduced pasture and scattered trees which has little conservation value for native flora and fauna.

The report also recommended:

- any development occur in the existing largely cleared areas;
- the native vegetation near the creek and dams be permanently retained in a conservation zone; and
- a management plan be prepared and implemented to control introduced flora species and to ensure that the native plant community and fauna habitat near the creek be maintained in a viable condition.

The above recommendations should be included in the consent should the application be supported.

The report also indicated that *“the woodland is not considered potential koala habitat as identified by the matters of consideration listed under SEPP No. 44”*.

As a result of the Flora and Flora Assessment undertaken by Urban Bushland Management Consultants Pty Ltd, it is considered that the proposal will not have any significant impact on any threatened or endangered Fauna and Flora under Section 5A of the EP&A Act 1979

Effluent Disposal

A report for on-site effluent disposal was prepared by Geotechnique Pty Ltd to examine the existing site conditions and to assess the suitability of the proposed lots for on-site effluent disposal.

The report concluded that to provide on-site effluent treatment, a sealed evapotranspiration mound as used in the ECOMAX system is considered appropriate as the subject site is unsuitable for the use of land application systems that rely on vegetation and natural soils for disposal of wastewater generated from domestic household.

There are areas nominated on the proposed subdivision for building and disposal areas that are cleared and not near the watercourse that traverse the property.

The proposed method of disposal of wastewater has been considered under Clause 11(17) of SREP 20 and is considered that the site is suitable for disposal of effluent on-site without any significant impacts on the environment.

An 88B restriction will be required to ensure that a mound system is used by future occupants of the lots.

Effluent Disposal Policy Issues

In recent times, there has been an increase in the number of rural subdivisions which require effluent disposal systems other than the more widely use of land application systems commonly known as Biocycle, Envirocycle and the like. The necessity for Ecomax systems (a sealed evapotranspiration mound) or complex irrigation systems involving wet weather storage etc. has been brought about partially by an increasing level of knowledge about the performance of land application systems and also that many rural subdivisions now involve steep land and/or shallow soils.

A number of subdivision consents have been issued in recent years requiring a restriction on the title of the land allowing sealed evapo-transpiration mound systems only to be used. As these systems are considerably more expensive than the land application systems, the unsuspecting land purchaser is often taken by surprise when faced with additional costs in the order of \$5,000-10,000. On some occasions the new land owner has engaged alternative consultants and a compromise has been reached. To avoid this situation in future it is suggested that where it is found that the proposed lots in the subdivision require an effluent disposal system other than the more widely used land application systems, that the approval be conditioned requiring the system to be installed on each allotment prior to release of the final plan of subdivision. This will create additional costs for the subdivider, however it is assumed that at least a percentage of the cost will be passed onto the final purchaser. The purchaser would then have the benefit of erecting a dwelling and simply connecting to the existing effluent disposal system.

Conclusion

The proposed subdivision complies with the minimum allotment size for Rural 1(c1) zone, with the exception of one lot. The objection to the minimum size allotment is considered acceptable for the reasons outlined in the report. The subdivision does generally comply with the objectives of that zone and has been designed to reduce any impacts on the environment.

Proposed access to the site allows for a suitable subdivision pattern which is consistent with the adjoining rural areas without creating an impact on the scenic quality of the area.

There is sufficient building and disposal areas on each of the lots so as to not cause a significant affect on the nearby watercourse, adjoining properties and vegetation.

It is recommended that the application be approved, subject to appropriate conditions.

It is considered appropriate for Council to resolve, as a matter of policy, that rural subdivision applications lodged after 23 May, 2000, which require effluent disposal systems other than the widely used land application systems be conditioned that the effluent disposal system be installed on the land prior to release of the final plan of subdivision.

RECOMMENDATION:

- A.** That the SEPP 1 objection to Clause 11 of HLEP 1989 be supported.
- B.** That the application for a nine (9) lot community title subdivision be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by T Grabara & Associates numbered 1745-DA10B dated 4 February, 2000) submitted with Development Application No. MA2047/99 and any supportive documentation, except as otherwise provided by the conditions of this consent.
2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. The applicant is advised to consult with:
 - (a) Integral Energy

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

General Terms of Approval (Department of Land and Water Conservation)

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Land and Water Conservation (DLWC) has an approval role in relation to a development application (DA) MA2047/99 lodged with Hawkesbury City Council.

A permit issued under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&F1 Act) is required to carry out excavations for a road and to build a crossing in and within 40 metres of the top of the bank of Howes Creek and unnamed tributary at Kurmond.

Pursuant to Part 3A of the R&F1 Act, DLWC, having reviewed the documentation associated with MA 2047/99, proposes to grant an approval. DLWC's General Terms of Approval, for inclusion as conditions of consent, are set out below:

5. General and Administrative Issues

- 5.1 The work to which these general terms of approval apply is not to commence until such time as a formal permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 has been issued by DLWC.
- 5.2 If, in the opinion of a DLWC officer, any work is being carried out in such a manner that it may damage or detrimentally affected the stream, or damage or interfere in any way with any work, the operation on the section of the stream shall cease immediately upon oral or written direction of such officer.
- 5.3 Work as executed survey plans shall be forwarded to DLWC upon request.
- 5.4 If the permit conditions have been breached, the permit holder shall restore the site to the satisfaction of DLWC. If the necessary works are not completed then the permit holder shall pay a fee prescribed by DLWC for the initial breach inspection and all subsequent breach inspections.
- 5.5 Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent stream banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing damage to the banks.
- 5.6 Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept back into the river during a flood.
- 5.7 When the works are to cease, DLWC is to be notified 1 month in advance of the cessation of the operation.

6. Conditions specific to the DA

- 6.1 Work is to be carried out in accordance with drawings and any "plans" required by these conditions, and approved by DLWC and which will accompany the Part 3A Permit.
- 6.2 Only one new access road across the watercourse is to be created as part of the subdivision. This new access is to be located as indicated on the subdivision plan 1745-DA10B, which accompanies this application.
- 6.3 The design of the creek crossing, establishment of a vegetated riparian zone and rehabilitation of the creek areas is to be done in accordance with a Vegetation Management Plan (Draft Guidelines for the preparation of the Plan are attached).
- 6.4 All plans are to be finalised in consultation with, and with the approval of, DLWC **prior** to the issue of the 3A permit.
- 6.5 Soil and erosion control measures for both the construction and maintenance phases of the works are to be in accordance with best management practices as outlined in the Department of Housing's publication, "Managing Urban Stormwater, Soils and Construction (1998)" (The Blue Book).

General Advice

- A. A Part 3A permit, subject to conditions, will be issued for the proposed works upon application, and upon payment of the appropriate fee.
- B. Permits are generally granted for a period of 12 months from the date of formal approval and renewable on an annual basis. Any application for renewal shall be lodged one month prior to the expiry date.
- C. Three sets of drawings, consisting of plans, long sections, cross sections and detail drawings of the proposed works and any related works on or near the streams, to the satisfaction of DLWC, and all "Plans" referred to the General Terms of Approval, are to be provided to DLWC to allow Part 3A permit preparation.
- D. The rehabilitation of the area to the satisfaction of DLWC is the responsibility of the permit holder and the owner or occupier of the land.
- E. The permit holder and the owner or occupier of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.
- F. Any Part 3A granted is not transferable to any other person or company and does not allow operations at any other site.

- G. Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
- H. These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown Land should contact DLWC.
- I. To issue a Part 3A permit, DLWC will require full details on land ownership of all areas affected by the proposed works, and authorisation for the works by relevant land owners.
- J. Should any of the above conditions not be complied with, DLWC may issue a Stop Order on 3A permit related operations at the site until the conditions(s) has(have) been complied with.

Guidelines for the Preparation of a Vegetation Management Plan (Draft)

7. Site assessment and determining constraints - flora and fauna (previous studies, endangered species/existing vegetation communities, etc); habitat and corridor values; topsoil/litter layer quality; hydrology/hydraulics (flooding, surface water runoff/drainage, velocities, water table, etc); frost areas; fire issues; contaminants; acid sulphate soils; human and vehicular access; stock and herbivore access (rabbits, hares, etc); shadow zones; drainage; topography (slope, aspect, soils, geology, erosion, deposition); weed sources, etc.
8. Define each project task, how each task will be done, the duration of each task, the priority order for each task and who will be responsible for undertaking each task.
9. Prepare a time frame (eg Gannt chart) for all tasks in the project.
10. Liaise with council Bushcare Officer, landcare or bushcare groups.
11. Seed collection and propagation - local native species only to be used - identify local native seed sources, check on any licences required.
12. Prepare maps/diagrams and plant species lists including existing vegetation, constraints, vegetation and natural features to be retained, proposed vegetation (species/communities, zonation from water to land, corridors/linkages, spacings, tubestock/virocells/long stems, etc), sediment and erosion control, etc.
13. Site preparation
 - protection of plants to be retained
 - installation of sediment and erosion control devices
 - completion of anysite works (if any)
 - weed control (techniques and sequences of removal)
 - application of herbicides

- topsoil remediation
 - surface preparation (levelling, deep ripping, scarifying, mulching etc)
 - surface stabilisation - (needs to be suitable for the site/vegetation -erosion matting, mulch, brushmatting, sterile cover crops, binding sprays, etc.)
 - site drainage
14. Planting program and method, installing weed mats, mulch, stakes and ties, tree guards, use of fertilizers types (justify their need), water-retaining crystals, etc.
15. Site and vegetation maintenance - sediment and erosion control, watering, replacement of plant losses, disease and insect control, mulch, length of time for maintenance etc.
16. Monitoring and review (develop a method for performance evaluation, replacement of plant losses, etc).
17. Other issues - signage, relevant legislation, planning instruments/guidelines, OH&S, community involvement, liaison with DLWC and others, how other areas of the property and adjacent areas can be managed to compliment the vegetation strategy (weed control, drainage, etc) etc.

Prior to Issue of Construction Certificate

18. The submission of design plans and calculations for works required by this consent.
19. A design checking and inspection fee of \$5 per linear metre of road and access road, must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 2000.

Prior to Commencement of Works

20. A Part 3A permit is required from the Department of Land and Water Conservation prior to commencing any works.
21. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation
22. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
23. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.

Prior to issue of Subdivision Certificate

24. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

- | | | |
|-----|---------------------------|-----------|
| (a) | Open Space and Recreation | (\$10162) |
| (b) | Community Facilities | (\$14283) |

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

Contributions are to be paid prior to issue of the subdivision certificate.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

25. Dedication of that part of Tierney Road to the north of Howes Creek necessary to provide access to this development. Council will make application for the dedication following lodgement of a security covering the cost of the work and payment of the application fee of \$100.00. No work is to be carried out on the section of road until permission is obtained from the Crown or dedication occurs.
26. Construction of Tierney Road from the end of existing seal with a sealed pavement to match the existing seal, 1.2m wide road shoulders, earth table drains and any drainage to make this effective.
27. Construction of a turning area at the end of Tierney Road.
28. Construction of a sealed pavement and all necessary drainage along the full length of the Neighbourhood property.
29. Construction of a 3.5m wide compacted crushed rock pavement and any necessary drainage along the access strip or right of carriageway and across the footway to Lots 5, 7 and 9 together with any necessary drainage. The maximum grade is to be 1 in 6.
30. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Director Environment and Development.
31. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.

32. 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.
 33. Submission of a Certificate from Telstra that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
 34. Payment of a linen release fee of \$450. This amount is valid until 30 June 2000.
 35. A restriction as to user pursuant to 88B of the Conveyancing Act is to be created for all allotments (excluding Lot 1) which indicates the mound system is to be installed on each lot in accordance with the on-site effluent disposal report prepared by Geotechnique Pty Ltd dated 1 November 1999 with reference number 2903/1-AB. This restriction can only be varied by the developer/applicant and Hawkesbury City Council.
 36. A Management Statement complying with Schedule III of the Community Land Development Act, 1989, shall be lodged with and approved by Council. This statement is to include the provision that Lot 1 is not to be used for the purposes of erecting a dwelling or any other building structure. That Part 5 of the management statement include the provision of the riparian zone as indicated in the Flora and Flora Report prepared by Urban Bushland Management Consultants Pty Ltd dated June 1999 and November 1999 as a conservation zone, and this can only be modified by Hawkesbury City Council.
 37. A management plan be prepared and implemented to control introduced flora species and to ensure that the native plant community and fauna habitat near the creek be maintained in a viable condition.
 38. A restriction as to user pursuant to 88B of the Conveyancing Act is to be created for all allotments (excluding Lot 1) indicating that the building areas and effluent disposal areas be restricted to the areas indicated on the stamped approved plans attached to development consent M2047/99.
- C. That Council adopt the following policy:

That rural subdivision applications lodged after 23 May, 2000, which require effluent disposal systems other than the widely used land application systems be conditioned that the effluent disposal system be installed on the land prior to release of the final plan of subdivision.

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Site Plan

ENVIRONMENT

Meeting Date: 23 May, 2000

Item: 116

LOCALITY PLAN

ENVIRONMENT

Meeting Date: 23 May, 2000

Item: 116

SITE PLAN

oooO END OF ITEM 116 Oooo

ITEM: 117 **Proposed Commercial Building - Lot 102 DP849449 No. 70 Macquarie Street, Windsor**

FILE NUMBER: MA 0161/00/EVD/ENE23NBX.V03

PREVIOUS ITEM: 104, GPC Section 1 - Environment (28.03.2000)

PREVIOUS ITEM: 112, GPC Section 1 - Environment (02.05.2000)

REPORT:

Introduction

At the Ordinary meeting of 9 May, 2000 Council resolved to defer this development application to the next General Purpose Committee with discussions to be held between Council staff, the applicant and Mrs Noble and her family, in order to seek a solution.

The meeting took place on 12 May, 2000 which resulted in an agreed solution. The purpose of this report is to advise Council of the outcome of that meeting and provide a recommendation. It is noted that an objection has since been received from another adjoining property owner, the details of which are included in this report.

Meeting between Objector and Applicant

On 12 May, 2000 a meeting was held at Council offices attended by the owners, Mr & Mrs Turl, Mrs Noble and her two daughters, Councillor Paine and the Manager, Building & Development. Following considerable discussion the owners of the property agreed to relocate the north east wall of the building approximately 2.5 metres off the boundary at its closest point to Macquarie Street and at right angles to the Macquarie Street boundary so that the wall is approximately 1.5 metres off the boundary, half way along the depth. Refer to the attached amended site plan.

It was agreed at the meeting that the area of land between the wall and Mrs Noble's boundary may be used by Mrs Noble as an extension of her garden area with removal of the boundary fence and placement of part of the existing fence for security between the wall and the front corner of Mrs Noble's house. Mrs Noble agreed that relocating the wall to this position will overcome her concerns.

Objection from Property Owner Adjoining at Rear

A submission has been received from the owner of the adjoining Lot 31 Tollhouse Way. This lot is vacant and adjoins the property to the rear. Although notification of the development was issued to all surrounding property owners, Council's records at the time showed a different ownership of the property.

The owner has commenced construction of a new two storey dwelling. The owner raises a number of issues however the main concerns relate to noise from servicing motor bikes and over shadowing by the proposed building. In relation to noise, any servicing will be conducted inside the building

and noise levels will be subject to EPA requirements. At this time however Council is considering an application to construct a building only and not the use of that building. In relation to over shadowing staff have prepared shadow diagrams showing the over-shadowing impacts of existing trees and buildings and the proposed commercial building. Diagrams have been prepared showing the shadow impact at 12 noon and 3.00pm for 22 June. It is noted that a diagram has not been prepared for 9.00am as the private courtyard of the dwelling is in full shadow from the metal shed on the adjoining property.

The proposed dwelling has a private courtyard located along the north eastern boundary of the property. A large metal shed approximately 18 metres long, 8 metres wide and 5 metres high is erected on the property boundary on Mrs Noble's property to the north east. Three trees are located on the commercial property to the north west. Analysis of the shadow impact shows that at 9.00am the courtyard is in total shadow from the existing metal shed. No shadow is created by the proposed commercial building at 9.00am. At 12 noon the courtyard remains almost totally in shadow from the metal shed and the existing trees and fence. The proposed new building will result in approximately an additional 4sqm of courtyard being in shadow. At 3.00pm the additional increase in shadow compared to the existing trees and the shadows created by the dwelling itself is approximately 10sqm. It should be noted however that the trees have not reached maturity and the shadow impact would increase as the trees continue to grow. The shadow diagrams have been placed on display for information.

It is therefore concluded that the impact of the proposed building in terms of overshadowing is acceptable.

Assessment

The following is an extract from the assessment included in the General Purpose Committee report of 2 May, 2000:

"Context and Setting (issue raised by objector)

The character of Macquarie Street in the vicinity of the site is dominated by a mix commercial uses. The proposed use of the building is consistent with existing surrounding uses and the dominant character of the area.

The scale of the proposed building is greater than that of the residences to the north and east, however, it is consistent with the surrounding non-residential development. The applicant proposes suitable architectural treatments and variations of the facades to break up the bulk and height of the building and to add visual interest. On balance the design, height, bulk and scale of the proposed building is considered suitable given the intended use and the surrounding pattern of development.

The proposed building will cause overshadowing of the property in the late afternoon of mid winter. Shadowing will mainly fall onto an area already in shadow as a result of the residence, shed and existing landscaping. Opaque glass brick windows are proposed on the northern elevation of the building hence the privacy of the residents will not be affected. These may be replaced by blank recesses, depending on final design and discussion.

Windows facing the residences to the east are approximately 20m from the eastern boundary and views to adjoining rear will be filtered by proposed landscaping. It is therefore concluded that privacy of residents to the east will not be significantly effected.

Access, transport and traffic

Access to the site is via an existing driveway and right of carriageway on Lot 101. The proposed access is satisfactory. The proposed development will not significantly increase traffic demands or create additional traffic hazards on Macquarie Street.

The proposal satisfies the relevant matters for consideration under Clause 22 of HLEP 1989 and Council's Local Traffic Committee has raised no objection to the proposal.

Utilities

Water, sewer, electricity and telephone services are available to the site. The applicant proposes to build over Council's sewer line. Approach conditions of consent and inspection by Council staff during construction will ensure encasement of Council's sewer is undertaken in accordance with Council requirements.

Soils

The soil structure of the site is suitable for the proposed development. Erosion and sedimentation devices are to be installed during the construction of the building in order to control runoff and minimise dust

Landscaping / Flora and fauna (issue raised by objector)

The proposed development will require the removal of landscaping along the northern and eastern boundaries. This landscaping is not significant and no objection is raised to its removal

The removal of the landscaping will not effect threatened or endangered flora and fauna, ecological communities or critical habitat as listed under the Threatened Species Conservation Act 1995.

Energy Efficiency

The design of the proposed building achieves satisfactory energy efficiency performance.

Noise and vibration (issue raised by objector)

Activities within the proposed workshop have the potential to impact on surrounding neighbours in terms of offensive noise. The design of the building with concrete panels and minimising opening directly facing onto adjoining residential property seeks to reduce the potential for offensive noise emissions. The premises will need to comply with the EPA's Noise Control Guidelines at all times.

If the development application was approved, noise and vibration created during construction and use of the site can be controlled by conditions of consent and suitable site management.

Natural hazards

The site is below the 1 in 100 flood event level for the area. The likelihood of flooding does not make the site unsuitable for the proposed development.

Safety, security & crime prevention (issue raised by objector)

The building has been designed to minimise the potential of theft, particularly by way of ram raid. It is considered that the periodic inspection of the property by security personnel, if required, will not impact upon the privacy of the surrounding neighbours.

Economic impact of the locality

It is anticipated the proposed development will have a positive economic impact.

Site design and internal design (issue raised by objector)

The proposed site and internal design is satisfactory. Sufficient car parking and vehicle manoeuvring areas have been provided. The scale of the development, location of the building and awning, amount of site coverage, and landscaping is considered satisfactory.

Construction (issue raised by objector)

If the application is approved suitable conditions of consent can be imposed to control construction activities include hours of construction, noise, erosion and sedimentation, dust etc.

Cumulative impacts

The proposed development is compatible with the dominant surrounding landuses and no significant negative cumulative impact is foreseen. It is anticipated that hours of operation and the likely amount of traffic generated by the proposal would be less than the previously proposed second fast food outlet which was the basis of the initial rezoning.

Suitability of the Site (issue raised by objector)

The uses and existing amenity of surrounding landuses do not make this development prohibitive.

The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory for the intended use. Adequate services and utilities are available to the site. Air quality and ambient noise levels are suitable for the development. Noise and odour generated by the development can be controlled such that surrounding residences are not significantly impacted upon.

The development will not significantly impact upon critical habitats and threatened species, populations, ecological communities and habitats as identified by the Threatened Species Conservation Act 1995.

The site is not critical to the water cycle of the catchment. The site is subject to flooding however the frequency of low flooding is considered an acceptable risk given the intended use and evacuation route available.

It is therefore concluded that the site is suitable for the proposed development.

Submission and Public Interest (issue raised by objector)

The concerns of the resident to the north have been addressed in this report and where appropriate can be ameliorated by conditions of consent if Council was to approve the development.

As stated above it appears that commercial interest in the site for the purposes of a fast food outlet has decreased whilst commercial interest in motor showrooms along Macquarie Street, particularly on this property, has increased. The proposal represents an appropriate infill development on land zoned for business/commercial uses.

Conclusion

The proposed development, as amended, is permissible and is not inconsistent with objectives of the Business Special 3(b) zone or relevant provisions of HLEP 1989. "

Subject to the amended location of the north eastern wall, the proposed development will not have significant adverse environmental impacts. Relocation of the wall may require some additional building space to be created potentially losing one or two proposed car parking spaces. This is acceptable given that parking is provided in excess of that required by RTA guidelines.

RECOMMENDATION:

That the application to construct a commercial building be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans, as amended in red (prepared by Robert Pont

Pty Ltd Architect numbered sheets 1 and 2 dated 22/3/00) submitted with Development Application No. MA0161/00 dated 9 February, 2000 and any supportive documentation, except as otherwise provided by the conditions of this consent.

2. The north east wall of the building is to be repositioned away from the adjoining boundary to create a right angle from the Macquarie Street boundary with a maximum distance of 3 metres from the side boundary near the Macquarie Street frontage as shown in red on the approved plans. This condition recognises that the building may need to be enlarged in a south westerly direction to compensate for the floor space lost by relocating the wall.
3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
4. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
5. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) in order to assess their responsibilities and liabilities with regards to the provision of access for all people.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

6. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with the plans and specifications to accompany any Construction Certificate.
7. Detailed engineering plans and specifications relating to the work shall be submitted.
8. The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier:
 - (a) A Section 73 Certificate issued by the Sydney Water Corporation Limited or other evidence of Sydney Water's non-objection to the commencement of work on the basis of service availability.
 - (b) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Separate documentary evidence from Integral Energy shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

9. Two copies of specifications are to be submitted to the Principle Certifying Authority for approval
10. Details demonstrating that the proposed buildings comply with the requirements of the Building Code of Australia are to be submitted to the Principle Certifying Authority for approval.
11. Submission of design plans and calculations for all pavement and drainage works required by this consent.
12. Submission of full details of all trade waste treatment devices and pipelines.
13. Payment of a sewer headworks contribution to Council of \$2061. 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.

Prior to Commencement of Works

14. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet; and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- (a) building work carried out inside an existing building; or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

16. If the work involved in the erection or demolition of a building:

- (a) is likely to be dangerous to a person in a public place or adjoining property;
- (b) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (c) involves the enclosure of a public place,

a hoarding or protective barrier must be erected between the work site and the public place. such hoarding or barrier must be designed and erected in accordance with Council's *Local Approvals Policy* and WorkCover requirements/guidelines.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The applicant is to provide drawings and details to Council's Building Surveyor for approval **prior** to such installation/erection.

- 17. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.
- 18. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
- 19. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.

20. Approval in the form of stamped Construction Certificate plans is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channel.
21. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
22. In order to maintain the structural integrity of the building should the adjacent sewer main need to be excavated, the footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the angle of repose taken from a point 600mm from the closest face of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer. The applicant shall accurately locate the position of the main prior to work commencing.
23. Separate application shall be made by a licensed drainer for permission to carry out work in relation to Council's sewer. The attached application shall be returned with the appropriate fee prior to the relevant work commencing.

During Construction

24. All building work must be carried out in accordance with provisions of the Building Code of Australia.
25. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) piers;
 - (b) steel reinforcement;
 - (c) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (d) wet area flashing, after the installation any bath and shower fixtures;
 - (e) external drainage lines, prior to backfilling;
 - (f) on completion of the structure.
26. Construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments.

27. Parking shall be provided on site for all vehicles associated with the development in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked.
28. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
29. The sewer line located under the proposed building is to be treated as follows:
 - the line is to be excavated and inspected by Council staff
 - any damage is to be repaired
 - the pipeline is to be concrete encased in accordance with Council's sewer specification, from the existing sewer manhole to 600mm beyond the building
 - following completion of the building works the main is to be CCTV'd and video submitted to Council. Any damage revealed thereby is to be rectified
30. The footings and floor slab is to be pierced as necessary to ensue that no load is transmitted to the sewer pipeline and that the line can be re-excavated without damage to the building
31. A keyed removable section of floor shall be constructed over the length of the sewer line. An access width of 1.5 metres is to be provided.
32. 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.
33. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
34. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the Principal Certifying Authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
35. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. Such work is to be guarded and protected to prevent it from being dangerous to life or property.
36. In accordance with AS3660 frequent visual inspections shall be carried out to the building perimeter walls/floor, drainage penetrations and sub-floor physical ant cap shields (if applicable). Notification of the method of protection (visual inspection) shall be printed on durable material and securely fixed inside the meter box.

37. Emergency lighting shall be installed within the building in accordance with the requirements of Part E4 of the BCA.
38. During construction, at least one fire extinguisher to suit Class A, B and C fires and electrical fires shall be provided on each storey adjacent to each required exit, temporary stairway or exit in accordance with Part E1.9 of the BCA.
39. All doors providing egress from the building shall conform with the requirements of Part D2.19 and D2.20 of the BCA.

Prior to Issue of Occupation Certificate

40. Landscaping shall be completed in accordance with the approved landscaping plan and shall be maintained in perpetuity by the existing or future owners and occupiers of the property. In this respect a occupational certificate will not be granted on the application until the landscaping is complete.
41. Fire hose reel/s shall be installed within the building in accordance with the requirements of Part E1.4 of the BCA. The applicant shall submit to Council, prior to the occupation of the building, a **Fire Safety Certificate**, certifying that the installation complies with AS 1221 and AS 2441 (Separate details indicating the proposed location and linear hose capacity of each reel shall be submitted to and approved by Council prior to the installation thereof) and such installation shall be certified annually and a copy of the **Annual Fire Safety Certificate** delivered to Council.

42. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:

- (a) beside exit doors

Such fire extinguisher shall be certified upon installation and a FIRE SAFETY CERTIFICATE lodged with Council.

(Locations shall be approved PRIOR to installation) and such fire extinguisher (access, location, pressure and suitability for the expected risk) shall be certified annually and a copy of the ANNUAL FIRE SAFETY CERTIFICATE delivered to Council.

43. Fire hydrants shall be installed in accordance with the requirements of Part E1.3 of the BCA. The applicant shall submit to the Principal Certifying Authority, prior to the occupation of the building, a **Fire Safety Certificate** certifying the installation complies with AS2419.1 (such location shall be approved PRIOR to installation) and such installation shall be certified annually and a copy of the **Annual Fire Safety Certificate** delivered to Council.

44. The following services are subject to the provisions of the Environmental Planning and Assessment Act (Section 80E and Section 80G) and shall be certified by the owner as complying within three months of the completion of the building or prior to the issue of an occupation certificate and be certified on an annual basis from the date of the original certificate.

- Portable fire extinguishers
- Exit signs
- Emergency lighting
- Fire hydrant systems

Use of the Site

45. Development Consent shall be obtained for the use of the building prior to occupation taking place.

ATTACHMENTS:

AT-1 Site Plan

ENVIRONMENT

Meeting Date: 23 May, 2000

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SITE PLAN

oooO END OF ITEM 117 Oooo

ITEM: 118**Urban Land Strategy****FILE NUMBER:**

GT150/016 PT03/EVD/ENE23NBX.V06

REPORT:**Background**

Council at its meeting of 25 August 1998 considered a report concerning the release of land for residential development within the City. The report outlined five areas which had at some stage had been the subject of a rezoning application or a release area. These areas included North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce as shown on the attached maps. At this meeting the following was resolved:

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 for the area listed in(1) above, subject to Department of Urban Affairs and Planning agreeing to the 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.*
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 reports be provided to Council.*

Progress of the Urban Land Strategy

Since this resolution discussions have been held with the Department of Urban Affairs and Planning (DUAP) at both the state and regional level to promote the inclusions of the five investigation areas on the Urban Development Program (UDP).

Each year DUAP assesses land for inclusion on the UDP which coordinates the planning and servicing of new residential land in identified urban release areas. The UDP is generally announced each June and Council's then go about preparing detailed local environmental studies to rezone the land.

Whilst formal local environmental studies have not been carried out, detailed maps for each locality have been prepared. It was considered inappropriate to prepare a full local environmental study without some guidance from DUAP as to whether the land would be considered.

Community Involvement

At various stages the residents located within the investigation areas and those adjoining the areas have been notified of the progress by way of a letter. Residents were also notified of this meeting and were invited to attend.

Assessment Criteria for inclusion on the Urban Development Program

In association with DUAP a revised assessment criteria for inclusion on the UDP were established and addressed by Council. This criteria included DUAP's requirements as well as Council requirements and includes issues such as:

- Accessibility to public transport.
- Proximity to employment areas.
- Sydney Regional Environmental Plan No.20(1997-2)
- Flooding
- Threatened Species Conservation Act
- Strategic Plan for Sustainable Agriculture in the Sydney Region.
- Assessment and establishment of appropriate buffer zones.

Each investigation area was assessed against the criteria and it is noted that the five investigation areas generally complied with the assessment criteria. A composite map was prepared and is on display on the notice boards in the Council Chambers at this meeting.

The map was submitted to the Housing Markets Branch of DUAP in April 1999 for consideration and advice as to whether the five investigation areas were likely to be supported. To date a formal response has not been received from DUAP and a decision should now be made as to how to proceed with the Urban Land Strategy.

Further Investigations

Given the delays in obtaining advice from DUAP, it is considered that further investigations should continue. In order to adequately determine the potential of the investigations areas for residential development, the following issues need to be addressed and/or studies required:

1. Full flora and fauna assessment/studies.
2. Availability and cost of servicing, including water and sewer.
3. Flooding.
4. Transport capacity.
5. Metropolitan Planning Strategies (eg. Shaping Western Sydney).

The character of each investigation area also needs to be assessed to determine the most appropriate lot size. Furthermore the final lot yield will also depend upon the availability of services such as water and sewer. An approximate total lot yield was calculated primarily on land area and is listed below:

North Bligh Park	600
North Richmond	200
Pitt Town	2200
Vineyard	1500
Wilberforce	300
TOTAL	4800

The approximate total lot yield of 4800 has the potential to increase the City's population by approximately 14,400. By way of comparison the Bligh Park Release Area originally contained approximately 2000 lots and today has a population of approximately 6100.

The North Richmond and Wilberforce areas are outside the areas that currently accepted by DUAP for urban expansion. The availability of water will be a major factor in any release area program and will determine the timing of any re-zonings.

Conclusion

It has been some 18 months since Council first resolved to investigate these areas and it is considered prudent to finalise the investigation.

The draft local environmental plan environmental plan to amend the rural zone names and objectives (Amendment 108) nominates the five investigation areas as rural investigation areas in anticipation of finalising the Urban Land Strategy. In order to apply the most appropriate zoning to the investigation areas it is necessary to carry out the studies as outlined above.

It is appropriate at this stage to prepare a draft local environmental plan to finalise the zoning of the five investigation areas and it is therefore recommended that a draft local environmental plan be prepared.

RECOMMENDATION:

That a draft local environmental plan be prepared to finalise the zoning of the Urban Land Strategy Investigation areas being North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce.

ATTACHMENTS:

AT-1 Locality maps for the Investigation areas of North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce

LOCALITY MAP - NORTH RICHMOND

LOCALITY MAP - NORTH BLIGH PARK

LOCALITY MAP - VINEYARD

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LOCALITY MAP - PITT TOWN

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LOCALITY MAP - WILBERFORCE

oooO END OF ITEM 118 Oooo

ITEM: 119 **Fast Track Development Approvals****FILE NUMBER:** GE020/29/EVD/ENE23NBX.V04

REPORT:**Introduction**

Over the last few months staff have been formulating a system of approvals which would see minor development and construction applications approved within twenty four (24) hours. The purpose of this report is to provide Council with background information and details of the proposed new fast track system to be launched on 1 July, 2000.

Background

Prior to the Environmental Planning & Assessment Amendment Act in July 1998, Council provided over-the-counter approvals for a limited number of minor structures. In recent years the ability to provide over-the-counter approvals was hampered by the need for more detailed assessment, sometimes including a site inspection, general workloads and resource availability. The introduction of the Environmental Planning & Assessment Amendment Act in July 1998 meant that all applications, even minor structures, required development consent as well as construction approval. Due to the complexities of the new Act the over-the-counter system was subsequently abandoned. It is worth noting that when the system was operating, customers were often given an expectation of an over-the-counter approval, only to be disappointed if a more thorough assessment and/or a site inspection was needed.

Rather than build up the often unrealistic expectation of instantaneous approval, staff have been working towards a goal of 24 hour approval.

Fast Track Approvals

Based on figures for January to May 2000, Council received an average of 42 development applications per week. These applications range from minor structures, such as pergolas and single storey additions through to multi-unit housing applications, commercial and industrial.

There are clear advantages for our customers and for Council resources in creating a separate system for a range of applications which require less rigorous analysis. Those applications have been identified as follows:

- single storey residential additions;
- carports;
- pergolas;
- swimming pools;
- garages and sheds less than 120sqm;
- shop, office and factory fit-outs; and
- change of use for shops, offices and factories less than 200sqm.

With the introduction of a tailored process for fast track applications, Council can achieve the goal of 24 hour turnaround time for the range of applications as outlined above. The changes involve the following:

- a specific development application form for fast track which is shorter and simpler than the existing form;
- standard conditions have been converted to construction specifications which the applicant will sign and lodge with the development application (this reduces the need for multiple consent conditions);
- combined development consent and construction certificate;
- streamlined administration processes including production of consent prior to assessment, new file and registration processes;
- training for administration staff in Building Code of Australia; and
- 24 hour approval for fast track applications.

It is noted that some development types included in fast track processing will be "complying development" following gazettal of Council's Exempt and Complying LEP. The fast track system will also facilitate the processing of complying development certificates.

Timing and Implementation

Trials have been conducted during April and May to test various procedures. It is intended to formally implement the fast track system from Monday 3 July, 2000. It is anticipated that the system will be publicised in the local press and via direct mail to our regular customers. In the meantime the system will continue to be fine tuned until the launch date.

It is considered that the fast track system will assist the City's continued economic development by significantly reducing the time frame for new businesses to occupy existing premises. It will also assist staff in concentrating resources on the assessment of more major applications.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 119 Oooo

ITEM: 120 Regional Transport Issues**FILE NUMBER:** GT240/002 PT3/EVD/ENE23NBX.V08**REPORT:**

There are several major decisions being made at the present time concerning regional transport that will directly affect the residents of the Hawkesbury City area. These are:

1. The Western Sydney Orbital.
 2. The rail link proposed from Castle Hill to Rouse Hill terminating at the Mungerie Park Shopping Centre.
 3. The work proposed to augment the Richmond line.
 4. The corridors required in residential release areas are taking place in Blacktown and Baulkham Hills Council areas.
-
1. The Western Sydney Orbital - Attached to this report is a map extracted from the Action for Transport in 2010 which is the State Government's Integrated Transport Policy for Metropolitan Sydney. The map indicates the location of the Western Sydney Orbital which, in essence, is a freeway connection between Prestons and the Hume Highway via Mt Druitt onto the end of the M2. This, together with the extension of the M2 through the Lane Cove area onto the Freeway approaching the Sydney Harbour Bridge, would mean that residents of Richmond and Windsor would have, for all intents and purposes, Freeway access to Metropolitan Sydney via this extension. It would also mean that Freeway access would be available from Richmond and Windsor to the south, to Prestons and on to the Freeway to Canberra. The Orbital is seen by many in Metropolitan Sydney, such as the State Government and the National Roads and Motorists' Association (NRMA), as one of the most significant roadworks for Metropolitan Sydney at the completion of the Orbital road system for the area. There is an ongoing dispute between the State and Federal Governments as to who is responsible for its funding and it is a quite significant road should the Badgerys Creek Airport proceed. It is considered essential therefore that Council adopt a position regarding the Orbital and to convey that position to the State and Federal Governments. This may be best achieved by using the WSROC organisation and the Members of Parliament.
 2. New Rail Link - The NSW State Government is currently investigating the construction of the Parramatta to Chatswood rail link and the Environmental Impact Statement has been prepared for this work. A continuation of this link is a link from that line through to Castle Hill and eventually on to Rouse Hill to terminate at the Mungerie Park Shopping Centre. This is shown on the attached map. The Transport Strategies envisage this will not be built until after the year 2010, the rationale for this being that by that time population will be sufficient to support the train line.

It is considered however that it would seem more appropriate and practical in the short term to link the Mungerie Park Shopping Centre to the Richmond line. The attached diagram indicates this is approximately 5 kilometres of rail line. This link could take place generally

in the vicinity of Schofields Road. Blacktown Council is currently investigating the rezoning of the land north of this corridor which is known as the Scheduled Lands and is keen to pursue the concept of reserving a corridor for a rail link between this line and the Richmond line. It is considered that as the Mungerie Park Shopping Centre is likely to be one of the largest shopping centres in north west Sydney, it is essential for the residents of Richmond and Windsor to gain access via public transport to its facilities. It would therefore seem appropriate to link the 2 train lines early rather than wait for the link to come from Castle Hill. It would also seem imperative that as Blacktown Council is currently investigating the urbanisation of this land, that the corridor should be set aside now for this construction to take place. Further, it is considered that the construction of the train line, coinciding with the construction of the shopping centre, would be far more appropriate than waiting for the shopping centre to be built and constructing the train line later as proposed by the Strategy.

Blacktown Council is also investigated the possibility of connecting the St Marys Station via the Australian Defence Industry site through to the Richmond line as well. This would mean significant improvement in rail transport for north west Sydney. It would also enable the residents of Richmond and Windsor to catch a train via the Richmond line and the Castle Hill line directly to North Sydney or indeed to catch a train to St Marys and Penrith.

It is considered therefore that Council should use WSROC and the TeamWest Agenda to push for this train link to be inserted into the Transport Strategy for the North West Sector and to support Blacktown and Baulkham Hills Councils in lobbying for the corridor to be set aside at this round of rezonings.

3. The Richmond Line - The Action for Transport Strategy proposes some work to be carried out on the Richmond line, including its duplication, and there appears to be some debate as to how far the duplication will extend. At the present time it may extend as far as Quakers Hill. One of the criteria for the selection of lands on the Urban Development Program is that it must be no more than 5 kilometres from the existing or proposed mass transit system, being bus or train that has a minimum of 15 minute frequency for local public transport in peak periods. The Richmond line currently has a 30 minute interval for residents of Richmond, Windsor and McGraths Hill and a 15 minute interval can generally only be achieved where a duplicate line exists.

It would seem then a reasonable position to adopt that the duplication of the line as far as Richmond would present the best opportunity for residents of this area and associated North West Sector, to achieve the best train service. It is appreciated that to duplicate the line across the floodplain at Windsor would be expensive, however the duplication as far as McGraths Hill is at least achievable. To duplicate to McGraths Hill will require that a sufficiently wide corridor is reserved through the Scheduled Lands rezoning that Blacktown Council is currently carrying out and of course any rezoning in the Vineyard area that this Council may carry out. It is imperative therefore that this Council joins with Blacktown in ensuring that this appropriate corridor is preserved for the Richmond line to allow its duplication to take place at some time in the future.

It is considered that again the State Government, via WSROC and TeamWest, should be made aware of the fact that this Council is keen to have the line duplicated and the appropriate corridors be preserved through Blacktown and Hawkesbury to allow this to take place. The duplication of the line to McGraths Hill would allow most of the investigation areas to be within the prescribed 5 kilometres from the 15 minute interval service for corridors.

4. Corridors - Across Metropolitan Sydney, much of the new transport infrastructure is being constructed in corridors that were set aside many years ago, some of them extending from the late 1940's. These corridors are gradually being used up and it is imperative that appropriate planning be undertaken now to ensure that future transport needs are preserved by the setting aside of corridors for this purpose. The examples quoted above regarding the Richmond line and the linking of the Richmond line to Rouse Hill are examples of how corridors can be used to ensure transport is available into the future. The retrofitting of heavy rail infrastructure in Metropolitan Sydney by tunnels is now becoming the norm with the Parramatta to Chatswood line, the majority of which will be constructed underground, and the proposed Hurstville to Strathfield line, being examples of this situation. It is considered appropriate that this Council should again, via WSROC and TeamWest, extol the virtues of having corridors preserved for future transport needs to the State Government to ensure that Metropolitan Sydney can cope with the growth that is currently being experienced. In this regard, it is considered that the State Government should be approached to ensure that corridors are set aside and not abandoned or used for other purposes.

RECOMMENDATION:

It is recommended that Council, via its Local Members, both Federal and State, and WSROC and TeamWest, approach the State and Federal Governments concerning the following issues:

1. Its support for the Western Sydney Orbital.
2. A request that a train corridor be preserved between the Richmond line and the Castle Hill/Rouse Hill line at Mungerie Park.
3. That the Richmond line be duplicated at least as far as McGraths Hill and on to Richmond and Windsor, and appropriate lands be set aside in the planning for the release areas in Blacktown and Hawkesbury.
4. Council support the preservation of Corridors of land in Metropolitan Sydney that can be used for future transport needs and for the preservation of Regional Open Space Network.

ATTACHMENTS:

AT-1 Map from Action for Transport in Sydney.

ENVIRONMENT

Meeting Date: 23 May, 2000

Item: 120

MAP

oooO END OF ITEM 120 Oooo

ITEM: 121 **Olympic and Paralympic Games - Extended Trading Hours for
Licensed Venues - 2 September to 29 October 2000**

FILE NUMBER: GR030/056 PT5/EVD/ENE23NBX.V07

REPORT:

The Minister for Gaming and Racing has informed Council that Parliament has passed the Liquor and Registered Clubs (Olympic and Paralympic Games) Act of 1999 which provides special licensing arrangements for the Games period. For Hawkesbury City Council, it means that Council has to resolve whether or not to accept these changes to licensed premises' trading hours for the period of the Olympics. For parts of the Inner City, the trading is a blanket trading hour period for 24 hours a day, 7 days a week trading for the period of 2 September to 29 October 2000. This will apply to hotels, licensed restaurants, nightclubs and people with caterer's licences but will not apply to registered clubs or licensed premises which have been subject to Court proceedings to limit their trading hours. It is also not applied to bottle shops or take away liquor sales.

The Act provides that Council can resolve whether or not to have this apply to its Local Government Area. In the guidelines provided by the Department, it is suggested that consultation take place, however, these guidelines did not arrive at Council until 5 May 2000 and the deadline for closing was 8 May 2000. The Department has been informed that the matter is being reported to this General Purpose Committee Meeting and some indication of Council's position would be conveyed to them as soon as possible.

If Council does not accept the provisions of the Act, individual licence holders can apply under normal procedures via the Licensing Court to have their hours of operation extended for the Olympic period.

In view of the fact that only premises which have not had their hours restricted as a result of noise complaints and given the demand that is likely to exist for facilities during the Olympic period, it would seem reasonable to advise the Department that these provisions should apply to the Hawkesbury City Council area. Preliminary contact has been made with the local Police Area Commander and it is hoped that by the General Purpose Committee Meeting, a formal response from his office will be available.

RECOMMENDATION:

It is recommended that Council advise the Minister for Gaming and Racing that it wishes the extended trading hours to apply in the Council area for the period of the Olympics only, that is 2 September to 29 October 2000.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 121 Oooo

ITEM: 122 **Western Sydney Environment Week**

FILE NUMBER: GE020/076/EVD/ENE23NBX.V05

REPORT:

Western Sydney Environment Week will be held in June 2000. The week commences with World Environment Day on 5 June, 2000 through to 11 June, 2000. The Office of Western Sydney (State Government) will be coordinating many activities throughout Western Sydney.

A calendar will be produced outlining all of the activities prior to and during Environment Week. There are approximately 65 activities being scheduled to promote Environment Week.

Hawkesbury City Council will be having displays on 'Septic Safe' and 'Keep the Soil on the Site' programs within the Council foyer. A display will also be placed in the library by the Brewongle and Longneck Lagoon field studies centres, as well as the Australian Plant Society.

A tree planting day will be held on 4 June, 2000 in conjunction with the Hawkesbury Nepean Catchment Management Trust at the Green Hills Burial Ground, Windsor. A tour of the McGraths Hill STP will also be held during the week on 6 June, 2000.

An official launch of the week, with the Minister of Western Sydney will be held on 5 June, 2000 at Bicentennial Park. An invitation list for the launch will target a wide spectrum of the Western Sydney Community, and a tour of the Olympic site will be held at 4.00pm prior to the official launch.

The invitation is extended to Hawkesbury City Council representatives to attend on this day.

RECOMMENDATION:

That the information be received

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 122 Oooo

ITEM: 123**Zoning Information - Area Bounded by Brabyn, Macquarie, Mileham and Forbes Street****FILE NUMBER:**GC280/005 PT03/EVD/ENE23NBX.V09

REPORT:**Introduction**

At the Ordinary meeting of 11 April, 2000, Council resolved that "there be a report prepared regarding zoning in the immediate area, being Brabyn Macquarie, Mileham and Forbes Streets: and a further report brought to Council regarding industrial zonings in South Windsor at a later date." Council's resolution followed representations concerning amenity of the area, in particular relating to the extensions to the Hawkesbury Christian Centre in Brabyn Street.

The purpose of this report is to provide the Council with information about zoning and current land use and to recommend further investigation.

Report

Attached to this report is a land-use survey conducted during May 2000 for the block bounded by Macquarie, Brabyn, Mileham and Forbes Streets and also the block immediately to the north east bounded by Macquarie, Forbes, Mileham and Day Streets. A coloured zoning map is distributed with the business paper, and displayed in the Council Chamber, to provide a clear picture of the current zoning situation. It can be seen from the two plans that the southern most block is zoned Residential 2(a) and the northern most block has a mixture of 2(a), 2(c) and 5(a) Church, 5(a) Special Uses zones.

The Residential 2(a) zone permits single dwelling housing and multi-unit housing such as dual occupancy and town houses. The 2(c) zone permits residential flat buildings.

The zoning plan shows that both blocks are bounded by Light Industry 4(b) zone to the east, Business Special 3(b) to the southern side of Brabyn Street, Special Uses on the eastern side of Day Street and a mixture of Special Uses, Special Business and a small amount of Residential on the western side of Macquarie Street.

The land use survey shows that the southern most block has three vacant allotments and the remainder is developed largely as single dwellings which range in condition from poor to very good. The northern most block contains a mixture of vacant land, residential and special uses.

It is also noted that the southern most block ranges in height from 10 metres to 14 metres AHD, well below the 1:100 year flood level. The northern most block ranges in height from 14-20 metres AHD.

From our observations it is clear that residential amenity in this area is severely impacted by traffic noise, industrial and commercial activity. There may be merit in considering an alternative zone to residential, however the existing lot configuration and ownership pattern is not very conducive to facilitating industrial or business development.

Conclusion

It is considered that the area does warrant further investigation in relation to the appropriate zoning for the land. Such an investigation would need to include ownership patterns, possible consolidation, investigation into the need for industrial and/or business land, the decision in relation to the flood evacuation route, availability of services etc. Due to our current strategic project priorities it is appropriate for this investigation to be considered for inclusion in the 2001/2002 Management Plan.

RECOMMENDATION:

That Council recognise the need for further investigation into the zoning of the land bounded by Macquarie Street, Brabyn Street, Mileham Street and Day Street, and that the matter be included for consideration in the 2001/2002 Management Plan.

ATTACHMENTS:

AT-1 Map

ENVIRONMENT

Meeting Date: 23 May, 2000

Item: 123

MAP

oooO END OF ITEM 123 Oooo