



general
purpose
committee

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section

environment

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Item: **16**

ITEM: 16 **Application for Construction of Rural shed - Lot 301 DP752050 No. 235 Saunders Road, Oakville**

FILE NUMBER: M1762/00/EVD/ENC27NAX.V08

Applicant: Mr T Sainty
Applicants Rep: As above
Owner: Mr T & Mrs B Sainty
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 2.1888ha
Zone: Rural 1(c)
Advertising: Adjoining owners and occupiers, no submissions
Date Received: 8 December 2000

Key Issues - Size and height of proposed shed
 - Draft DCP for Rural Sheds

Action: Approval

REPORT:

Introduction

An application has been received for the construction of a rural shed with an area of 510sqm and height of approximately 6m. The shed is to be used for storage by the owners of the property who have 2 large transporters which are used to transport their dragster race cars.

The application is reported to Council because of the size and height of the shed which will not comply with the standards of Council's draft Development Control Plan for sheds. A separate report on the shed draft DCP appears elsewhere on this agenda.

The Proposal

The proposal provides for the construction of a shed to be used for storage. The applicant's storage needs arise primarily from involvement in drag racing with transporters used to take their race cars around Australia.

The applicant has listed the following vehicles/equipment required to be stored in the shed:

- Truck and transporters for top fuel dragster
- Transporters for second dragster
- Two top fuel dragsters
- Front end loader and backhoe
- Tractor and implements (slasher, back blade, carry all, post hole digger, ripper)
- Ride on mower

- Boat and boat trailer
- Box trailer
- Car trailer
- Yard trailer

The building will have dimensions of 21m x 24m [15m x 24m shed with attached lean-to of 6m x 24m] It will be located approximately 50m to the rear of the existing dwelling house and 3m from the western boundary of the property. The height of the building to the roof ridge will be approximately 6m. The building will be constructed of colorbond, 'mist green'.

The applicant has provided a floor plan layout to show how the vehicles and equipment listed above will be accommodated in the building. The width of the shed is related to his need to open side doors on the transporters/s.

Statutory Position

Hawkesbury Local Environmental Plan 1989

The property is zoned Rural 1(c) under H L E P 1989. Construction of a rural shed is permissible with consent in this zone.

The objectives of the zone are:

- (a) *to primarily provide for a rural residential living style; and*
- (b) *to prevent the establishment of traffic generating development along main and arterial roads.*

The proposal is generally consistent with the relevant objectives of the zone as it is consistent with the rural residential living style.

The proposal is not a traffic generating development and the subject property gains access via Saunders Road.

Community Consultation

The application was notified to adjoining owners and occupiers for a period of 14 days. While notification of sheds is not required under the DCP for Public Notification of Development Proposals, it was considered warranted having regard to the size and height of the proposed shed.

No submissions were received.

Planning Assessment

The following are relevant matters for consideration under Section 79C of the EP & A Act.

Context and Setting/The Suitability of the Site For Development

The subject property is on the northern side of Saunders Road. The existing dwelling is located adjacent to the western boundary approximately 40m from Saunders Road. There are scattered trees through the property with some denser planting adjacent to the boundaries.

The adjacent property to the west is used for transport depot/fuel supplies - Simpson's Fuel depot. Scheyville National Park adjoins the northern boundary [NPWS were advised of the proposal and had no comments] Other properties are used for rural residential purposes.

The site of the proposed shed is set well back on the property and is screened from the road and adjoining properties by existing trees.

The size and height of the shed is considered satisfactory having regard to its location on the property. It is not expected to dominate the landscape nor intrude into the skyline. Its location well into the property means it will not be readily visible from Saunders Rd.

The shed will be visible from the property to the west which is used for commercial purposes, as a transport depot and for fuel storage and supply [Simpson's Fuel supplies]. This is not considered a significant impact for that property.

It is considered that the proposed location of the shed on the property will create minimal visual impact, because of the distance from the road, screening from existing trees and shrubs and its proposed location behind the existing dwelling.

It is noted that the applicant's/owner's transporters and equipment are currently parked or stored at the front of the property where they are visible from the road.

Draft Development Control Plan for Rural Sheds

The draft DCP performance criteria requires that the size of the shed will be associated with its use, the use of the land and size of the property. The acceptable solution for the 1(c) zone requires that the cumulative total of all outbuildings not exceed 120sqm.

The shed will have an area of 510sqm and a height of approx. 6m. There is also a small shed/garage on the property, which has a floor space of approx. 25sqm.

The cumulative total area of all outbuildings will be approx. 535sqm well in excess of the draft DCP standard.

Despite the proposal's non compliance with the standard of the draft DCP it is considered consistent with the performance standards

- The shed will not be visually prominent or intrude in to the skyline, nor expected to dominate the landscape;
- The siting will minimise unnecessary disturbance to the natural environment;
- The colour of the exterior walls and roof will blend with the background trees/planting;

Conclusion

The proposal is considered reasonable having regard to the storage requirements the applicant and the proposal's minimal visual and amenity impacts. It is considered that the proposal will be consistent with the objectives of the draft Development Control Plan for Rural Sheds. The size of the shed is justified having regard to the applicant's particular storage requirements. No major repairs are proposed. The large storage area required is due to the unique design of the transporters. Despite the building's size it is not expected to dominate the landscape.

RECOMMENDATION:

That the application be approved, subject to the following conditions:

Advisory

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the undated unnumbered site plan, floor plan and elevations approved stamped plans submitted with Development Application No. M1762/00 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, and the Building Code of Australia.

Prior to Commencement of Works

3. 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.

4. 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.
5. 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
6. 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.
7. 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.

During Construction

8. All building work must be carried out in accordance with provisions of the Building Code of Australia.
9. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
- (a) erosion controls, site works and site set out;
 - (b) foundations;
 - (c) steel reinforcement;
 - (d) 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;
 - (e) on completion of the structure;
 - (f) landscaping.

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10. 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.
11. No burning of demolition or construction material being carried out on the site.
12. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
13. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
14. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
15. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
16. Roofwater shall be drained to the water storage vessel/s (where required), existing roofwater drainage system, or otherwise to absorption pits located a minimum 4m clear of any building and allotment boundaries.

Use of the Site

17. The building is not to be used for any residential, commercial or industrial purpose without prior Council approval.

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Site Plan

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Locality Plan

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Site Plan

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Item: **17**

ITEM: 17 **Demolition of Existing Motor Showroom and Erection of New Motor Showroom - Lot 61 DP748779 No.102 Macquarie Street, Windsor; Lot 19 DP1024573 No. 94 Macquarie Street, Windsor; Pt Lot 1 DP832585 Macquarie Street, Windsor; Lot 5 &6, DP787880, No. 92 Macquarie Street, Windsor**

FILE NUMBER: M1157/00/EVD/ENC27NAX.V09

Applicant: W D & B L Wilson
Applicants Rep: As above
Owner: Marnic Motor Company Pty Ltd, Mr & Mrs Seale, Health Administration Corporation
Stat. Provisions: HLEP 1989, SEPP11
Area: 7319sqm
Zone: Residential 2(c) and Special Uses 5(a)
Advertising: Notified to adjoining owners and occupiers
Date Received: 4 April 2000

Key Issues: - Access/Local Traffic Committee
 - Flooding

Action: Approval

REPORT:

Introduction

An application has been received seeking consent to redevelop the site by demolishing the existing motor showroom and workshop and replacing it with a new building for the same use.

The application is being reported to Council due to matters raised by the Local Traffic Committee and requirement for the Committee's recommendation to be endorsed by Council. This report details the proposal, the statutory situation and an assessment of the application in accordance with Section 79C of the EP&A Act 1979. Based on the assessment the application is recommended for approval, subject to conditions.

The Proposal

The proposal intends to demolish the existing motor showroom and workshop and redevelop the site for the same use. The building that is being redeveloped exists on Lot 61 DP748779, associated parking occupies the adjoining lots to the east.

Existing on the site is the following:

- Vehicle display area for eighty (80) cars
- Workshop with ten (10) working bays
- Four (4) detailing bays
- Seven (7) washdown bays
- Showroom and office space
- Twenty-two (22) car parking spaces

Proposed redevelopment includes:

- Demolish existing building and erect new building
- Additional four (4) workbays
- Additional twenty-eight (28) car parking spaces
- Reduce vehicle display to sixty (60) vehicles

The new building will present to the Macquarie Street frontage glass curtain walls and side elevations divided by a bullnose colorbond awning supported by columns which will have attached ornate lamps for light during the evenings. The rest of the building will be constructed of concrete tilt slab with indented design features. The maximum wall height is 9m to the apex to 6.5m to the south west elevation along the property boundary. The building will be setback 13.5m from the frontage to Macquarie Street. The redeveloped building will also retain the same floor area of 2000sqm.

Access to the site will remain from Macquarie Street. The development will provide for a total of fifty (50) car parking spaces.

There are a number of easements over the Lot 1, DP832585 for drainage and right of way to Council's pumping station.

Subject Site

The site comprises five (5) lots:

DP748779 Lot 61	2898sqm (Building and Display area)
DP1024573 Lot 19	2067sqm (parking and existing detailing bays)
DP845083 Pt Lot 1	878sqm (parking)
DP787880 Lots 5 & 6	1507sqm (parking and used car sales area)
TOTAL	7350sqm

To the north of the development site is Macquarie Street, the south and west is Hawkesbury Hospital, the east residential development.

Background

Amendment No.16 to HLEP 1989 allowed part of the new Hawkesbury Hospital Site (Pt lot 1 DP832585) to be used as a motor showroom by an adjoining landowner (Windsor Toyota) whilst retaining the zoning of Special Uses 5(a).

Amendment 94 - This amendment to Hawkesbury Local Environmental Plan 1989 enabled a motor showroom use on the subject site (Lot 19, DP1024573) whilst retaining the zoning of Residential 2(c).

M1459/00 - A boundary adjustment approved, the additional land ((Lot 19, DP1024573) created by the boundary adjustment subject to draft local environmental plan 7/00. Approval was granted subject to that area being used for landscaping only and not for motor showroom purposes.

M1118/00 - Approval granted for 7 detailing garages on the site.

M726/99 - Approval granted for the extension of the existing workshop area.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Lot 61 DP748779 and Lots 5 & 6 DP787880 are zoned Residential 2(c) under Hawkesbury Local Environmental Plan 1989. Motor showrooms/car repair stations are prohibited within the 2(c) zone but these properties enjoy existing use rights.

Lot 19 DP1024573 is zoned Residential 2(c) under Hawkesbury Local Environmental Plan 1989. Amendment 94 enabled motor showroom use on the land whilst retaining the zoning, therefore allowing motor showroom/car repair station on the site with development consent.

Pt Lot 1 DP832585 is zoned Special Uses 5(a) under Hawkesbury Local Environmental Plan 1989. Amendment 16 enabled motor showroom use on the land whilst retaining the zoning, therefore allowing motor showroom/car repair station on the site with development consent.

The proposed development is defined partly as a 'motor showroom' and partly as a 'car repair station' which under Cl. 6 of HLEP 1989 means:

"'motor showroom' means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed therein or thereon;

'car repair station' means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) body building;*
- (b) panel beating which involves dismantling; or*
- (c) spray painting other than of a touching-up character."*

Reference should be made to Clause 9(3) - zone objectives. The zone objectives are satisfied in respect of the proposed development when assessed together with the existing use of part of the site.

Reference should be made to Clause 22 - Development along a Main Road (the relevant subclauses are quoted)

"22. (1) *In determining any application for consent to carry out development in any zone where the land has a frontage to a main or arterial road, the Council shall have regard, in addition to the matters specified in section 79C(1) of the Act, to the following principles:*

(a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality."*

Comment: The proposed redevelopment of the site is considered compatible with the surrounding area and will not alter the existing scenic character. The redevelopment may improve the visual appearance of locality particularly along Macquarie Street.

(b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*

Comment: The redevelopment will not generate any significant additional traffic along Macquarie Street being a main road, nor will it alter the existing road capacity. There is an increase of 4 workbays which will generate an additional requirement of 24 spaces, this should not change the traffic movements significantly. The proposal will not increase ribbon development as it is only modifying an existing development. The safety of the access has been considered by the Local Traffic Committee and is discussed later in this report.

(c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*

Comment: The redevelopment is at an appropriate scale, and will not alter the character of the area significantly, it is considered that it will be an improvement on the appearance of the existing building.

(d) *Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by the Council having regard to:*

(i) *the nature, scale and function of the building;*

(ii) *the maximisation of sight distances for drivers, including visibility of points of access;*

(iii) *the minimisation of distractions to drivers; and*

(iv) *any possible need to alter the road alignment in the future.*

Comment: The building setback will be increased from 6m to 13.5m which will improve sight distance for drivers using the site, also the access points are being further considered by the Local Traffic Committee which will improve the safety of that section of Macquarie Street.

- (3) *Direct vehicular access from any land to a main or arterial road is prohibited. However, if, in the opinion of the Council, there is no reasonable alternative access to the land from another road, the Council may consent to access to a main or arterial road if such access will be located and designed so as to minimise potential traffic hazards.*

Comment: The access to the development is existing and traffic movements should not alter significantly from the proposal. It is considered suitable to maintain the access from Macquarie Street. There is no suitable alternative access from another road.

Reference should be made to Clause 25 - Development of Flood Liable Land (the relevant subclauses are quoted below)

- "25. (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*
- (4) *Notwithstanding subclauses (2) and (3), a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*
- (8) *Notwithstanding subclauses (2) and (3), a dwelling or other building may, with the consent of the Council, be erected on an area of land which has a level not less than 3 metres below the floor height standard for the land immediately before the commencement day. However, the Council shall not grant consent for development pursuant to this subclause after 30 June 2002."*

Comment: The subject land that the building is to be constructed is at 13m AHD & 14m AHD. Construction of a building on this level of land is allowable under Clause 25. Subclause 4 and 8 allows construction at the old 1:100 year flood level of 16m AHD. The likelihood of flooding does not make the site unsuitable for the proposed development.

Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River

The subject property is within the boundaries of SREP No.20 and is within the South Creek catchment area. The subject property is not within a scenic corridor and is not inconsistent with the specific planning policies and recommended strategies of the plan.

Standard Environmental Planning Policy No.11 - Traffic Generating Developments

This policy aims to ensure that the Traffic Authority is made aware of, and is given opportunity to make representations of development referred to in Schedule 1 or 2 of the policy. The proposed development is listed in Schedule 2 of SEPP 11 requiring referral to the Local Traffic Committee. The recommendations of the Local Traffic Committee are reported in the minutes of the committee in this business paper. The recommendations will be discussed below.

Community Consultation

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

There were no submissions received in relation to the proposal.

Planning Assessment

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

Context and Setting

The subject properties are located along a main road, the character of the area is very diverse, with such land uses as the old Hospital site, Hawkesbury Hospital, residential, commercial and other motor showrooms and workshops.

The subject used and new car display room has been operating since 1971 with Council approval. It has been acknowledged that Lot 61 DP748779 and Lots 5 & 6 DP787880 enjoy existing use rights.

The proposed development will not adversely impact upon the scenic quality of the landscape. The character and amenity of the area will not be adversely affected.

The proposed development is not inconsistent with the previous and existing land uses and activities in the locality.

Access

The subject property is accessed via the existing entrances from Macquarie Street which is a main road. This access will remain as part of the redevelopment of the site, but will be improved by constructing a 'seagull' access, this is indicated on Attachment 2 of this report.

The matter was referred to the Local Traffic Committee, with comments from the Roads and Traffic Authority (RTA). The RTA recommended a number of options which Council could consider to improve the access the site. The options are:

"Option 1 - Provide an intersection seagull treatment at the intersection of Suffolk Street and Macquarie Street to RTA Road Design and Austroads Standards. This will eliminate the cross traffic onto the site from Suffolk Street and the right turn from Macquarie Street into the site. This will however take away parking on the western side of Macquarie Street. This layout will maintain the existing entry into the site via the "Right of Way" (ROW). All loading / unloading of vehicles will need to be carried out on the site.

Option 2 - Provide a seagull access arrangement similar to that submitted by the applicant as their preferred option but designed to accommodate the exit turning path of a semitrailer. An attached sketch shows a suggested layout of access on site to carry out loading and unloading of vehicles. The location of the driveway into the ROW has been located 5m from the power pole to allow for the possible future installation of traffic signals. A "No Right Turn" sign is to be installed with the existing "No U-Turn" sign in Macquarie Street. However, this arrangement may not stop some motorists crossing into the site from Suffolk Street and as witnessed, illegal turning manoeuvres will still occur.

Option 3 - As in option 2 but also extending the median in paint only (to accommodate the turning path of heavy vehicles turning right into Suffolk Street). A "No-Right Turn" sign is to be installed with the existing "No U-Turn" sign in Macquarie Street. This arrangement although deters cross traffic from Suffolk Street, will however result in the need to ban the right turn out of Suffolk Street."

The preferred Option by the Local Traffic Committee is Option 3, however, final design plans will be required to be submitted to the RTA prior to any construction works along Macquarie Street.

In addition to improving safety on the site there are two other access points along the frontage of the development which should be removed to allow one point of access to the development. Should the application be supported the conditions of consent should require removal of existing laybacks to those entrances and also reflect the requirements of the Local Traffic Committee recommendations.

At present there is no facility for loading and unloading of vehicles on the site, the applicant advises that it is presently carried out in the parking lane in Macquarie Street generally outside business hours. The configuration of the property does allow for articulated vehicle carriers to enter and leave in a forward direction, although there is no specific loading area defined within the site layout. If deliveries are generally made outside business hours this should not present any problems to traffic circulation within the site. A condition is proposed to ensure that all loading and unloading of vehicles is carried out on the site.

Parking

The relevant development control plan for the subject site for Parking. The parking DCP requires the following from the development:

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Development	Parking Requirement
Car Showroom	1/250sqm of site area plus 1/employee
Car Repair Station	6 spaces per work bays

The parking was calculated by determining what additional parking demand was being proposed as part of the overall development. There is currently 22 car spaces on the site to accommodate the existing uses. The applicant is proposing 50 car spaces.

The proposed redevelopment, although is creating a new modern building is not changing the floor area. The only additions to the site are an additional four (4) workbays, therefore requiring an additional 24 car spaces. The parking requirement for the development would then be 46 car spaces. The applicant is proposing to provide 50 spaces which is 4 spaces in excess to what is required.

The proposed parking spaces and layout generally complies with the Development Control Plan for parking and it is considered that parking is adequate for the development.

Easements

There is a 3.66m wide easement for access to Council's pumping station on Pt Lot 1 DP845083 from the existing access to the development in Macquarie Street. Changes to the access point will obstruct Council's legal entry. Access to the pumping station is still possible with the changes to the access point but there will be a need to create additional easements for access over the new driveway. Should the application be supported the easement existing to the pumping station will need to be modified.

There are a number of lots that form this development site, due to this, there is movement over the site and in between each lot without any right of carriageway in place. Should the application be supported right of carriageway should be created over each of the lots for access and vehicle movement. The properties are not all owned by the dealership, therefore consolidation is not an option.

Site Design

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.

Conclusion

The proposed development is not inconsistent with the objectives of the zones and is permissible with consent in the zones as amended in Hawkesbury Local Environmental Plan 1989 and with the provisions of existing use rights.

The development is compatible with the surrounding area and will not adversely impact on the streetscape or the amenity of the area. The redevelopment will improve the aesthetics and road safety along Macquarie Street.

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

RECOMMENDATION:

That approval be granted for demolition of existing building and the erection of a Motor showroom and workshop at Lot 61, DP748779, No.102 Macquarie Street, Windsor, Lot 19, DP1024573, No. 94 Macquarie Street, Windsor, Pt Lot 1, DP832585, Macquarie Street, Windsor, Lots 5 & 6, DP787880, No. 92 Macquarie Street, 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 W D & B L Wilson, Drawing No. 120, Sheets 1,3,4,5 dated June 2000) submitted with Development Application No. MA1157/00 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
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) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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).

5. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.

6. 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

7. Details of the proposed building demonstrating compliance with the Building Code of Australia is to be submitted to the Principle Certifying Authority for Approval.
8. Schedule of external colours and finishes is to submitted to Council for approval.
9. A Landscape Plan is to be submitted to Council for approval, particularly for the median in between the entry and exit point to the development.
10. Separate details of the proposed roofwater and surface water drainage system shall be lodged in duplicate for approval. Such details shall be approved prior to issue of construction certificate.
11. Separate practising Structural Engineer's details of all structural concrete and steelwork shall be lodged prior to issue of construction certificate.
12. The submission of engineering designs and calculations covering all works required by this consent.

Prior to Commencing Works

13. 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.

14. 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.
15. 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
16. 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.
17. 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.

During Construction

18. All building work must be carried out in accordance with provisions of the Building Code of Australia.
19. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) erosion controls, site works and site set out;
 - (b) piers;
 - (c) steel reinforcement;
 - (d) 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;
 - (e) wet area flashing, after the installation any bath and shower fixtures;
 - (f) internal drainage lines prior to covering;
 - (g) external drainage lines, prior to backfilling; and
 - (h) on completion of the structure.
20. 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.
21. No burning of demolition or construction material being carried out on the site.

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22. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
23. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
24. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
25. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
26. 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.
27. Access to the proposed dwelling for people with disabilities shall be provided in accordance with the requirements of Part D3 and the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds".
28. Proposed building is to be kept clear of all easements.
29. The construction of the seagull entrance in general accordance with Drawing Number 01011 dated March 2001 varied as necessary to allow semitrailers to exit the site without mounting the proposed centre median in Macquarie Street.
30. The creation of an easement for access over the proposed in and out drives at the seagull entrance to retain Council's access to it's pumping station. This easement is to be created prior to the construction of that part of the works which would obstruct Council's access along it.
31. The construction of the extension to the central median in Macquarie Street shown on drawing Number 01011 dated March 2001 to the requirements of the Roads and Traffic Authority (RTA) including submission of plans and payments of any fees, contributions or securities required by the RTA.
32. Parking shall be provided for 50 vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, display areas, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked.
33. 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.

34. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
35. The creation of reciprocal rights of way over the internal access points between Lot 6 DP 787880 and Lot 19 DP1024573, between Pt Lot 1 DP845083 and Lot 19 DP1024573, and between Lot 61 DP748779 and Lot 19 DP1024573.

Prior to Issue of Occupation Certificate

36. Separate details of the proposed method of treatment of liquid wastes prior to discharge to Council's sewer or stormwater drainage system shall be submitted and approved by Council.
37. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
38. 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.
39. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
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. To ensure parking necessary for the development is provided and kept clear and available, 50 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
42. In order to ensure on-site car parking and loading facilities are utilised, exit/ entrance points are to be clearly signposted and visible from both the street and site at all times.
43. A form 15 Fire Safety Certificate is to be submitted to Council.

The Use of the Site

44. To contain vehicles associated with the use within the subject property, all vehicles being serviced, repaired, stored or displayed for sale shall be contained within the subject property and not on adjacent footpaths or roadways.
45. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
46. The area to be used for the approved development being limited to the area shown on the submitted plans.
47. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:
 - (a) all vehicles being loaded or unloaded shall stand entirely within the property;
 - (b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
 - (c) all vehicles associated with the use shall be accommodated within the approved car park on the subject land, to the satisfaction of Council.
48. The development shall be conducted in such a manner that noise levels measured at any boundary do not exceed 5dB(A) above background noise levels.
49. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
50. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
51. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.
52. All loading and unloading of vehicles is to be carried out within the site.

ATTACHMENTS:

- AT-1** Locality Plan
AT-2 Site Plan
AT-3 Elevations - Perspective View

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Locality Plan

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Site Plan

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Elevations - Perspective View

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ITEM: 18 **Application to Modify Designated Development Consent for an Existing Waste Management Facility at 723 -729 George Street, South Windsor**

FILE NUMBER: DA194/96/EVD/ENC27NAX.V02

Applicant: Mr K Willoughby
Applicants Rep: Berzins Environmental Planning
Owner: No. 723 Lot 22 DP518147 - Waycap Pty Ltd
 No. 725 Lot 59 DP560460 - Waycap Pty Ltd
 No. 727 Lot 60 DP560460 - Mr J Tanti
 No. 729 Lot 2 DP719658 - Mr K Willoughby
Stat. Provisions: HLEP 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 8.3ha
Zone: Rural 1(c)
Advertising: Wednesday 13 December 2000 to Wednesday 3 January 2001 including
 letter to neighbouring owners/residents, site sign and advertisement in
 Hawkesbury Gazette
Date Received: 28 November 2000

Key Issues - Satisfactory compliance with conditions of consent for Stage 1

Action: Amend the consent to approve the second stage and provide operating
 conditions for stage two (2)

REPORT:

Introduction

On 10 June 1997 Council gave development consent (DA194/96) for a "waste management facility" at 723-729 George Street, South Windsor. The development was defined as designated development under schedule 3 of E P & A Act.

The application was accompanied by an Environmental Impact Statement which dealt with the impacts of the total development

The development involves clean landfill [110,000m³ inert waste] in cells, progressively filled towards the western end of the site, to a depth of 2.5m.

The stated objective of the proposal was "to raise the level of the land to a height compatible with the existing approved works over the adjacent land", ie the existing landfill on 729 George Street. The EIS stated that the development's purpose was "not to provide a landfill receptacle for waste. The purpose of the proposal is to raise the level of the land for capital and environmental improvement".

The consent was issued in two parts. Part A approved the operation of stage 1 of the landfill for parts of the site above 11.3m AHD. Part B of the consent deferred commencement of the remaining stage/s subject to certain conditions.

Approval is sought to modify the consent, so as to permit the second stage of the development to proceed, and to establish operating conditions in the consent for this second stage.

Apart from Council's development consent, the facility is also subject to a licence from the EPA, which includes operating conditions.

Background

On 22 August 1995 the General Purpose Committee considered a development application (DA224/94) for landfill on 721-731 George Street, South Windsor. The application was recommended for refusal.

The Committee resolved to support the application in principle subject to an Environmental Impact Statement (EIS). On 20 August 1996 the designated development application was received for land contour alterations and landfill at 723-727 George Street. The application was accompanied by an EIS.

A report to the General Purpose Committee was prepared for the meeting of 26 November 1996 recommending refusal of the application. The applicant requested that the report be deferred so that the applicant could consider the matters raised in the report and consult further with Council and the relevant public authorities.

The applicant lodged additional information with Council on 12 March 1997 and a site visit was conducted with Council staff and the applicant on 22 April 1997.

On 29 April 1997 the General Purpose Committee again considered a report on the application and resolved to refuse the application in accordance with the recommendation of the report.

Council at its Ordinary meeting of 13 May 1997 resolved that appropriate conditions for a "staged" development be brought forward to the next General Purpose Committee.

These conditions were considered by the Committee on 27 May 1997 and were adopted by Council at its Ordinary meeting on 10 June 1997.

The development consent was divided into parts A & B. Part A approved stage 1 subject to conditions, this stage being the area above 11.3mAHD. Part B was a deferred commencement approval for further stages of the landfill. Part B was subject to:

- Compliance with the conditions of consent provided as part of this approval
- Details of subsequent stages being submitted to Council for approval
- That it comply with any specific requirements of the Western Sydney Waste Board

Following advice being received from Council's solicitors Abbott Tout, the applicant was advised on 6 September 2000 that ultimately a staged approval had been issued by Council, even though it appears that Council intended to issue a "deferred approval". The difference being that with a staged approval subsequent stages must receive their own development consent whereas deferred approval often requires the fulfilment of some sort of condition before the next stage can commence. The applicant was advised that three options appeared to be available with respect to subsequent stages of the development:

1. Prepare a new development application including an environmental impact statement covering the second subsequent stages and submit to Council;
2. Apply to Council to vary the current consent to insert a schedule of operating conditions for the second and subsequent stages, demonstrating that all conditions of the operation of Stage 1 have been fulfilled, including the final condition which deals with the preparation of a report to determine whether the impact statement was, in fact, correct in assertions regarding the operation of Stage 1; and
3. Make a submission to the Land and Environment Court to obtain a declaration that would achieve either of the two outcomes above.

The applicant has therefore made application to modify the consent in accordance with option 2 of the above advice.

Section 102 Modifications to Consent

In 1998 Council approved a modification of consent 194/96 to enable some minor filling near the dwelling house on 725 George Street and to increase the amount of waste to be deposited in stage 1 so as to increase the amount of overburden available for completion of stage 2.

Proposed Waste Recycling operation MA527/00

On 5 April 2000 an application was made by Tekom Pty Ltd for a waste recycling operation at 729 George Street, on land to the rear of the hardware store and landscape supply business, MA527/00. The intention was to relocate a recycling depot/waste recycling business from No. 405A Windsor Road Vineyard. There was no consent for the operation of the business at that site. The application was lodged on the basis that the proposal was an addition to the existing approved designated development on the site. The intention was for this to be a separate but related operation to the waste management facility, in that material remaining following the recycling process could be sent into the landfill if appropriate.

The applicant was advised that as the proposed activity was dependent on stage 2 of the existing waste management facility and a new application for stage 2 was required Council could not determine the application for the recycling operation. The application was withdrawn on 18 November 2000.

The Site

The site consists of four properties being an existing hardware store/nursery supply business (no.729 George Street) which is used for access to the site, and three properties (No. 723,725 and 727 George Street) immediately north of the hardware store located on the western side of George Street, Windsor.

The site has an eastern frontage of approximately 220m to George Street
Stage 2 encompasses approximately 65% of the site.

The land is zoned Rural 1(c) under H L E P 1989. Filling of the land is permitted within the zone subject to consent.

No 729 George St had been filled to a height of 12-14m AHD, subject a consent issued on 19 October 1992 (DA220/92).

Prior to filling of stage 1 the properties at 723-725 George Street comprised of predominantly low lying land between the 8 -14m AHD contours falling away from George Street westerly towards Rickaby's Creek. No. 723-727 George Street each contain a single residence and associated farm buildings.

The Hawkesbury Nepean flood study conducted for the Water Board records the following flood levels for the area.

Flood Frequency	Flood Heights
1:100	17.3
1:50	15.8
1:20	13.7
1:10	12.4
1:5	11.3

The floor height standard for the application is 16m AHD.

In a previous report to Council and prior to the land filling in stage 1 of this development the land at 723-727 George St was described as being extensively disturbed from ploughing, clearing, previous dumping and localised land filling. There was also substantial weed infestation.

The Proposal

The application to modify the consent relates to the provision of a schedule of conditions for stage 2 of the development.

The original stated objective of the proposal was to raise the level of the land to a height compatible with the existing approved works over the adjacent land, i.e existing landfill at 729 George St, Windsor.

The EIS submitted with the original application specified that the landfill was to cover an area of approximately 4ha and to consist of approximately 31 landfill cells. A total of 110,00m³ of inert waste was proposed to be deposited as landfill on the site. Stage 1 encompassed approx. 35% of the total landfill area.

While the number of cells shown on the approved development application plan was 31, the size and number of cells has since been altered. Stage 1 now contains 7 cells, originally 15 cells. Stage 2 will now contain 9 cells. The changes to cell sizes and number has resulted from operational requirements. This has not altered the extent of landfill.

The depth of the cells in stage 2 will not exceed 2.5metres and will be excavated as per stage 1.

While the Statement of Environmental Effects (SOEE) indicates that Stage 2 is to be carried out in a manner consistent with the operational procedures of stage 1, changes to the operational methods are also detailed in the statement. These are:

- The floor of the cells will be compacted and graded to drain toward a sump which is located at the south west or north west corner of the cell;
- In each case the sumps will be located at the outside edge of the site so as not to interfere with the operations;
- The sump will be 50cm deeper than the nearby floor and filled with crushed drainage aggregate. The riser from this sump will be constructed such that it has an inner pipe for sampling and if need be pumping out and an outside pipe will the space in between filled with coarse drainage materials; and
- The top of this drainage material will be sealed with a clay cap and the central bore capped with a cover plate.

The SOEE indicates that changes will occur during the filling of stage 2 to ensure that cover is applied on a weekly or more frequent basis to ensure that there is minimal if any potential for flooding of the site to result in the washing out of waste into the free moving floodwaters. Subsequent to the SOEE and in response to issues raised by the EPA daily cover over the waste is proposed which will meet EPA requirements. This is detailed in a letter to Council from McGregor Environmental Services which was in response to issues raised by the EPA.

As stage 2 progresses it will be necessary to fill the existing, southern sedimentation dam. The stormwater currently entering this dam will be channelled into a stabilised swale that will terminate in the permanent sedimentation pond in the north western corner of the subject land.

Statutory PositionProvisions of Environmental Planning and Assessment Act 1979, as amended, and Regulation 2000

The approved development is designated development being a waste management facility in accordance with schedule 3 of the E P A Regulation 2000 due to the volume of landfill and its location within a floodplain.

Under clause 35 of the regulation development involving alterations or additions to development is not designated development if in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development. Stage 2 was considered with the original application and was part of the EIS originally submitted. No significant changes are being proposed to the total development as originally considered by Council.

Community Consultation

The application was publicly exhibited from 18 December 2000 to 3 January 2001, in accordance with the clause 118 of the EPA Regulation. This included an advertisement in the Gazette, letters to adjoining landowners and a site sign. No objections were received.

Public Authority Consultation

The application was also referred to the following public authorities:

- Hawkesbury Nepean Catchment Management Trust
- Department of Land and Water Conservation
- Environment Protection Authority
- NSW Fisheries
- Sydney Water
- NSW Agriculture
- Western Sydney Waste Board
- Roads and Traffic Authority

A summary of responses is set out below:

Hawkesbury Nepean Catchment Management Trust

- "1. Conditions relating to Stage 1 should remain in the consent. Stage 1 is said to be still operational and has yet to be rehabilitated. We agree with Council that there should be specific conditions for the second and subsequent stages. In this regard we note the comments [in the letter to the applicant from Council dated 4 September 2000], i.e "the production of this approval reveals that, ultimately what was produced was a staged approval, even though it appears that Council intends to issue a 'deferred approval' ". Accordingly a further application would appear to be necessary. The advantages to Council and the community of pursuing Option 2 [a modification of this consent] are not immediately clear.

2. *We consider the 10 year completion date for stage 2 to be excessive particularly as stage 1 has been filled so quickly. Rehabilitation should commence immediately on completion of the filling and be finalised within six months. The condition as proposed could see an unacceptable delay in rehabilitation.*
3. *Stockpiles of soil, sand etc should be bunded to reduce risk of sedimentation.*
4. *Details of measures proposed for the diversion of stormwater should be required.*
5. *The environmental impact prediction verification reports should be prepared by an independent consultant. A report should also be provided 6 months after the completion of the rehabilitation work. A satisfactory result should be a prerequisite for release of the bond."*

Comment: Any amended consent conditions would relate to all stages of the development. The option of modifying the consent was one of three options suggested in a letter to the applicant from Council, details of which are discussed above.

Other matters raised by the Trust in points 2 to 5 address are valid concerns and can be incorporated in any amended consent conditions.

Department of Land and Water Conservation

Rivers and Foreshores Improvement Act 1948

"If an works are planned within 40 metres of the top of the high bank of Rickaby's creek, they would need to be referred by Council to the DLWC under the IDAS process with regard to possible approval under the Rivers and Foreshores Improvement Act 1948. It is therefore suggested that a condition be added to the consent clarifying the minimum distance of works from Rickaby's Creek.

Floodplain Management

"The documents provided do not provide any detail on the flooding implications of the works. ...any development on flood prone land should be considered in accordance with the NSW Government's Flood (1984) as set out in the Flood plain Development Manual (1986). These principles. These principles are further explained in the Government's draft Floodplain Management Manual (1999).

The primary objective of the ..Flood Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from all levels of potential flooding. As outlined in the Manual the Policy is merits based, in which the impacts of flooding are balanced against planning, social, environmental and economic issues. Council needs to check that all considerations in the Manual are adequately addressed in making decisions.

Impacts from development in isolation can be small. However, when considered in combination with other future development the impacts might be significant. It is therefore prudent to assess the cumulative impacts of all likely development."

Comment: No work is planned to be carried out within 40m of the creek.

The issue of flooding was covered in the original EIS and discussed in the original DA reports. A Flood Study was carried out by the applicant's consultants. This investigation concluded that undertaking the site re-contouring works would not have a detrimental impact on the flood levels in the Rickaby's Creek catchment. It was also anticipated that local catchment flood waters may rise by around 60mm in the vicinity of the landfill in the 1% AEP event (1in 100 year event)

Potential cumulative impacts were discussed in the original report to Council. It was considered preferable that such filling activities be carried out on land either flood free or less flood liable and that landfill on flood liable and flood plain was inappropriate and would be a precedent for land filling on flood liable land generally.

Environment Protection Authority

"The landfill is currently subject to an Environmental Protection Licence that only applies to stage one of the Development approval 194/96. If the DA is modified to extend the landfill beyond stage one the applicant will need to apply to the EPA for a variation to their current licence.

The landfill is an environmentally sensitive area that is inappropriate for land filling. The EPA's definition of areas inappropriate for landfill is detailed in Technical appendix 8 of the document Environmental Guidelines: Assessment , Classification and Management of Liquid and Non Liquid Wastes May 1999. The EPA primary concern in this regard is the placement of the landfill in an area prone to flooding.

On our most recent inspection of the site, 25 October 2000, eight conditions of the licence were not being met. Those that may be relevant to your deliberations include:

- *Waste not covered daily*
- *Large areas of waste were exposed leaving it vulnerable to washout in times of flood. Lack of cover material also reduces the compaction of the material and leaves it vulnerable to excessive water infiltration and leachate and may also cause slumping of the ground level in the future.*
- *Whole tyres amongst the exposed waste*
- *Whole tyres buried in landfill find their way to the surface over time. Here they are a fire risk and a perfect environment for mosquito breeding. They would also be washed away in times of flood.*
- *Not operating an effective recycling service.*

- *Some activities not being carried out in a competent manner.*

As an example fuel was being stored in an unbunded area and there was inadequate erosion and sedimentation control around clay stockpiles.

- *No attempt to revegetate completed landfill cells including the eastern and northern landfill batters which show clear evidence of recent and past erosion.*
- *Breakages in the premises perimeter fencing and clear evidence of access into the premises through such breakages."*

Comment: This was referred to the applicant's consultant for comment. A detailed response has been received to these matters, prepared by McGregor Environmental Services on behalf of the applicant. All the matters raised by the EPA are seen as minor matters which are being attended to by the applicant. The response to each of the matters raised by the EPA are summarised as follows:

- *Waste not covered daily*
- *Large areas of waste were exposed leaving it vulnerable to washout in times of flood. Lack of cover material also reduces the compaction of the material and leaves it vulnerable to excessive water infiltration and leachate and may also cause slumping of the ground level in the future.*

The need to cover inert waste on a daily basis is questioned, being more applicable to landfills accepting putrescible wastes. Potential for washout is minimised by the operational methods, with this being essentially a trench filling operation. Practices are applied which achieve the best compaction and stability. With respect to water infiltration, and the generation of leachate, it is agreed that more water will enter the waste, but as this is a trench filling operation all water falling within the trench must be regarded as leachate and so except for increased evaporation rates there is little difference in the volume of leachate. The applicant however accepts that despite it not producing optimum compaction and stability he will have to change his operational methods to satisfy the EPA's insistence on daily cover.

- *Whole tyres amongst the exposed waste*
- *Whole tyres buried in landfill find their way to the surface over time. Here they are a fire risk and a perfect environment for mosquito breeding. They would also be washed away in times of flood.*

The tyres observed were on top of the waste awaiting removal to a licensed facility. A copy of a receipt is provided showing the removal and disposal of the tyres to Bob Porter tyre disposal at Wilberforce.

- *Not operating an effective recycling service.*

Any scrap metal received at the site in mixed waste is retrieved and stockpiled for recycling. In order to satisfy the EPA requirement the scrap metal stockpile has now been signposted.

- *Some activities not being carried out in a competent manner.*

As an example fuel was being stored in an unbunded area and there was inadequate erosion and sedimentation control around clay stockpiles.

This refers to a 1,000 litre diesel fuel storage tank on a tank stand, approximately 3m above ground level. A clay bund has been formed up around the tank with a 4m radius so that if the tank fell it would be within the bund.

There has been no extensive attempts to re-vegetate the clay stockpiles and the approach taken has been as detailed in a surface water control plan forwarded to the EPA in 1999 as part of the licence requirements. This approach has been to ensure that re-vegetation occurs at the perimeter of the stockpiles and that drainage channels be vegetated to minimise washout and that runoff flows into a large and shallow sediment basin and finally into a large retention pond. This approach has ensured that minimal if any suspended matter reaches the creek.

- *No attempt to revegetate completed landfill cells including the eastern and northern landfill batters which show clear evidence of recent and past erosion.*

Only the area to the south eastern perimeter near the horse stables in the neighbouring property has been re-vegetated. This is because it is the only part that has reached its final levels. The eastern and northern landfill batters are in fact clay overburden stockpiles, as batters are not required in this trench filling operation. The cells in this northern and eastern end of the site are not completed.

- *Breakages in the premises perimeter fencing and clear evidence of access into the premises through such breakages.*

The fence section referred to had been temporarily removed to allow the applicant to move a tracked device onto the adjoining property to tidy up certain areas. There is no uncontrolled access to the site by vehicles, and any pedestrian access could only be through neighbouring occupied properties.

The Environmental Guideline referred in the EPA's letter lists environmentally sensitive areas which are considered inappropriate for landfilling. This includes reference to a landfill site within a floodway that may be subject to washout and/or inundation during a major flood event. A major flood event is considered to be a 1:100 year event.

A substantial part of the site [prior to filling] would be inundated in a 1:20 year event.

The impact of flooding on the site and the implications of proposed filling was covered on the EIS submitted with the original application and discussed in the original reports on the proposal. Reservations and concerns about the flood affectation of the land was considered and it was noted that it would be preferable for such filling activities to be carried out on land either flood free or less flood liable.

NSW Fisheries

"No objection to the proposal subject to:

- *The maintenance of a 50m buffer zone around the creek*
- *Adherence to all recommended runoff, sediment and erosion controls"*

NSW Agriculture

- *"The land is mapped as agricultural land class 3 suitable for grazing. The surrounding land uses are commercial, religious establishment and grazing.*
- *The rehabilitation of the site should be at least to the existing level of agricultural potential. The suggested pasture species would be suitable to obtain ground cover, follow up watering and re sowing may be required. Sub surface drainage may need installing if plants require a free draining soil.*
- *The weeds management plan should be in line with State, regional or local weed management plans or strategies, in particular it should be consistent with the Hawkesbury River County Council Weed Management Plan."*

Comment: The applicant will be advised of comments regarding the rehabilitation of the site. A weeds management plan was submitted in 1997 prior to works commencing, and was considered to be satisfactory. The plan has been updated and included with the information submitted with the application. The updated plan will need to be amended to correctly refer to the total site, and the amended configuration of cells. The applicant can be requested to address the provisions of the County Council weed management plan.

National Parks and Wildlife

"NPWS is unable to provide specific comment on the proposed modification to the development consent as no detail has been provided on the likely impacts on native fauna, flora and Aboriginal heritage or to NPWS reserves. ...

It is unclear from the information provided whether the original development application assessed all stages of the proposal (and detailed in the EIS). If the site does contain the above features and these have not been previously assessed, the NPWS recommends that appropriate assessments be undertaken (eg flora/fauna survey and 8 part tests)...

Aboriginal matters

NPWS notes that a separate application for consent to destroy [an Aboriginal relic or place] under section 90 of the NPWS Act has been assessed and approved by NPWS. This consent only applies to those sites and areas described in schedule A & B of the consent and expires in 2 years from the date of issue. The consent has also been conditioned and NPWS trusts Council is aware of these conditions.

It is possible that an 'unknown' Aboriginal site could be identified on the land where the proposal is undertaken. If this occurs, all works on or adjacent to the Aboriginal site must cease, and the applicant must identify a conservation option to protect the site or seek a

consent to destroy from the Director-General of NPWS at that time. It is an offence to knowingly destroy, deface or damage a relic or Aboriginal place without consent.

In addition, should Council approve the modifications to the development application, NPWS would support the current conditions of consent to be extended over the next stages of the development. In particular those relating to rehabilitation of the site, bush regeneration, weed management and containment of runoff from the site. "

Comment: The applicant is relying upon the flora and fauna report submitted as part of the original EIS process when the application was originally considered. This addressed the total area to be developed.

The consent under section 90 of the NPWS Act is dated 30/11/2000, and will therefore expire on 30/11/2002. The three sites which are subject of this approval were identified as part of the archaeological survey carried out for the original EIS. The sites generally consist of scattered artefacts

Roads & Traffic Authority

The RTA offers the following comments for consideration by Council:

- "• *The site is to be used as land fill and consideration should be given, for a provision of a suitable wash area, to allow washing of vehicles before exiting the site if required.*

Concerns are raised that debris, dust could be deposited on to the roadway

- *The solid white line may be broken over the lengths as shown on the attached Drawing No. "Figure 1". These broken sections are not to be remarked as a broken barrier line. All changes to the line marking are to be in accordance with relevant Australian Standards.*
- *All vehicles must be able to enter and exit the site in a forward direction. Loading facilities/truck manoeuvring areas to Council's satisfaction.*
- *All trucks entering the development must be wholly contained within the site before being required to stop.*
- *Internal roads to be of a suitable standard and condition, suitable for all weather access.*
- *Loading and unloading of goods from George Street is considered unsatisfactory.*
- *No advertising signage associated with this development is to replicate RTA regulatory signposting by style, colour or creed.*
- *Design of car parking area to conform to AS 2890.1-1993 and commercial parking*

with AS 2890.2-1989.

- *All works are to be at no cost to the RTA."*

Comment: It is considered that the existing and proposed operational conditions will satisfactorily cover these matters.

Western Sydney Waste Board

No comments received.

Sydney Water

No comments received.

Planning Assessment

The applicant's planning consultant has provided comments to address each of the conditions of consent for stage 1 and to indicate how compliance has been achieved. This shows there has been substantial compliance with the consent conditions.

The approval for stage 1 is subject to the provision of an annual review of operations, being a requirement of Council's consent and the EPA licence. The last review is dated July 2000, and was prepared by McGregor Environmental Services. The report includes an annual review of performance in respect to

- Inspection and monitoring of incoming waste
- Diversion of stormwater to retention basins
- Minimisation of leachate generation
- Monitoring of groundwater

In conjunction with the EPA licence this has been an appropriate means of monitoring the operation. It is noted above that the EPA have indicated that licence conditions have been breached. McGregor Environmental services has responded on the applicants behalf, a copy of these comments has been forwarded to the EPA.

Proposed Consent Conditions

The applicant's planning consultant has provided a set of proposed operating conditions for stage 2 of the development, in most respects these will be satisfactory and incorporate the conditions that applied to stage 1, or are similar to those that applied to stage 1.

These proposed conditions are attached to this report.

Changes to these proposed conditions are required to incorporate the issues raised in submissions from the various authorities, and in particular the matters raised by the Hawkesbury Nepean Catchment Management Trust, and the EPA requirement for the daily cover of waste.

With respect to bonding for rehabilitation and restoration, Council is holding a \$10,000 bond for stage 1 works. Having regard to the extent of the area to be filled in stage 2, in comparison to stage 1, it would be reasonable to require at least a \$20,000 bond. The arbitration requirements suggested by the applicants consultants are considered unnecessary. The bond condition for stage 2 should be similar to the condition for stage 1.

Conclusion

Having regard to the substantial compliance with the conditions of consent for stage 1, it is recommend that the application to modify the consent be approved subject to the following conditions

RECOMMENDATION:

That the application to modify the consent be approved and the consent be modified by deleting Part A and conditions 1 to 40 and deleting Part B, and inserting the following conditions:

1. The development being carried out in accordance with Drawing No. 25842P/CO4 Amdt A, dated July 1996, Environmental Impact Statement dated August 1996, additional information dated 7 March 1997, Drawing No. 23842P/CO5 Amdt C dated 29/8/97, Drawing 25842P/C6 dated November 2000 and noted "Clean compactable clay from cells top soiled and seeded", additional information March 1998 and referenced 25842Q/1-A, additional information dated 1 June 1998, except where altered by conditions of consent.
2. The area to be filled being limited to the area identified as Stage 1 and Stage 2. The filling of the cells in Stage 2 is not to exceed 2.5 metres deep. The floor of the cells shall be compacted and graded to drain toward a sump which is located at the south west or north west corner of the cell. In each case, the sumps are to be located at the outside edge of the site so as not to interfere with operations. The sump shall be 50cm deeper then the nearby floor and filled with crushed drainage aggregate. The riser from this sump shall be constructed such that it has an inner pipe for sampling and if need be pumping out and an outside pipe with the space in between filled with coarse drainage materials. The top of this drainage material shall be sealed with a clay cap and the central bore capped with a cover plate. The digging of the cell and the construction of the sump and riser shall be a hold point on the operation and shall be inspected by a Council Officer prior to any filling of the cell commencing.
3. All works for Stage 2 being completed within ten (10) years of the date of this approval. Where filling of this cell is completed sooner, rehabilitation shall commence immediately on completion of filling and be finalised within 6 months. (Note: the ten year period expires on 10 June 2007).
4. Erosion and sedimentation control devices including sedimentation pond and runoff control drain shall be maintained during construction and ongoing operations.

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5. A licence being obtained from the Environment Protection Authority prior to any work commencing upon Stage 2.
6. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.
7. All trucks arriving or leaving the site shall have their loads/trays suitably covered to prevent spillage from the truck onto the road.
8. Council reserves the right to impose a condition to have a mechanism installed whereby wheels of trucks leaving the site are washed to minimise dust and debris being deposited on roads, however, it shall monitor the operation for 3 (three) months without such a facility to ascertain whether such is required.
9. Dust control measures, eg vegetable cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. Dust control measures shall also be applied to the existing fill on No. 729 George Street, South Windsor.
10. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, casement or natural watercourse.
11. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
12. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
13. A qualified Bush Regenerator shall be engaged to specify and supervise all revegetation works.
14. All general stormwater shall be diverted around the work site other than any controlled inflow to maintain water levels within the work site.
15. All water falling on or contained within the work site shall be retained within the work site and not permitted to leave the site otherwise in accordance with a license issued by the EPA.
16. The erection of truck warning signs with distance plates located 200m on approved sites to the access to the development.
17. The payment of a bond or bank guarantee of \$10,000 (ten thousand dollars) for rehabilitation and restoration of the landfill operation in Stage 1 of the development. Should the plan of rehabilitation not be carried out in accordance with the plan, this money will be used for such work. The performance bond for rehabilitation of the site will be reviewed annually with a review of the conditions of consent.

18. The payment of a bond or bank guarantee of \$20,000 (twenty thousand dollars) for rehabilitation and restoration of the landfill operation for Stage 2 of the development. This bond shall be available for Council to call upon to undertake reasonable works that it considers that the operator has not undertaken. Should the amount of the bond be reduced by expenditure the operator shall within 30 (thirty) days of being advised provide additional funds to bring the bond back to its original \$10,000 (ten thousand dollars). NB: The bond monies in above Conditions 16 and 17 shall be released back to applicant, upon satisfactory completion of all rehabilitation works, as verified in final environmental impact prediction verification report.
19. The burying of tyres is prohibited.
20. The landfill operation is to be undertaken in only one cell at any one time with each cell being covered and rehabilitated once filled. During the filling of Stage 2, the operator shall ensure that cover is applied on a daily basis to ensure that there is minimal, if any, potential for flooding of the site to result in the washing out of waste into the free moving floodwaters.
21. Approval is not granted for the stockpiling and/or shredding of green waste.
22. Only inert waste to be used to fill the cells.
23. Submission of an annual environmental management report outlining the environmental performances of the proposal to be prepared by an appropriately qualified consultant.
24. Batter slopes of the landfill are not to exceed 1 in 6.
25. All fill to be adequately compacted by track rolling or similar.
26. The landfill site shall be secured to prevent the depositing of any unauthorised material.
27. Dewatering of the landfill and satisfactory disposal of any leachate found to be accumulating in the cells.
28. Measures to control use of fertiliser within 50 (fifty) metres of the creek and to prevent seepage of nutrients into the creek.
29. No top soil, clay or natural earth substances are to be removed from the site.
30. Operating hours shall be limited to 6am to 4.30pm Mondays to Fridays and 8am to 1pm on Saturdays.
31. The site shall be filled to a level no greater than the existing fill on the adjacent property, No. 729 George Street, Windsor. Upon completion of the landfill, a surveyor's certificate

shall be submitted confirming the height of the fill.

32. An environmental impact prediction verification report prepared by an independent consultant shall be submitted to the Council, the EPA and upon request to any other relevant government agency at 12 (twelve) months after commencement and at the end of each year of the life of the project and 6 (six) months after completion of rehabilitation works. The report shall be prepared at the proponent's expense and shall assess the key impact predictions made in the EIS and any supplementary studies and detail the extent to which actual impacts reflect the predictions. Suitability of implemented mitigation measures and safeguards shall also be assessed. It shall also assess compliance with any Environmental Management Plan. The report shall also discuss results of consultation with the local community in terms of feedback on the project and on any of the issues of concern raised. The proponent shall comply with all reasonable requirements of the Council or any relevant authority with respect to any measure arising from, or recommends of, the report..

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Site Plan

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Locality Plan

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Site Plan

oooO END OF ITEM 18 Oooo

ITEM: 19 Public Transport for Western Sydney**FILE NUMBER:** GR110/001 PT 2/GMA/ENC27NAX.G11

REPORT:

Blacktown City Council has written regarding the increasing population and private motor vehicle use in Western Sydney and the need for improved public transport. Specifically, Blacktown Council has resolved:

- "1. *Council raise with the State Government the problem of the increasing congestion on the M4 eastbound in the morning and westbound in the afternoon.*
2. *Request that the State Government fund public transport adequately in order that the public transport system runs efficiently and ensures that many more motorists will be encouraged to use public transport.*
3. *Support be sought from WSROC Councils to achieve and improve public transport systems for the residents of Western Sydney.*
4. *Council requests support from all State and Federal Members of Parliament to achieve this end."*

The Council provided information regarding the M4 which they state that the Roads & Traffic Authority's figures show a 25 per cent average daily traffic increase from 1996 to 1999. The counting station east of Prospect Highway, in 1999 had an average annual daily traffic figure of 115,779. By taking the peak hour volume of 10 per cent of the average annual and a 60/40 peak directional flow character, it would indicate the three traffic flow lanes are approaching, if not exceeding, their design capacity.

The position is not dissimilar to Windsor Road that has increasing congestion and long delays as the population of the north-west sector continues to increase.

RECOMMENDATION:

That Council support the position of Blacktown City Council in seeking improvements to the public transport system due to the needs of the people of Western Sydney and the ever-increasing peak hour congestion on Western Sydney roads, including the M4 and Windsor Road.

That support be sought from State and Federal Members of Parliament to achieve this end.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 19 Oooo

ITEM: 20 **Urban Development on Australian Defence Industry Site**

FILE NUMBER: GM001/025 PT9/GMA/ENC27NCX.G12

REPORT:

The following Notice of Motion was placed before the February meeting by Councillor Williams:

"The Hawkesbury City Council fully supports the ADI Residents Action Group in their fight to keep the ADI site wholly as a nature reserve and regional park and calls on the Federal and State Governments not to develop the site for housing, but rather make it available as a regional resource for the people of Western Sydney."

Councillor Williams also placed the following note with his Notice of Motion:

"The Australian Defence Industries land at St Marys comprises 1,538 hectares that is a bushland oasis within Western Sydney's rapidly expanding urban areas. Its clay and alluvial soils support large areas of rare and endangered native vegetation. Less than 10% of all its original coverage remains. St Marys is one of the regions major habitats for native birds and animals, and is large enough to maintain eco-system integrity and viability.

The site is of outstanding regional conservation significance in terms of its flora. It is one of the largest remnants of the endangered Cumberland Plain woodlands and a range of other rare and endangered bushland, including Castlereagh Grey Box and Paperbark, swamp woodlands, river flat forest and small wetlands.

There is a highly diverse range of native fauna, including 110 bird species, 9 mammal, 10 reptile and 8 frog species.

The site is a vital and central part of habitat and wildlife corridors linking other Cumberland Plain bushland fragments. The Hawkesbury-Nepean Catchment Management Trust has developed a proposal for a 3,500 hectare open space system which includes the St Marys ADI Site.

The development, as proposed, poses serious threats of urban runoff and increasing flood risk in the Hawkesbury-Nepean Catchment."

The Council deferred the matter to invite representatives from Penrith and Blacktown Councils to address the meeting.

It is understood that Blacktown Council does not have a great problem with the site's development, as most of the area within their boundary was munitions manufacturing and there would be a benefit from the area's redevelopment. Penrith Council's position is that it supports the development, with the exception of an area of approximately 170 hectares that it considers should remain due to its conservation values.

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The position was also raised regarding Sydney's population growth and the need for additional housing. The population of Sydney is now likely to reach 4.5 million by about 2013 instead of 2021 as previously predicted. Over the last 5 years Sydney has experienced the strongest period of growth since the 1960's. During 1996-99 Sydney's population grew by 54,000 persons annually and increased to 59,000 persons in 1999.

As a result the demand for housing has increased more rapidly than population due to a continuing fall in household sizes. The Department of Urban Affairs and Planning calculated that the fall in household size from 2.9 persons per household in 1981 to 2.7 persons per household in 1996 has translated into a need for approximately 100,000 additional households in 1996 to accommodate the same population as in 1981. The increased pressure on housing has also led to a decrease in the availability of affordable housing. In summary accelerated population growth, combined with smaller household sizes has led to a higher demand for new housing.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 20 Oooo

ITEM: 21 **Development Control Plan for the Erection of Rural Sheds**

FILE NUMBER: DCP003/00/FNC/ENC27NBX.F07

PREVIOUS ITEM: 44, Ordinary (07.09.1999)

REPORT:

Introduction

Following concerns raised by Councillors and residents in relation to the size and siting of rural sheds, Council resolved on 7 September, 1999 that a report be prepared on a policy for farm sheds.

The Policy for the Erection of Rural Sheds proposed design principles determined by investigations of development applications received by Council and from field observations of rural sheds.

The Policy for the Erection of Rural Sheds was presented to Council at its Ordinary meeting of 8 February, 2000. The following recommendations were adopted at this meeting:

1. A draft development control plan be prepared in accordance with the design principles contained within this report and be exhibited in accordance with the provisions of the Environmental Planning & Assessment Act.
2. Following exhibition, the draft Development Control Plan be reported to Council for consideration of any submissions received and adoption.
3. Council seek advice from the Cut Flowers Growers Association, Free Growers Horticultural Association and the NSW Farmers Association.

The draft Development Control Plan was exhibited for 30 days, from 13 September, 2000 to 13 October, 2000. Upon close of the exhibition period 7 submissions and 161 proforma letters were received.

The draft Development Control Plan aims to:

- enable the erection of sheds on rural properties within the Hawkesbury City Council area in a manner which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area; and
- provide design principles for the erection of rural sheds, i.e.
- siting of the building;
- size (floor area and height) of the shed;
- form (shape) of the building;
- colour of the building materials;
- type of building materials; and
- landscaping.

The purpose of the draft Plan is to provide appropriate rural shed development while recognising the needs of land owners. It is for this reason, in particular, that the size of sheds used for agricultural purposes will be assessed on merit.

Background

Initially, an investigation of 310 rural sheds erected within the Hawkesbury City area in 1998 and 1999 was carried out. It was from this investigation that the proposed size and height requirements of the draft Plan were determined

A second review of the rural shed applications received during the year 2000 was undertaken. During this period development applications were determined in reference to the draft Policy. Two hundred and fifteen applications were investigated.

The draft Development Control Plan proposes to limit the size of rural sheds within the Rural 1(c) and Rural 1(c1) zones to 120m². For this reason, applications for sheds within these zones were also examined. Of the 215 applications investigated, 105 were for the erection of sheds on land zoned 1(c) and 1(c1).

The following table details the number of rural sheds in each size range:

Size Range (m²)	All Zones	Rural 1(c) and 1(c1) Zones
<51	10%	8%
51 - 100	36%	43%
101 - 120	14%	13%
121 - 150	9%	6%
151 - 200	14%	13%
>200	17%	17%

These figures are similar to the results of the previous investigation.

In summary, the investigation of rural shed applications revealed:

- 60% of the applications were for sheds less than 120m²;
- 64% of the applications within the Rural 1(c) and 1(c1) zones were for sheds less than 120m²;
- 75% of sheds had a total height of 5m or less;
- 81% of sheds were for residential purposes.

Community Consultation

Following the exhibition of the draft Plan 7 submissions and 161 proforma letters were received. Of the 7 submissions received, 2 were in favour of the Plan and 5 were opposed.

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The proforma letter was compiled by a local shed company and comprised of 4 questions and an area for comments. The responses via this letter are summarised in the table below:

Question	Yes	No
1. Should the Council limit the height and/or size of sheds to 120m2	2	155
2. Should the Council control the design of sheds	3	154
3. Should the Council control the colour of sheds	20	136
4. Should the Council reduce the development application fees, complexity of applications and reduce times for approvals	143	12

Of the proforma letters, 2 were in total favour, 136 totally against and 23 opposed to controls on size and height whilst being in favour to controls on design and/or colour.

The relevant comments made from public submissions are discussed below.

The draft Development Control Plan was referred to the NSW Farmers Association for comment. No response has been forthcoming. Contacts for the Cut flowers Growers Association and the Horticultural Free Growers Association could not be found.

Discussion

This section of the report provides a discussion on the comments made as a result of the public exhibition and the investigations of development applications for rural sheds.

General Comments on the Draft Plan

The general comments in respect to the draft Plan are as follows:

- *The Australian shed is part of our heritage and culture and part of the rural landscape.*

Comment: Agreed. The draft Plan is not prohibiting sheds; it is providing guidelines to enable sheds to blend in with the rural character of the area in an appropriate manner.

- *The restrictions proposed by the draft Plan are too onerous.*

Comment: The principles developed by the Plan were based on an assessment of the size, height and use of sheds that have been erected in the City area. For this reason it is considered that the requirements of the draft Plan are not onerous.

- *People look to this area for a rural lifestyle, and live on acreage for more space/freedom;*

Comment: The proposed Plan recognises that the rural shed is an integral part of the needs of a rural lifestyle. The size requirements of the Plan were determined in respect to the requirements of living on a rural property whilst enhancing the rural character of the landscape. The rural 1(c) and

1(c1) zones are primarily for a rural residential lifestyle with a minimum lot size requirement of 2 and 4 hectares. By restricting the size of rural sheds in these zones inappropriate development will be prevented whilst allowing a shed of a size that is adequate for a domestic use. In other rural zones, the size of the shed will be based on the use of the shed and the use of the land, thereby supporting, in particular, agricultural pursuits.

- *Development application requirements over complex and unnecessary.*

Comment: The DA requirements for rural sheds set out in the draft Plan are no different from other types of development. The submission of the information requested with the development application enables a prompt assessment of the proposal.

- *Sheds should not become defacto houses as they are out of character and devalue neighbouring properties.*

Comment: Council has a separate policy on temporary accommodation. This issue is not relevant to the Development Control Plan.

- *the Plan will inhibit use of agricultural land; required for the protection and security of machinery, vehicles, tools and produce;*

Comment: The proposed Plan does not inhibit the use of agricultural land. It identifies that sheds to be used in conjunction with agricultural activities will be assessed in relation to the needs of the farmer.

- *where a proposed shed severely impacts on adjoining residences then there is a case for restrictions to size, shape, colour;*

Comment: The impact of a development on an adjoining property is subjective, dependant on the perceptions of neighbours. The 'performance criteria' of the draft Plan provides guidelines for appropriate rural shed development which is equitable as it applies to all land owners.

Siting

The use of large amounts of fill on sloping sites can give rural sheds the appearance of protruding into the skyline. For this reason the fill is restricted to 900mm and cut of up to 2m is allowed.

Public Response

- *High sheds should be cut into the site to lessen the impact.*

Comment: The draft Plan encourages this.

- On a big property it is quite reasonable and common for a shed (or sheds) to be closer to the road than the house. Both are sited by the owner for a good reason.

Comment: Field observations show that sheds closer to the road than the dwelling house caused them to become a dominant and a negative feature on the landscape.

- *The limits of cut and fill and slope are merely arbitrary numbers. There are lots of sheds built successfully on steep slopes. What about underground sheds (and houses)?*

Comment: The limits on cut and fill, and slope were chosen to minimise the visual impact of rural sheds. The figures are based on experience of previous development.

- *If a shed is built higher up the slope than the house it will always be above the ridgeline of the house. Why is that bad? It is the total concept of the area which is important and the degree of usefulness of the building.*

Comment: From site investigations, sheds which are higher than the dwelling house on the same land, or sited on ridgelines are visually dominant.

Size

The intention of the draft development control plan is not to restrict the size of sheds used for agricultural activities. In all rural zones, other than 1(c) and 1(c1), the size of a rural shed shall be justified by the use of the shed and the use of the land. However this does not apply to the 1(c) and 1(c1) zones as the Plan limits the size to 120m² within these zones. Placing a limit on the size of Rural sheds within these zones was considered appropriate as the 1(c) and 1(c1) zones provide for a rural residential lifestyle, have a smaller minimum lot size and sheds in these zones will be used predominantly for domestic purposes.

Investigations of rural shed applications received in 2000 have revealed that 60% of these sheds have a size less than 120m². Specifically, 64% of the sheds within Rural 1(c) and 1(c1) zones were under 120m². 70% of applications within Rural 1(c) and 1(c1) zones were for sheds 150m² or less. It was considered that the size limit should be increased to 150m² to encompass this larger proportion and better reflect the needs of land owners.

Public Response

- *120m² not always large enough to house possessions. Need the size for the additional equipment needed to maintain properties, vehicles/boat/caravan/trucks and hobbies eg horse enthusiasts; should be able to build to suit the owners requirements.*

Comment: From the investigations of rural shed applications it is considered that an area of 150m² is a more reasonable limit for sheds within the rural residential zones of 1(c) and 1(c1). This size limit will not apply to rural sheds being erected on land zoned 1(a), 1(b), 7(d), 7(d1) and 7(e), however the size of the shed will need to be justified in respect to the use of the shed, the use of the land and the height, siting, design, colour and landscaping of the development.

- *Size and height should depend on location/size of acres; Suggestion of size of 200m² with a ratio of the shed to the land size eg 200m² on 4ha, 100m² on 2ha.*

Comment: This system is too prescriptive. When considering topography of land, this system may result in a very large shed being erected on a small amount of useable land. This system would also need a size limit, which could restrict the erection of larger sheds that may be required for agricultural purposes.

- *No owner should have to 'justify' to anybody why he wants a particular size shed. There is no such limit on the size of his house.*

Comment: It is in the public interest to regulate the erection of rural sheds, which is the purpose of the Development Control Plan.

Height

The draft Plan identified that if the height of the rural shed exceeds that of the dwelling house the rural shed becomes the dominant feature. The height of the shed can also add to the bulky look of the structure. For this reason it was proposed that the ridge height of rural sheds would be limited to the height of the dwelling house on the property or 5m whichever is less. The average height of a single storey dwelling house was also taken in consideration when determining this limit, as well as the height required for the garaging of trucks. The maximum legal height (without a permit) of a semi-trailer is 4.3m.

From investigations of development application determined in 2000 it was found that 75% of applications were for sheds with a ridge height under 5m. This result reflects the appropriateness of this limitation.

The height limit was imposed to reduce the bulk and dominance of the rural shed and thereby its visual impact. This can also be achieved in terms of the design of the shed. The intention of the Plan was not to restrict the height of sheds which have a design that does not give a bulky appearance. This was not clearly stated in the draft Development Control Plan and has been amended.

The use of alternative designs when erecting rural sheds will provide an avenue for those requiring a shed with a total height of more than 5m.

There was no specific public comment in respect to the height of rural sheds.

Form

Public Response

- *No factory/commercial shaped sheds in rural residential areas where above average homes are being built.*

Comment: The majority of applications for rural sheds are of a standard form. With restrictions imposed on the size and height, the bulky look of sheds will be minimised and therefore also the likelihood of the sheds having an industrial appearance.

- Why should a shed be rectangular? What about the Olympic Stadium shape? There are many round sheds. Why encourage the 'American barn' style? We have our own Aussies styles. We have more than enough foreign influence in our lifestyle.

Comment: Previous investigations of rural sheds identified that a square shape appears more bulky. By encouraging rectangular shapes, the naturally bulky appearance of rural sheds is reduced. The 'American barn' style of shed is used as an example of an alternative design which lessens the bulk and visual prominence of sheds in the landscape. This style of shed is also a standard design provided by many shed companies.

Colour

Public Response

- *Colours should blend into the area, and compliment each other.*

Comment: The draft Plan provides guidelines for the choice of colours. It requires the colour of the shed to match or blend in with those of the existing buildings on the land. If the property is vacant the colour will be taken from the natural environment.

Type of Building Materials

Public Response

- *There is no reason not to use 'recycled' materials. Many owner-builders use second-hand galvanised iron cladding, particularly in walls. Colorbond is quite expensive and not better than painted iron for this duty.*

Comment: It is agreed that the use of recycled materials, in some instances, is appropriate. It is therefore considered that the use of corrugated iron is acceptable as a reflection of traditional rural/shearing sheds. However, this should be subject to the size, design and location of the proposed shed.

Landscaping

Public Response

- *Landscaping plan would be beyond most owner-builders who would just use what was readily available as they have for some for 200 years.*

Comment: It can be seen from applications processed that, in general, applicants are both willing and capable of providing adequate landscaping.

- *There is an apparent contradiction between "Plants endemic to the area are to be chosen" and "It would be more appropriate to use native species". Suggested that the wording of 'Not Acceptable' be replaced with "The exotic species illustrated are not acceptable. Plants endemic to the area are to be chosen."*

Comment: It is agreed that it is more appropriate to use the word 'endemic' in place of 'native'. The suggested wording will also discourage the use of exotic species which are inappropriate in the natural environment.

Conclusion

As discussed previously, many concerns in relation to the draft Development Control Plan were in respect to limiting the size of sheds needed for agricultural purposes. The aims of the rural 1(a), 1(b), 1(d), 7(d), 7(d1), 7(e) is to promote and encourage agricultural uses. Therefore, within these zones the size of a rural shed will be based on merits, taking into consideration the use of the shed and the use of the land, as well as height, siting, design, materials, colour and landscaping.

The draft Development Control Plan has been amended to increase the size limit of rural sheds within Rural 1(c) and 1(c1) zones to 150m² which more readily reflects shed owners requirements. The height requirements for sheds of alternative designs has been clarified, the use of galvanised iron has been included as an appropriate building material and the wording of clause 2.7 - landscaping have been amended.

A copy of the draft DCP is included as a separate attachment. The amendments discussed in this report have been highlighted by shading.

RECOMMENDATION:

That:

1. The draft Development Control Plan for the Erection of Rural Sheds be adopted by Council and inserted into the general DCP.
2. Notification of commencement of the development control plan be placed in the local newspaper in accordance with Section 20(2) of the Environmental Planning and Assessment Regulation, 1994.

ATTACHMENTS:

AT-1 Copy of draft Development Control Plan for the Erection of Rural Sheds, as amended (separate document)

oooO END OF ITEM 21 Oooo

ITEM: 22 **Proposed Amendment to HELP 1989 for Community Title
Subdivision of Existing Winery - Lot 12 DP 834771 99 Gadds Lane,
Kurmond**

FILE NUMBER: P701/30/EVD/ENC27NBX.V06

REPORT:

On 12 December 2000 Council considered a proposal to amend HLEP 1989 to enable a community title subdivision of Lot 12 DP 834771 99 Gadds Lane, Kurmond. The proposal was essentially for a community titled subdivision of a tourist cabin development within an existing Vineyard winery. Council resolved to prepare a draft local environmental plan to enable the proposal to proceed.

In accordance with Section 54(4) of the Environmental Planning and Assessment Act 1979 the Department of Urban Affairs and Planning (DUAP) was notified of Council's decision.

DUAP has provided Council with the following response dated 7 March 2001:

"The draft plan would allow the subdivision of rural land which is currently supporting an agricultural activity to be subdivided into residential lots.

It is Government policy to protect the sustainability of agricultural production in Western Sydney and to contain residential subdivision within agreed urban boundaries. These policies are articulated in the planning strategy for Western Sydney "Shaping Western Sydney".

Under the circumstances should Council proceed with the preparation of the plan it should be aware that the Director - General is likely to decline to issue a section 65 certificate to enable it to be exhibited.

However, if Council wishes to support tourist accommodation or accommodation related to agricultural activities in rural areas, it is suggested that it prepare a strategy and guidelines to identify how such accommodation could be provided, the appropriate locations, under what circumstances etc. In this context it should address the appropriateness of the development using community title for the accommodation separate from the agricultural land."

In light of this advice, it is recommended that the site specific draft local environmental plan for 99 Gadds Lane, Kurmond be abandoned and that Council investigate the strategy options raised in DUAP's advice.

RECOMMENDATION:

That:

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1. Council abandon the site specific draft local environmental plan to enable community title subdivision of Lot 12 DP 834771, Lot 99 Gadds Lane, Kurmond.
2. An investigation on the options for tourist based accommodation within rural areas and the separate titling of such development, be included for consideration in the 2001/2002 Management Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 22 Oooo

ITEM: 23 **Proposed Amendment to Hawkesbury LEP 1989 - Lot 2 DP1015308
Chapel Street, Richmond (Hawkesbury Village)**

FILE NUMBER: P347/135/EVD/ENC27NBX.V13

REPORT:

Introduction

The Uniting Church in Australia is proposing to construct a 61 bed Nursing Home on land adjoining the existing Hawkesbury Village, self-care units and hostel. The land containing the existing Village is zoned Special Uses 5(a) Retirement Village, however, the part of the site proposed for the Nursing Home is zoned Environmental Protection 7 (d1) (Scenic). The proposed Nursing Home is prohibited in the 7(d1) zone. The purpose of this report is therefore to recommend Council prepare a Draft Local Environmental Plan to amend LEP 1989 to permit the development.

Background

The existing allotment (Lot 2 DP1015308) was recently created by boundary adjustment and lot consolidation on behalf of the Uniting Church to facilitate the proposed Nursing Home development.

There was consultation with Council staff in June 1999 concerning the proposal. The need for rezoning was identified at that time, however, it would appear that there was internal communication difficulty within the Village management. Approval has been given for the transfer of 61 Nursing Home beds from the Wentworth Area Health Service to the Hawkesbury Village.

Report

The primary objectives of the 7(d1) zone are:

- (a) To preserve the river valley systems, scenic corridors, environmentally sensitive areas and other local features of scenic attraction;
- (b) To protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping.

Although the proposed building will encroach on land currently zoned 7(d1), it is considered that the siting and design of the building can be carried out with minimal impact on the scenic quality of the area. Accordingly, it is recommended that the part of Lot 2 DP1015308 currently zoned 7(d1) be rezoned to Special Uses 5(a) Retirement Village (a plan will be displayed at the meeting).

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In accordance with ministerial direction G12 pursuant to Section 117 of the Environmental Planning & Assessment Act 1979, the proposal to remove the Environment Protection zoning will need to be justified by an environmental study. It would be appropriate for the study to be carried out by an independent Planning Consultant engaged by Council, and the costs reimbursed by the Hawkesbury Village.

In view of significant community benefit in establishing a Nursing Home, it is recommended that the normal rezoning application fee of \$2,000 be waived in this instance.

RECOMMENDATION:

That:

1. Council resolve to prepare a Draft Local Environmental Plan in accordance with Best Practice Guidelines issued by DUAP for Lot 2 DP1015308 to rezone the land from 7(d1) to Special Uses 5(a) Retirement Village.
2. Council commission an Environmental Study for the draft LEP and request the Hawkesbury Village to reimburse those costs.
3. Council exercise its delegation in relation to sections 65 and 69 of the Act.
4. The \$2,000 (two thousand dollar) draft LEP application fee be waived.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 23 Oooo

ITEM: 24 Proposed Illuminated Street Name Signage - Corner Groves Avenue and Windsor Road, McGraths Hill**FILE NUMBER:** 0745/R/EVD/ENC27NBX.V04

REPORT:

This matter was deferred for consideration from Council's Ordinary meeting of 13 March 2001, to allow the applicant to address the Committee.

Introduction

A request has been received from Claud Neon to erect an illuminated street sign on the corner of Groves Avenue and Windsor Road, McGraths Hill, advertising "JAX" Tyres. The purpose of this report is to assess the proposal and provide Council with an opportunity to consider a limited approval on a trial basis.

Report

The applicant proposes the erection of an illuminated sign incorporating a 1.8 metre x 1.2 metre advertising panel for "JAX" Tyres, illuminated sign boxes (Windsor Road and Groves Avenue) and Council logo. Coloured plans and a photo montage will be displayed at the meeting.

Council's Development Control Plan for advertising signs, adopted August 1996, provides the following objective and performance criteria for signs in industrial zones:

"Objective: to permit the adequate display of information concerning the identification of the premises, the name of the occupier and the activity conducted on the land.

Performance criteria: in general, each sign application in an industrial area shall be judged on its merits. In considering an application, the assessor will take into consideration the following factors:

- I. The proposed location of the sign in relation to streetscape, size, visual impact, colours, positioning on or about the building in which the business is carried out, and the content of information on the sign; and*
- II. The area of the signage in comparison to size of the industrial building, in particular the coverage of the front, side, and rear wall areas."*

Generally, the Development Control Plan discourages advertising signs that are not located on the land where the business is conducted.

A number of approaches have been made in the past for this type of signage in our town centres. These requests have been rejected due to urban design, heritage and character issues.

In considering the proposal, the negative aspects are that the proposal would add to the existing proliferation of signage along Windsor Road, may cause confusion for motorists with the existing Groves Avenue directory signage, the glare of the sign may distract drivers, and, if approved, may lead to a demand for additional signage from other commercial land owners. On the positive side, the proposal would provide better street identification, provide professionally designed and maintained directional signage and would enhance the economic viability of the advertised business and possibly immediately surrounding businesses.

Conclusion

The use of illuminated advertising signs as an adjunct to street signs leads to the commercialisation of public land and does little to add to the amenity of an area. The company has requested a twelve-month trial on this particular site in an attempt to persuade Council to accept this type of sign. The ability for Council to approve this type of sign does exist in the LEP. The Council would also be the owner of most of the road reserves where these signs would be placed.

RECOMMENDATION:

That the applicant be advised that this type of sign is not considered appropriate on public land.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 24 Oooo

ITEM: 25 **Development (Subdivision, Dual Occupancies, Villas, etc) with Frontage to Rear Lanes**

FILE NUMBER: GT070/011//ENC27NBX.V03

REPORT:

Introduction

Council, at its Ordinary Meeting on 13 March 2001, resolved that:

"The Council's laneway policy be addressed and brought to Council for further consideration to address issues raised being: access, width, speed limits or one way".

Background

The existing policy was adopted at the Ordinary Meeting, 5 September, 1995 and is as follows:

- "1. All development or subdivision adjoining rear laneways be provided with legal and pedestrian access to the front street.*
- 2. Council not require the upgrading of rear laneways at the time of subdivision or development where legal and pedestrian access is provided to the front street.*
- 3. All developments adjoining a rear laneway be required to provide screen fencing along the frontage to the lane and adequate court yard area for the proposed development."*

The existing policy has been consistently interpreted to prohibit development fronting rear lanes unless primary access (pedestrian and vehicular) is provided to the front street. This has resulted in a number of battle axe lots being created with development backing onto the rear lane.

Report

There are a number of benefits and concerns in allowing access to rear lanes for development.

The Benefits

1. Rear lane developments are consistent with urban consolidation principles

The constraints of the Hawkesbury LGA, (eg, flood prone lands, infrastructure limitations, etc) restrict the further expansion of the existing towns. Therefore, it is good planning practice to support urban consolidation within the town centres. The rear lane developments form one avenue for this to occur.

2. Open space and solar access

Generally, the allotments are able to support development with reasonable areas for open space and solar access for both dwellings, and the continued development is, therefore, considered desirable in these terms.

3. Rear lane development may assist in the provision of a greater housing choice in the City

While the dwellings may have limited views, (eg, only of fences, sheds, etc), the dwelling which faces the lane in these types of development may be slightly more affordable than a similar sized dwelling on a similar sized allotment in an area where the views are 'better'. Therefore, as there is a choice available to any future resident and this is one of the arms and objectives of Hawkesbury LEP 1989, these proposals are considered to be desirable in these terms.

4. Rear lanes are a valuable resource

The rear lanes are a resource which should be upgraded and used and not just be a low standard access to the rear of lots.

5. Reduction in battle axe lots

Allowing primary access to rear lanes will stop the proliferation of battle axe lots with development backing onto the rear lane with limited set backs and rear fencing along the lane.

The Concerns

1. Widening rear lanes

A considerable number of lots along the lanes are already developed with substantial buildings adjoining the lane as a result of approved dual occupancy/medium density developments and older houses on corner lots.

Many older dwellings on the lots are set well back from the front street resulting in limited area at the rear for development which will be further reduced if widening is taken.

2. Vehicular manoeuvring access to the site

The narrow width of the lane generally restricts vehicular access to and from the developments which front the lane.

Usually, when reversing out of a carport or garage into a lane, half of the vehicle would be 'sticking out' in the lane before the driver could start to turn the vehicle. This does not present any great problems in terms of traffic flow, given that the traffic flows in the lane at present are very low, however, there are problems in terms of vehicle manoeuvring and safety. Similarly, it can be difficult to turn into the site.

3. Parking in the lane

It could be reasonably expected that if more developments fronting rear lanes are supported that there will be an increased number of vehicles parking in the lane (eg, when visiting residents of these developments). This will further restrict vehicular manoeuvring in the lane, and it is therefore, undesirable to allow vehicles to park in the lane.

4. Pedestrian access

There are generally no paved walkways in these lanes, and insufficient area adjacent to the lane for their provision. Further no street lighting is provided.

5. Amenity and privacy

The amenity of the developments is considered to be compromised somewhat because their views are quite poor (eg, usually only of the fences, sheds, etc).

In addition, the dwellings which front the rear lane have views into the backyards of adjoining properties, and therefore, the privacy of neighbouring properties could also be compromised by the continued support of these developments.

6. Lack of essential services

The rear lanes usually lack such services as street lighting, drainage, kerb and guttering and the continued support of these proposals may not be desirable in these terms. The provision of telephone and electrical supplies has also been highlighted as concerns to the relevant authorities providing these services.

7. Garbage collection

Standing of garbage bins on the road and access by garbage trucks undesirable due to the restricted width of the lanes. Further, where the lanes are sealed this is generally of a low standard and would be severely damaged by heavy garbage trucks.

8. Existing low standard of construction in the rear lanes

A number of the rear lanes are only wheel tracks in the grass or low standard gravel pavement. At best the lanes consist of a narrow sealed pavement with intermittent kerb and gutter where development has occurred.

The Solutions

1. Widening rear lanes

Except where the existing development in the rear lanes has provided road widening, eg, Claremont Lane, Richmond, no widening be required.

2. Vehicle manoeuvring/access to the site

Garages and carports to be set back a minimum distance, say 5.5m from the lane boundary, and driveways widened to allow drivers to turn the vehicle before fully exiting the site.

Front fence heights to be controlled so that drivers exiting the site have a clear view of any traffic in the lane.

Driveways to be located so that development or adjoining properties, eg, buildings or fences do not obstruct the view of drivers exiting the site.

The construction of laneways be carried out to provide the maximum pavement width practical. Most rear lanes are 6 metres wide. It is considered that the maximum practical width between kerbs is 5 metres. This provides for a 500m wide area either side of the pavement to contain the kerb (150mm) and to batter to existing ground levels where construction adjoins properties not involved in the development.

It also provides room to erect street lights if these are considered necessary.

3. Parking

The provision of a 5 metre wide pavement does provide sufficient width for the parking of a vehicle on one side of the road and for a through vehicle in one direction at a time. The parked vehicles could however restrict visibility for vehicles exiting the site.

In the short term given the low traffic volumes in the rear lanes this is generally acceptable. However, as development along the rear lane intensifies, so will traffic. In the long term parking in the rear lanes may result in safety and traffic problems.

This can be controlled by prohibiting parking in the lane as the level of development warrants. However, to allow this to occur each development should be required to provide accessible visitor parking on the site.

For a single dwelling this could be in the form of a parking space located adjoining the access to the garage/carport provided for the dwelling. For multiple dwelling development this could be in the form of additional visitor parking to that required by the code, say 2 spaces for 5 units or part thereof instead of 1. Where not obvious, suitable sign posting should be provided to ensure that visitors are aware of the availability of on-site parking.

4. Pedestrian access

Pedestrian access along the rear lane is unsatisfactory, even in the short term. Any development must provide pedestrian access to the front street. This could be in the form of a paved access 1.2m wide. If the rear land was subdivided it would be necessary to provide a strip of land or a right of way to provide legal rights to use the access. To allow for services and paving this should be a minimum of 1.5m wide.

5. Amenity and privacy

This cannot be achieved in the short term. However, as development proceeds the rear yard areas and their dilapidated fencing will be replaced by quality development, front yard areas and appropriate fencing.

In regard to loss of privacy of rear yards on the other side of the laneway, this will be a consideration in any dwelling approval.

6. Lack of essential services

Sewer often exists in the rear lane. All other services such as water, power, telephone will usually be available in the front street. The pedestrian access covered by Item 4 above could also be used to provide access to these services.

Street lighting would generally not be required as modern headlights supplemented by any on site lighting should be adequate for vehicular access. Pedestrian access would be to the front street.

7. Garbage collection

With the provision of pedestrian access to the front street per Item 4 above, no garbage collection would be required or provided in the rear lane.

8. Existing low standard of construction in the rear lanes

The developer would be required to construct sufficient of the rear lane to provide sealed access to the property and satisfactory drainage.

The requirement prior to 1995 was that the developer was to construct a 3.5m sealed pavement from an existing sealed road and a 4.5m wide sealed pavement and kerb and gutter over the frontage of the development together with any necessary drainage. However, it is proposed that to improve the amenity of the area that this be upgraded to provide kerb and gutter and 4.5m pavement all the way from the existing sealed road. This may be seen as unfair to the first person to develop, particularly if they are towards the middle of the city block. It may also deter development in some circumstances. It will however, encourage development to proceed from either end of the rear lane and/or to get together with their neighbour to carry out joint development, spreading the cost. This will be beneficial in providing better amenity to development in the short term as piecemeal development well removed from sealed areas and other development is less likely to occur.

9. General

- (a) It is considered that because of their width all rear lanes should be one way traffic, however in the short term this is not necessary. Investigation should be carried out into the best method of achieving this with particular emphasis on providing for good traffic circulation.

- (b) It is generally considered that the speed limit in the rear lanes should be 50 kilometre per hour, ie, similar to the latest trends in residential areas. However, in conjunction with investigation of one way traffic arrangements, speed limits should be further reviewed.

Summary

There are a number of benefits and concerns in allowing development to rear lanes which have been discussed in this report. All concerns can be addressed and measures put in place to mitigate any problem. Subject to satisfactory measures, development should be permitted to rear lanes. The creation of the rear lanes as one way traffic is supported but needs to be further investigated.

The current draft DCP needs to be expanded to cover the special circumstances of development to narrow rear lanes, taking into consideration the contents of this report and any additional issues that may be raised including visual amenity and character.

RECOMMENDATION:

That:

1. Council adopt an interim policy allowing development to rear lanes by subdivision or erection of dwellings, subject to the following:
 - (a) The provision of legal pedestrian and service access to the front street.
 - (b) The construction of the rear lane from a sealed road to and over the frontage of the site with concrete kerb and gutter (one side), a 4.5m wide sealed pavement, any necessary drainage together with any works necessary to make this effective.
 - (c) All buildings to be set back a minimum of 5.5. metres from the boundary to the rear lane.
 - (d) Visitor parking located clear of the access to the garages/carports be provided at the rate of one per single dwelling and two per each 5 units or part thereof.
 - (e) Accesses be widened to allow satisfactory manoeuvring for vehicles entering or exiting the site and where adjoining development obstructs views of approaching traffic located to maximise sight distance.
 - (f) Where provided, front fence heights be reduced to maximise sight distance for vehicles exiting the site.
2. An amendment to the exhibited draft DCP be prepared and placed on exhibition taking into consideration the contents of this report.

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3. The concept of one way traffic in rear lanes and speed limits be supported and further investigation be carried out in relation to this and appropriate speed limits.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 25 Oooo

ITEM: 26 Draft Hawkesbury Development Control Plan - Engineering Specifications and Pollution Control**FILE NUMBER:** DCP1/99/EVD/ENC27NBX.V14

REPORT:

The Hawkesbury Development Control Plan is currently on public exhibition for a period of three months. As Council is aware, the new DCP allows for new chapters/requirements to be inserted where and when necessary. Inclusion of new chapters must of course comply with the requirements of the Environmental Planning and Assessment Act and Regulation.

There are now three new sections ready for inclusion in the Hawkesbury DCP and require public exhibition. The additional requirements relate to Engineering and Construction Specifications and Pollution Control and are described below:

1. Engineering Specifications

The Engineering Specifications were completed by Consultants, ERM, and Council Officers and are now ready for public exhibition. The Engineering Specification sets design standards, methods and requirements for the preparation of civil engineering plans for roads, drainage, access and pavements. This section will be inserted into the Appendices of the DCP as Appendix E.

2. Construction Specifications

The Construction Specifications were also prepared by Consultants and Council Officers. The Specifications set out the methods of construction to be employed, standards to be followed and the inspections required for development. This section will be inserted into the Appendices of the DCP as Appendix F.

3. Pollution Control Principles

The general principle for pollution control within the City is that pollutants are to be contained within the subject site. It is no longer considered acceptable to use adjoining and/or surrounding properties as a buffer for pollutants.

It is therefore necessary to insert pollution control principles into the new DCP. The most appropriate location for these requirements is within Chapter 2 - General Principles. It is recommended that the following principles/statements for pollution control be incorporated:

Odour

Any development shall operate so as not to produce an offensive odour at the property boundary. Odour performance criteria varies depending on the population of the affected community, levels vary from 2 OU/m³ at the nearest sensitive receptor to 7 OU/m³.

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The following odour performance criteria for various population densities apply:

Population of affected area	Odour performance criteria (Odour units/m³)
Urban area	2.0
500-200	3.0
125-500	4.0
30-125	5.0
10-30	6.0
Single residence (≤ 2)	7.0

Water

There should be no increase in the rate of discharge from the development site/subject land or a reduction in water quality or quantity. Furthermore, erosion and sedimentation controls are to be maintained and installed in accordance with this plan.

Light

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets. This includes any artificial glow or waste light from the development site.

Air

Any development shall operate such that dust particles do not exceed the prescribed standards under the Protection of the Environment Operations Act 1997 and associated regulations at the subject property boundary, or any other nearby boundary.

The permitted increase in dust levels is to maintain the maximum concentration at 4g/m²/month. The following table shall be used to determine whether the amount of dust deposited (as caused by an activity) on a populated premise is acceptable:

Criteria for Dust Deposition		
Existing dust fallout level (g/m²/month)	Maximum acceptable increase over the existing deposition levels (g/m²/month)	
	Residential	Other
2	2	2

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Criteria for Dust Deposition		
Existing dust fallout level (g/m ² /month)	Maximum acceptable increase over the existing deposition levels (g/m ² /month)	
	Residential	Other
3	1	2
4	0	1

Note - g/m²/month = grams/square metre/month

Noise

The development shall be conducted in such a manner that the LA(eq) noise levels, measured at the boundary in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings and associated outdoor areas.

Solar

Development shall be conducted in such a manner that it does not detrimentally impact upon the solar access, including solar collectors, of adjoining/surrounding properties.

Conclusion

The Environmental Planning and Assessment Act 1979 requires an exhibition period of 28 days. It is considered appropriate to run this concurrently with the exhibition of the main DCP and report the matter as a whole back to Council at the conclusion of the main DCP.

RECOMMENDATION:

That the Engineering Specifications, Construction Specifications and Pollution Principles be placed on public exhibition for a period of 28 (twenty eight) days in accordance with the Environmental Planning and Assessment Regulation 2001.

ATTACHMENTS:

The Table of Contents of both engineering documents.

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ITEM: 27 **Draft Local Environmental Plan 7/99 - Lot 1 DP838854 No. 484
Terrace Road, Freemans Reach**

FILE NUMBER: LEP7/00/EVD/ENC27NBX.V05

PREVIOUS ITEM: 12, GPC Section 1 - Environment (24.08.1999)

REPORT:

Introduction

Council, at its Ordinary Meeting of 7 September 1999, resolved to prepare a draft local environmental plan to rezone Lot 1 DP838854 No 484 Terrace Road, Freemans Reach for the purpose of a six (6) lot community title subdivision. This report advises Council of the public exhibition of the draft plan and recommends that Council not proceed..

Background

In 1996 an application was lodged on behalf of the current owner for the creation of six lots (approximately 4000m²) each having a frontage to the river. The application was supported by an objection to the 10 ha subdivision standard under the provisions of State Environmental Planning Policy No. 1. Council refused the application.

A combined rezoning application and development application was submitted on 29 July 1999 for the six (6) lot community title subdivision comprising five (5) allotments between 1770m² to 1889m² for the purpose of erecting a dwelling and a larger community lot of 1.53ha which would not have a dwelling entitlement.

The five residential lots will have frontage to Terrace Road while the larger community lot will run along the rear of the five smaller lots and have frontage to the Hawkesbury River. The community lot is to be managed by the five other allotments under a neighbourhood association. The community lot will contain the environmentally sensitive land, being the escarpment and river foreshore. The community lot will provide an effective barrier between the development lots and the river.

Public Exhibition

The draft plan was exhibited from 2 November 2000 to 30 November 2000, in accordance with the Environmental Planning and Assessment Act 1979, as amended, and requirements of the Environmental Planning and Assessment Regulation 1994. No submissions were received

Section 62 Consultation with Government Authorities

In accordance with section 62 of the Environmental Planning and Assessment Act 1979, as amended, the draft plan was referred to the following government bodies, prior to the commencement of the public exhibition.

- Telstra
- Sydney Water
- Integral Energy
- Department of Land and Water Conservation
- Hawkesbury Nepean Catchment Management Trust
- Roads and Traffic Authority
- Environment Protection Authority

No responses were received from Telstra, Integral Energy, and Department of Land and Water Conservation.

The following responses were received:

Roads and Traffic Authority

The Roads and Traffic Authority raised no objection to the draft plan.

Sydney Water

Sydney Water Corporation has advised that the land is located within the Glossodia/Freemans Reach Government assisted Water Supply Scheme and as such it is entitled to a connection to the Corporation's water supply. Each of the proposed lots which front Terrace Road is entitled to a 20mm (31/min) restricted connection to a 20kl tank.

Council is requested to include in the Development approval a requirement for the applicant to obtain a section 73 certificate from Sydney Water, as developer charges for water supply will apply to the development.

Comment:

The imposition of conditions on any future subdivision approval on the site is considered to be the appropriate means of dealing with the issue raised by Sydney Water and is the normal approach taken by Council officers.

Hawkesbury Nepean Catchment Management Trust

The Trust requests Council to consider the following matters before reaching a decision on the proposal:

- "1. *The land is within an area of scenic significance beyond the region as defined in Sydney REP 20. The critical issues with regard to clause 11(16) in this case relate to visibility from the river and lowlands and set back. We are aware that the visual ignorance of the river and the cliffs in this location is being eroded by inappropriate building along Terrace Road. The character of the area is enhanced by vegetation on the site.*

While the Trust notes that the draft LEP includes considerations relating to scenic quality, Council is requested to consider introducing appropriate, specific development criteria into the LEP to achieve the following:

*There should be no clearing for at least 10 metres from the top of the escarpment
No fences should be erected within this 10metre setback; a minimum building line from the escarpment should also apply, say 20 metres;
Clearing of the flat area of the site should be minimised, a maximum development area would be appropriate.*

2. *With regard to the effluent disposal system we are concerned about the cumulative effect and not just on site impact. We are also concerned that substantial 'liming' of the soil will be necessary for the ecomax type system to work.*

Council is requested to assess the impacts of this treatment on the native vegetation species on the site. The Trust would be reluctant to support a system that was not sustainable on the land and beyond natural land capability."

Comment:

The draft instrument was amended prior to exhibition of the draft LEP to take account of the comments. The changes made involved:

- The whole of the land is to be identified as a environmental constraint area, and will therefore also be subject to the provisions of clause 25A of Hawkesbury Local Environmental Plan 1989.

Clause 25A provides that:

"25A (1) *The objectives for the management of an environmental constraint area are:*

- (a) *to protect areas of threatened vegetation;*
- (b) *to provide a buffer around areas of ecological significance;*
- (c) *to protect environmentally sensitive land areas of high scenic value in the City; and*
- (d) *to restrict development on land that is inappropriate for development by reason of its physical characteristics or bushfire risk.*

- (2) *The Council shall not consent to any development within an environmental constraint area unless it is satisfied, by means of detailed assessment of the landscape and environmental impact of the proposed development, that it is consistent with attaining the objectives for the management of environmental constraint areas.*

(3) *Notwithstanding clause 9, consent is required for development for the purpose of agriculture in each constraint area."*

- Additional subclauses were added to require that in considering an application Council may grant consent to a subdivision on the land only if an assessment has been made of the impact of the development on the escarpment area.
- An additional subclause was also added to require that the land not be cleared of native vegetation without the consent of Council.

The amended exhibited plan has resolved the concerns and issues.

Environment Protection Authority

The EPA expressed concern about onsite effluent disposal on relatively small lots so close to the River, and was not convinced that on site effluent disposal is suitable for the site.

The EPA also considered that the LEP should contain some objectives relating to waterfront protection and environmental management of the community lot along the river. Further information that was submitted with the application was forwarded to the EPA.

Following its consideration of this information The EPA has indicated:

"There] is still a small possibility of water quality impacts from [proposed] Constructed Transpiration Mounds (or Septic Mound Systems). However the possibility is small and provided they are installed as close to the road, and therefore as far away from Hawkesbury River as possible then the EPA is satisfied with the proposal. However, the EPA does not consider that conventional on-site irrigation systems are suitable for the site. It considers that the Draft LEP should reflect this."

Comment:

Geotechnical investigations for proposed on site disposal were submitted with the application, [one prepared by Geotechnique Pty Ltd dated 21 April 1998, and another prepared by Southern Environmental dated July 1999.] The Southern Environmental report indicates that the site soil investigation confirmed that conventional irrigation of secondary treated effluent or soil absorption of primary treated effluent are not viable options. It proposes Constructed Transpiration Mounds (or Septic Mound Systems). This is described in the report as the only viable option. This would involve evapotranspiration mounds with attached surrounding evapotranspiration or absorption beds. The mound will need to be lined with waterproof membrane that forms an external weir, damming the effluent within the mound. It is indicated that in exceptional circumstances the mound weir could overflow with treated effluent.

While the EPA indicated qualified support of the proposal, it is noted that the EPA is no longer a licensing body. Council is now responsible for the licensing of these systems.

There are a number of reasons for concern about the suitability of on site disposal at this site and the systems proposed.

The proposal is inconsistent with the provisions of H L E P 1989 with respect to minimum areas for on site disposal. Amendments to H L E P 1989 gazetted in June 2000 introduced a subdivision standard requiring a minimum area of 4000m² for residential lots not serviced by reticulated sewerage. Applications have been refused being inconsistent with this standard. For example an application for a five lot subdivision of land at 315 Castlereagh Road, Agnes Banks, including four lots of 1000sqm was refused last year [MA680/00, refused 11/12/2000] as the site areas proposed were considered inadequate for on site disposal and inconsistent with the provisions of the LEP.

This application relies on two geotechnical investigations. Some inconsistencies have been noted in these reports and between these reports. The Geotechnique report indicates that the site has a moderate risk of slope instability and is suitable for residential development provided good hillside construction practices are followed. In guidelines for good hillside construction appended to the report it is noted that pump out or mains sewer would usually be required, and that absorption trenches may be possible in some low risk areas.

It can be considered that the system proposed in the Southern Environmental report is in conflict with good engineering practice for hillside construction, being a modified form of a land application system, similar to an Ecomax system, with potential for effluent to leave the cells and enter site soils.

The transpiration mound type system proposed is composed of an amended soil mix containing iron. There is no independent scientific documentation to support the claims regarding the use of iron in the proposed transpiration mounds

Council also needs to take into account the history of land slip in this area. The underlying instability could be compounded by the provision of on site disposal systems. From past experiences in the general vicinity of the site many on site effluent disposal systems have been found to be failing and then replaced by pump out systems.

Other possible options for disposal are not considered to be viable:

- the provision of a of a pump out service is not favoured as it is Council's practice not to establish additional pump out services for new lots.
- the subject site is outside the current investigation area under the three town service system, for the possible future provision of reticulated sewer. It is very unlikely that the land will be provided with a reticulated sewer service in the foreseeable future.

It is considered that the applicant would be unable to provide any supporting information which could satisfactorily establish justification for on site disposal on the land.

Conclusion

While Council resolved on 7 September 1999 to proceed with preparation of the draft plan, the rezoning process allows a draft plan to be prepared for exhibition. It also allows for a more detailed assessment of the proposal having regard to any submissions received.

In this case the result of this further consideration of the proposal leads to the conclusion that Council could not be satisfied that the proposed allotments are able to support on site effluent disposal systems without any potential adverse environmental impacts. It is therefore considered that Council should not proceed with the rezoning.

RECOMMENDATION:

That Council resolve not to proceed with the draft plan to rezone land at lot 1 DP 838854 No. 484 Terrace Road, Freeman's Reach to allow a six lot community title subdivision of the land, for the reasons outlined in the report, ie:

- The site areas proposed by the subdivision are inconsistent with the minimum 4000m² established by H L E P 1998 for onsite effluent disposal.
- The proposal is likely to have an adverse impact on soil stability of the land, with moderate risk of slippage.
- The proposed onsite effluent disposal systems may lead to pollution of the Hawkesbury River.

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Proposed Subdivision Plan

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Locality Plan

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Proposed Subdivision Plan

oooO END OF ITEM 27 Oooo

ITEM: 28 **Additions to Existing Poultry Farm - 412 Stannix Park Road, Ebenezer**

FILE NUMBER: DA 906/99/EVD/ENC27NCX.V10

REPORT:

Correspondence has been received from Mrs V Turner indicating her concern to the application and raising a number of issues to the proposal.

The following details are provided to the questions raised by Mrs Turner:

Question: *"I did not receive any notification to the original application for a poultry farm in 1997 and would definitely have objected most strenuously given the opportunity."*

Comment: A letter was forwarded to Mrs Turner at a numbered post office box at Wilberforce, on 9th April 1997 advising of an application to construct three poultry sheds, rearing shed and feed store. Council's file DA068/97 has a signed copy of the letter sent.

Question: *"I believe the original and further development applications (DA68/97 and DA28/00) are most relevant to the current application (MA609/99). I find it hard to understand why approval for additions to the existing poultry farm is even being considered as the existing farm and cool room are still under construction, with a long way to go. Of the three poultry sheds, rearing shed, feed store, etc. approved in DA68/97 only the feed store and one poultry shed are complete."*

Comment: Although it is normal to consider applications separately, even though they are on the same property, in this case, the current application is dependent upon facilities, buildings, dams, etc. that were part of the previous application and, therefore, they need to be in place for the current proposal to proceed.

Question: *"How can the true impact of this development be properly assessed under these circumstances?"*

Comment: In assessing the impact of the current proposal, the applicant has engaged a suitably qualified consultant to determine the impact of the proposed development.

Question *"Have all conditions of approval for all approved development applications relating to the property 412 Stannix Park Road, Ebenezer, been met?"*

Comment: In respect to the current conditions of consent, the development has been partly constructed. The Council has the power, under the Environmental Planning and Assessment Act, to enforce the conditions that are relevant to the current operation that has been built and is operating on the site. In this regard, Council officers will inspect the site to ensure compliance with the current conditions of consent.

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Question *"Have all building applications, plans and necessary documentation relating to the development been submitted to Council."*

Comment: The application for the proposed amenities building has now been lodged. The applicant is currently in the process of submitting an application for a building certificate to formalise several buildings and structures on the site that have no formal approval.

Question: *"Are all the buildings that have been added to the property (particularly the portable site buildings' on the eastern side and the 'feed store' which is used for 'feed processing') included in and covered by those building applications and plans that have been approved?"*

Comment: As a result of investigations of various files relating to the site and onsite inspection to identify the buildings and structures, the following buildings and structures have no formal approval for their construction:

The shed used for storage and processing of feed that is located adjacent to the poultry shed	No building approval
The cool room building located adjacent to the feed shed	No building approval
Metal clad shed located adjacent to the existing brick garage associated with the dwelling	No development or building approval
Metal clad shed used as a cool room adjacent to the existing brick garage associated with the dwelling. An inspection of an aerial photograph indicates that there was not an existing shed in this locality and it would appear that this building has been erected since 1997	No development or building approvals
The portable site office building located adjacent to the above shed	No development or building approval
The site has a number of feed silos adjacent to the feed shed and poultry sheds	No development or building approvals

The owner of the site has been requested to lodge the appropriate applications to rectify the above matters.

Question *"Council documentation (DA68/97) includes 'The construction of the proposed amenities building shall be subject to a separate building/development application. Such application to be lodged with council prior to business commencing' (dated 6/212/97) Have such applications been lodged and approved? If so why are they not on record at Council? If not, why has business commenced?"*

Comment: A site inspection has revealed that the subject building is not used for staff amenities. The applicant has now submitted an application for the amenities building.

Question *"Council documentation (DA28/00) included 'Prior to Issue of Occupation Certificate' 21 and 22 clause 21 'An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use'. Have such certificates been issued? If not why has use commenced?"*

Comment: The issue of occupation of the cool room building prior to issue of the occupation certification is currently being pursued with the applicant.

Question: *"Council documentation (DA28/00) includes the use of the site 23-27, Clause 27 'The storage of eggs produced on a farm is only to be stored in the cool rooms. No eggs from off-site are to be transported to the site for storage.' Can Council assure this is the only use of this facility?"*

Comment: The issue of the use of the cool room for eggs not produced on the site is being taken up with the applicant together with the other matters raised.

Question *"Have the poultry sheds that have been built or are under construction built in the proper location? The stamped plans at Council show 50m from the western property boundary. The initial layout and amended layout plans show these buildings as close as 30m from the boundary."*

Comment: The issue of the location of the existing poultry sheds is being raised with the applicant and evidence is being requested from the applicant to confirm the distance of the sheds from the boundary. Documentation received to date indicates the buildings getting closer to the boundary rather than the required 50m.

Question: *"Have all alterations/extensions to the "existing" dam below the poultry sheds been approved by Council? This once small dam seems to have completely moved location, size and shape on the property."*

Comment: The dam at the rear of the property was approved by Council and Condition 2 of Development Consent 68/97 required the provision of a suitably sized dam at the rear to collect all runoff from the roof and pavement surfaces. The location was amended by the applicant in order to preserve more of the existing bush located at the end of the property. Council has now received plans showing this.

Question: *"Does the dam comply with 10% runoff and all Council conditions?"*

Comment: This is currently being investigated. It is believed the "10%" rule does not apply to this type of dam, but this is being confirmed.

Question *"Was Council approval required, sought, given for the importation of innumerable truck loads of fill, from Homebush Bay sites, to this site? Was this fill tested for contaminants?"*

Comment: In respect to the fill imported to the site, the applicant has provided a letter from the contractor who was responsible for importing the fill. The material originated from the Old Sydney Showground site. The approval of the initial three sheds involved earthworks on site to establish a level building platform for each proposed shed. Council does not approve the source of the fill nor has it been tested for contaminants. This issue is still being pursued.

Question *"What is the status of the unnamed road on the western boundary of the property? Is it a public road? Can Council assure this road will not be sold to private interests?"*

Comment: This road is a Crown public road and therefore is under the control of the Department of Land and Water Conservation. Council is not aware of any proposal to purchase part of Sargents Road.

Question *"Can Council assure that this development will not interfere with the amenity of the neighbourhood."*

Comment: In respect to the impact on the amenity of the area, it is Council officers' opinion, based on the evidence contained in the consultant's report and Council officers' assessment of the development, there will be no significant impact on the amenity of the area.

Question *"Can Council assure all local ratepayers that there will be no detrimental nor negative effect to our land values as a result of increasing intensive farming development in the area and/or this particular development?"*

Comment: No evidence has been provided to demonstrate that approving the proposal would have an impact on land values. Council now has the report concerning a property at Maraylya but no other evidence on valuation.

Question: *"As this application is for 'an addition to the existing poultry farm' is it not the total development on the site, rather than just the 'addition' that should meet all conditions of approval."*

Comment: The proposed Condition 36 relates to the current proposal and Condition 23 of Development Consent 68/97 is a similar condition for the existing approval. As a result, the total development is subject to this requirement.

Question: *"Previous conditions of approval relating to development on this site state '...between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am and 1.00pm Saturdays' As the current 'Conditions of approval' were acceptable to the applicant. Is it necessary for the hours of operation to be extended?"*

Comment: The previous consent contains hours that were limited to construction activities only and not the operation. The proposed conditions limit the operating hours for the activity as well as the construction phase.

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RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

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