



general
purpose
committee
meeting

Mayoral Minutes

GENERAL PURPOSE COMMITTEE MEETING

Mayoral Minutes

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General Purpose Committee Meeting - 27 August 2002

Contributions to Hawkesbury River County Council - File: GF004/001 Pt 3 folio 3

A request has been received from Councillor John Griffiths, Mayor of Baulkham Hills Shire Council, for Hawkesbury City Council to support a joint deputation to the Minister for Agriculture to re-establish the level of grant funding to Hawkesbury River County Council. The content of the letter is as follows:

“Council at its meeting on 11 June 2002 considered a report discussing the need for the Hawkesbury River County Council to increase its Council contributions to \$75,000 plus GST of \$7,500.

“Advice has been received from the Chief Executive Officer of the County Council that a large proportion of this increase is due to the decrease in grant funding available to the County Council.

“Council at the abovementioned meeting resolved inter-alia:

“Council write to the other Councils comprising Hawkesbury River County Council and Western Sydney Regional Organisation of Councils seeking a joint deputation to the Minister for Agriculture to re-establish the level of grant funding that the County Council has been receiving in the past.”

“Council would appreciate your support in joining me in the joint deputation referred to in the resolution.”

It is recommended that Hawkesbury Council supports Baulkham Hills Shire Council and other Councils comprising Hawkesbury River County Council and Western Sydney Regional Organisation of Councils (WSROC) in seeking a deputation to the Minister for Agriculture to re-establish the level of grant funding that the Hawkesbury River County Council has been receiving in the past.

Minute Recommendation

That Hawkesbury Council supports Baulkham Hills Shire Council and other Councils comprising Hawkesbury River County Council and Western Sydney Regional Organisation of Councils (WSROC) in seeking a deputation to the Minister for Agriculture to re-establish the level of grant funding that the Hawkesbury River County Council has been receiving in the past.

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environment

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ITEM: 77**Pitt Town - Possible Urban Development****FILE NUMBER:** LEP003/00/GMA/ENH27NAX.G04**REPORT:**

The Local Environmental Study (LES) commissioned by the Council has been placed on public exhibition that will end on Friday, 25 October 2002, in accordance with the Council resolution. The Council has also resolved to prepare a Local Environmental Plan (LEP) for possible future urban development of the area. The Local Environmental Plan (LEP), in accordance with the Act, needs to be developed in accordance with the provisions of the Local Environmental Study.

There are a number of options available to the Council from a no-growth one and the implications of that, to the three growth options canvassed by the study. All of these need to be developed further to better inform the community, the various stake-holders involved and the Council. Even the no-growth option needs to be addressed in terms of what can occur on the lands currently surrounding the town, how this could occur, under what guidelines including if any potential subdivision.

It is suggested that a steering group be established to assist and ensure the options are developed, including a possible master plan, addressing all the likely issues and, being chaired by an independent professional with expertise in the area. It is suggested that the steering group comprise representatives from the two local community groups, two Council staff members that would be involved in the planning process, government agencies (NSW Planning, Environment Protection Authority (EPA), Transport etc) a technical representative from the development proposer and that the meetings be open to the community. This would provide an open and transparent process, enabling a report and possible master plans to be seen by the community as a whole and reported for the Council's deliberation.

Given the Council's decision-making role it is not suggested that Councillors be part of the steering group similar to that of the Three Towns Sewerage Environmental Impact Statement (EIS).

The objectives of the steering group would include:

- Advice in regard to the various options for development (or not) of Pitt Town.
- If a development option, advice as to the form/style of that development (master plan guidelines).
- Section 94 implications.
- Other matters as referred by the Council.

RECOMMENDATION:

That:

1. A steering committee be established to advise the Council in regard to the options for further urban development (or not) of Pitt Town.
2. The committee be chaired by an independent professional with expertise in the area of planning.
3. The committee comprise representatives of the two (2) Pitt Town groups (one [1] each), appropriate government agencies, two (2) Council staff and a representative of the development proposer.
4. All meetings be held in public with provision for public attendance.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 77 Oooo

ENVIRONMENT

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Item: 78

ITEM: 78 **Multi Unit Housing Development and Strata Title Subdivision, Lot 3 DP 246272, 62 William Street, North Richmond**

FILE NUMBER: DA0276/02/EVD/ENH27NAX.V09

Applicant: Windale Homes
Applicants Rep:
Owner: Windale Homes
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1,012 sqm
Zone: Residential 2(a)
 Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Advertising: 1 July 2002 to 16 July 2002
Date Received: 13 March 2002

Key Issues: - Privacy
 - Traffic/Car-parking
 - Non-compliance with Hawkesbury Development Control Plan

Action: Refusal

REPORT:

Introduction

The application is seeking approval for multi unit housing development on the subject land involving the erection of two additional units, being two storey, and the retention of the existing dwelling house. The application is being reported to Council at the request of Councillor Williams.

This report provides a summary and assessment of the key issues. A complete assessment of the application is available on the file.

Background

The application initially proposed the conversion of the existing dwelling house into two units to create a 4 unit development. The application was amended to the current proposal involving three units.

The Proposal

The development involves the erection of a two storey duplex (each unit contains three bedrooms) at the rear of the subject property. The existing dwelling house on the site is to be retained and incorporated into the development. The new units are to be constructed of brick and tile.

The application also includes the strata subdivision of the units with lot sizes of 140 sqm, 140 sqm, 410 sqm, and 321 sqm of common property.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a). The proposed development is permissible with consent.

State Environmental Planning Policy No. 1 - Development Standards

The applicant has submitted an objection under SEPP No. 1 to the minimum area requirement of Clause 12 of HLEP 1989. The stated reasons for the objection are as follows:

“The objectives of the standard is to provide an allotment size suitable to contain a dwelling, off street parking, open space, service areas, and general amenity for the occupants.

The proposed allotment sizes fulfil the above parameters and will meet the objectives of the standard and the requirements of Councils’ DCP. (Draft) for multi unit housing.”

Comment:

The following assessment shows that the proposed allotments are not sufficient in size as the proposal does not comply with the Development Control Plan.

Hawkesbury Development Control Plan

Although complying with some of the rules within the Hawkesbury Development Control Plan, the applicant seeks a variation where the proposal does not comply:

Variations

1. *Dimensions of parking spaces*

The DCP requires car spaces at 90° to the driveway to have minimum dimensions of 2.6m width by 5.5m length. With respect to single garages, each car space has a solid wall on each side. Therefore single garages are to have a minimum width of 3.8m. Each garage in the development has dimensions of 3.5m by 5.5m.

One of the aims for the 'Vehicle access and car parking' clause of the Residential Chapter is "to provide adequate off street parking for the normal needs of occupants and visitors."

The applicant argues that "The internal width of 3.5 metres is considered more than adequate when the industry standard for a single garage is 3 metre."

In preparing the DCP, it was determined that if a single parking space has a solid wall on either side, then the space needed to be widened to 3.8m to provide adequate room to open doors and manoeuvre in and out of vehicles. Ease of entering and exiting a vehicle within a garage will encourage use of the garages. Parking spaces that are smaller will reduce the ease by which they can be used, resulting in occupants parking in more convenient areas such as streets, visitor spaces and turning spaces. This is inconsistent with the above aim.

The visitor space is required to be 3.2m wide as it is located adjacent to a fence on one side. The plans indicate that this space is approximately 2.5m wide. The applicant was asked to address this matter. In their letter of 19 June, 2002, the applicant advised that "the visitor space will be amended to provide a minimum width of 3.2m." The Development Control Plan allows consideration of parking spaces within the front setback of a property if this area is dominated by landscaping. The widening of the visitor space will result in the reduction of the width of the landscaping area along the front boundary to 1.3m. This is considered inadequate in providing suitable screening of the parking space and is inconsistent with the aim of integrating "car parking and access as unobtrusively as possible into the streetscape and landscape."

2. On site Manoeuvring

The Residential Chapter requires vehicles to enter and exit the site in a forward direction, and requires manoeuvring areas to allow the entry and exit from all parking spaces by a single turning movement. This cannot be achieved from the existing carport (as modified).

The applicant states "Manoeuvring area for Unit 1 is as previously referred to in earlier correspondence and as the carport is for the existing dwelling and the vehicles have previously reversed onto the dead end of William Street the status quo is preserved and will not create any additional traffic nuisance."

The Chapter aims to "ensure safe access, egress and passage through a site for vehicles and pedestrians."

Reversing from the carport attached to Unit 1 (existing dwelling) is not desirable as conflicts may occur between vehicles entering and leaving from the rear of the site. This is inconsistent with the above aim.

3. Driveway setback.

The driveway is located 1m from adjoining property boundaries. The DCP requires 1.5m setback of driveways from adjoining boundaries.

A 1m landscape strip has been provided along the adjoining boundary. This boundary adjoins the neighbours garage and rear yard.

In view of the above, and in respect to the number of variations sought, it is considered that the proposal is an overdevelopment of the site and the variations should not be supported.

Community Consultation

The application was publicly exhibited from 1 July, 2002 to 16 July, 2002. Four (4) submissions were received from an adjoining owner with the main concerns being:

- Strain on sewerage and water supply; low water pressure.
- Traffic safety; on street parking; lack of sufficient off street parking; increased traffic congestion.
- Devalue properties.
- Increase in noise and pollution.
- Lack of footpaths.
- Existence of 12 medium density housing units in close proximity.
- Draft Local Environmental Plan for multi unit development.
- Privacy.
- Non-compliance with Hawkesbury Development Control Plan.

The matters raised are discussed in the planning assessment below.

Planning Assessment

Full consideration has been given to s79C (1)(b) of the EP & A Act as contained on file. Below are the relevant matters:

Context and Setting/Privacy *(issue raised by respondents)*

Surrounding land uses comprise of single dwelling houses and multi unit housing developments. Multi unit housing development is compatible with these adjoining land uses however, this proposal represents an overdevelopment of the site.

The proposal will have a significant impact on the existing streetscape as there is a significant increase in paved area and a reduction of garden area.

Although there is unlikely to be any direct impact on privacy, the appearance of a bulky two storey building at the rear of the site may give the perception of overlooking.

Access, Transport and Traffic *(issue raised by respondents)*

It is recognised that there is traffic congestion in Grose Vale Road. The additional vehicles and vehicle movements generated by the proposed development is negligible in comparison to the volume of traffic experienced on Grose Vale Road, and surrounding roads.

The on-site parking areas provided for the proposal are inconsistent with the requirements of Hawkesbury Development Control Plan.

There are no constructed footpaths in the area, however grass footpaths exist.

Utilities *(issue raised by respondents)*

Sydney Water services the North Richmond area in respect to sewerage services and water supply. The consent will require the applicant to obtain a s.73 Certificate from Sydney Water to verify their approval of the development.

Noise/Pollution *(issue raised by respondents)*

The addition of two dwellings within the locality, and their use, will not generate unreasonable noise or pollution.

Draft LEP for multi unit development. *(issue raised by respondents)*

Council at its meeting of 12 December 2000 resolved to amend HLEP 1989, to incorporate a multi unit housing zone within 500m of the North Richmond commercial centre. The proposed development is located outside the proposed multi unit housing zone.

The property is outside the proposed multi unit housing zone. As the draft local environmental plan has not been publicly exhibited, the requirements of the plan are not a matter for statutory consideration under section 79C of the Act. However, it does reflect Council's desired policy and the wishes of the community.

Non-Compliance with Hawkesbury Development Control Plan. *(issue raised by respondent)*

As discussed above, the proposed development is inconsistent with the objectives and certain requirements of the Development Control Plan.

Devalue properties *(issue raised by respondents)*

There is no evidence submitted to demonstrate that the proposed development would devalue properties within the locality.

Conclusion

The proposed development is inconsistent with the objectives and requirements of Hawkesbury Development Control Plan. In view of the number of variations from the requirements of the Development Control Plan sought, it is considered that the proposal is an overdevelopment of the site.

In our view the applicant has sought to maximise the development on the land, rather than optimising the amenity of the area with a more suitable design.

RECOMMENDATION:

That the application for multi unit housing and strata development on the subject land be refused for the following reasons:

1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
2. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 1 - Residential Development and Part C Chapter 2 - Car Parking and Access.
3. The proposed development will have an unacceptable impact on the locality in terms of scale, bulk, mass, form and design.
4. The proposed development will have an unacceptable impact on the visual quality and streetscape of the area.
5. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
6. In the circumstances, approval of the development would not be in the public interest.

ATTACHMENTS:

- AT-1** Locality Plan
- AT-2** Site Plan
- AT-3** Subdivision Plan
- AT-4** Elevations - New Dwellings
- AT-5** Elevations - Existing Dwelling House

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Locality Plan

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Site Plan

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Elevations

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Elevations

oooO END OF ITEM 78 Oooo

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Item: 79

ITEM: 79 **Orchard and Construction of Shed for Storage of Farm Equipment, Lot 70 DP 751664, 2018 Bells Line of Road, Kurrajong Heights**

FILE NUMBER: DA0105/02/EVD/ENH27NAX.V01

Applicant: Mr M J Tebbutt
Applicants Rep: Mr M J Tebbutt
Owner: Mr M J Tebbutt
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No.2 - 1997)
Area: 29.94 ha
Zone: Environmental Protection Scenic 7(d)
Advertising: 9 April 2002 to 23 April 2002
Date Received: 5 February 2002

Key Issues: - Size and height of shed

Action: Approval subject to conditions

REPORT:

Introduction

The applicant seeks approval to establish an organic orchard and the erection of a rural shed measuring 15.7 metres x 42.1 metres (660 sqm). This matter is being reported to Council due to the size of the shed. The report details the proposal and provides an assessment of the application. A comprehensive assessment under Section 79C(1) of the Environmental Planning and Assessment Act is available on file.

Subject Site

The property has an area of 29.95 ha and in the past has been used as an orchard. The orchard trees have been removed from the site and the use as an orchard has been abandoned. This application seeks approval for a new orchard.

The site is surrounded on two sides by the National Park and the other by an orchard. The property contains cleared areas of vegetation which is where the development of the shed and orchards are proposed. The site is screened from Bells Line of Road by existing vegetation cover.

The Proposal

The organic orchards will be located within the areas of the site which are cleared and previously used for an orchard. The orchard operation will use only organic or bio dynamic pesticides as certified by the Australian Quarantine Inspection Service (AQIS). The orchard operation will involve no removal of vegetation and the existing bushland areas on the site will remain undisturbed.

The rural shed is located in a cleared area and will be used partly in conjunction with the orchard operation and to store a range of the applicant's vehicles and equipment. This matter is discussed later in the report.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The property is zoned Environmental Protection (Scenic) 7(d) under Hawkesbury Local Environmental Plan 1989. "Intensive agriculture" including the erection of a shed is permissible with consent in the zone.

Relevant clauses of HLEP 1989 that require consideration are 9 Land Use Matrix, 9A Objectives of the Zone, 18 Provision of water, sewerage etc services, 22 Development fronting main or arterial road, 24 Development within Zone No. 7(d) and 7(d1), 36 Clearing of land within Zone No. 7(a), 7(d) or 7(d1), 44 Intensive Agriculture.

Hawkesbury Development Control Plan - Rural Sheds Chapter

The aim of this policy is to enable the erection of sheds on rural properties in a manner which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an are and to provide design principles for the construction of these buildings.

The table below assessed the rural shed against the controls contained in the DCP.

DESIGN PRINCIPLES	THE PROPOSAL	COMPLIANCE
Siting		
Cut and fill shall be limited to 2m of cut and 900mm of fill.	400mm cut, 800mm fill	Yes
Sheds shall be located no closer to the road than the existing dwelling house.	The shed is located approximately 100m from Bells Line of road. The site currently contains no dwelling.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%.	The slope of the site does not exceed 10%.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	The proposal will not involve any disturbance to native vegetation.	Yes

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DESIGN PRINCIPLES	THE PROPOSAL	COMPLIANCE
Size The maximum size of shed in the 1(c) and 1(c1) areas shall not exceed 150 sqm. The cumulative total of all outbuildings shall not exceed 150 sqm on any one property in these zones.	Not applicable	
In zones 1(a), 1(b), 7(d), 7(e), the applicant will need to justify the size of any shed exceeding 150 sqm in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	The property is zoned Environmental Protection (Scenic) 7(d). The area of the shed is 660 sqm.	Refer to justification below.
Height The total height of a rural shed erected in rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridge line of the dwelling house on the same property, whichever is less. In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.	The total height of the proposed shed is 7.3m.	Not applicable. No. Refer to justification below.
The total height of 'barn style' sheds may exceed 5m based on individual merit.		Not applicable.
Form Rural sheds with standard roof form will be limited to rectangular shapes. Sheds of other roof forms, for example barn style, will be encouraged.	The proposed shed is rectangular in shape (42.1 x 15.7).	Yes Not applicable.
Colour The colour of a rural shed will match or blend in with those of existing buildings. On vacant land the colour for rural sheds shall be taken from the natural environment.	The proposed colour is satisfactory (Rivergum). The colour is satisfactory.	Yes Yes

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DESIGN PRINCIPLES	THE PROPOSAL	COMPLIANCE
Type of Building Materials Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective. The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.	The building materials are new and prepainted.	Yes Not applicable.
Any part of a building below the 1 in 100 year flood level is to be constructed of flood compatible materials.		Not applicable.
Landscaping Plantings are to be a mix of trees, shrubs and ground cover.	Existing vegetation is considered adequate.	Yes
Trees shall include species that at maturity have a height above the ridge line of the shed.	Not applicable.	Not applicable.
Shrub mass shall provide adequate screening.	Not applicable.	Not applicable.
Plants Endemic to the area are to be chosen.	Not applicable.	Not applicable.

Justification for DCP Variation***Size***

In response to the size the applicant has provided the following arguments:

- A floor plan submitted that shows the storage of vehicles and equipment within the proposed shed.
- The shed will enable all the vehicles and equipment to be housed out of the weather. These items have been accumulated and are hobbies and interests.
- The shed will be in proportion to the size of the property (75 acres).
- The shed complies with the Development Control Plan except for size.
- No objections have been received.
- The location of the shed is on a previously cleared area.
- Property surrounded by the Wollemi National Park.
- Nearest house is 250m.
- The shed is not intrusive into the skyline and not visible from the road or neighbours.
- The existing established trees are higher than the shed and will create a suitable backdrop.
- No impact in terms of noise, odour or traffic.

- If the maximum size of 150 sqm is taken to apply to a 5 acre allotment then a sliding scale for 75 acres would be 2,250 sqm. The proposed shed is only 660 sqm.
- The application should be considered on its merits.
- Prepared to provide a suitable statutory declaration or legal affidavit stating the use of the shed and guaranteeing it will not be used for other than approved activities.

Comment

The application contains a floor plan layout for the shed which shows that it would be used for the storage of farm equipment, vehicles and a workshop area. The site inspection revealed that the shed is to be located in an area that, due to the topography of the land and existing pockets of vegetation, will be screened from the road and the adjoining and surrounding residents.

The objectives of the "Size" sub-chapter contained in the DCP are achieved. The visual impact on the existing landscape is considered to be minimal. The justification provided by the applicant is considered reasonable in this circumstance.

Height

The eaves height is 5m and with the proposed pitch of the roof the ridge height is 7.3m. The applicant advised that the height of the shed is due to the activities involved with working on the old tip truck and the need to have the tray raised and the use of the fork lift to load materials used for the farm activities. It is considered that the height of the proposed shed be limited to 5m.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No. 108

This draft LEP introduces the recommendations of the Hawkesbury Sustainable Agricultural Development Strategy. The plan amends the zone names and objectives for the Rural and Environmental Protection zones. Under this amendment the land will be zoned Environmental Protection - Agricultural Protection.

This draft LEP is on exhibition for the period 10 July 4 October 2002 and is therefore a matter for consideration.

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Colo River Catchment area defined by SREP No. 20 (No. 2 - 1997) which is defined as a "conservation sub-catchment area" and an "environmentally sensitive area".

Key provisions of SREP No. 20 (No. 2 -1997) that Council must consider include:

- new development in conservation area sub-catchments should be located in areas that are already cleared;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by use of management practices;

- visual impacts of the development on the surrounding area;
- develop in accordance with the land capability of the site and do not cause land degradation.

Planning Assessment

Context and Setting

The shed can be accommodated on the site with minimal environmental impacts. The shed is similar to other sheds found in the locality and will fit into the orchard landscape of Bilpin.

Access, Transport and Traffic

The site has direct access to Bells Line of Road. Any traffic generated by the proposal can be accommodated on Bells Line of Road. Access from Bells Line of Road via the existing driveway is adequate as is the internal driveway. No additional driveway works are required to serve the proposed shed.

Chemical/Pesticides

The orchard will only use organic and/or biodynamic as certified by AQIS.

Water Management

The applicant is proposing to rely on natural rainfall with non tillage techniques and mulching to retain moisture. The existing small spring fed dam would also be utilised.

Hours of Operation

The orchard will operate generally between 8.00am to 4.00pm five to six days per week.

Management of the Orchard

The applicant will be required to prepare a Farm Management Plan that will provide details on how the activity will manage a range of potential impacts such as:

- chemical use
- fertiliser management
- odours
- noise
- water (irrigation)
- dust
- community liaison.

Conclusion

The proposed shed exceeds 150 sqm and therefore requires justification under the terms of the Hawkesbury DCP. The applicant's justification for the size and height of the shed is considered satisfactory in the circumstances.

The shed, while large, will not dominate the landscape of the area as the existing vegetation onsite will provide a satisfactory visual screen.

The orchard is to be planted in the area where the previous orchard activity occurred.

RECOMMENDATION:

That the application for an orchard and the construction of a shed for storage of farm equipment be approved subject to the conditions in the attached consent.

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 A Bonnicci numbered 9626-8425 dated 2 April 2002) submitted with Development Application No. DA0105/02 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. Submission of Farm Management Plan to Council for approval. The Farm Management Plan shall be modelled on the plan as recommended and complied by NSW Agriculture and shall address :
 - chemical/fertiliser usage
 - odour
 - noise
 - water management
 - community liaison.
5. The ridgeline of the shed shall not exceed 5 metres above the finished floor level.

Prior to Commencement of Works

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. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
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 2(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) piers;
 - (c) steel reinforcement; and
 - (d) on completion of the structure.
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. 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.
12. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.

13. 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.
14. All roofwater shall be drained to the water storage vessel/s.

Use of the Site

15. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood with respect to noise, vibration, odour, dust, waste water, waste products or otherwise.
16. The orchard is to be operated in accordance with the approved Farm Management Plan.
17. The old shed on the site shall be demolished. The resultant building material and any other refuse, including car bodies located on the subject land shall be removed to a licensed waste disposal facility.
18. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
19. The shed shall not be used or adapted for use for human habitation, or for commercial or industrial purposes, without the approval of Council.
20. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point 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.

ATTACHMENTS:

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

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Locality Plan

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Site Plan

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Elevations

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ITEM: 80 **Proposed Shed, Lot 1 DP734092, 2703 Bells Line of Road, Bilpin**

FILE NUMBER: MA1393/01/EVD/ENH27NAX.V08

Applicant: Mr Colin Hamilton
Applicants Rep: Mr Peter Duffy
Owner: Mr and Mrs Hamilton
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 31.97Ha
Zone: Environmental Protection Scenic 7(d)
Advertising: 7 to 27 December 2001 - no submissions
Date Received: 5 November 2001

Key Issues: - Size and height of shed
 - Compliance with Rural Sheds Chapter of DCP

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a shed with an area of 450m² to be used for the storage of the applicants farm machinery and antique machinery.

This matter is being reported to Council because of the size and height of the shed. This report details the proposal, the current statutory situation and provides an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The proposal is for the erection of a colourbond steel shed measuring 15m by 30m by 5.921m high (ridgeline) to be used for the purposes of the storage of farm machinery and antique machinery. The applicant has provided an indicative list of items to be stored in the shed. The list includes a number of stationary engines, tractors, motor cycles, ploughs, slashers, mowers, trailers, animal floats.

The shed is to be located on an existing level platform to the south of an existing residence and driveway. The platform is approximately 26m from the property's front fence and approximately 48m from Bells Line of Road. Between the platform and the road are stands of mature vegetation (both on the property and within the road reserve). The platform is also set lower than Bells Line of Road such that the shed will be not be visible from Bells Line of Road.

Two sheds measuring 6m by 12.5m and 3m by 3m are to be demolished to make way for the new shed. An existing open sided stable near the proposed shed is also to be demolished.

Statutory Position

Hawkesbury Local Environmental Plan 1989

The property is zoned Environmental Protection (Scenic) 7(d) under Hawkesbury Local Environmental Plan 1989. The shed is permissible with consent in the zone.

Relevant clauses of HLEP 1989 that require consideration are 9 Land Use Matrix, 9A Objective of the zone, 18 Provision of water, sewerage etc services, 22 Development fronting a main or arterial road, 24 Development within Zone No. 7(d) and 7(d1), 36 Clearing of land within Zone No. 7(a), 7(d) or 7(d1).

Hawkesbury Development Control Plan - Rural Sheds Chapter

The aim of this policy is to enable the erection of sheds on rural properties in a manner which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

The following is an assessment of the proposal against these design principles:

Design Principles	The Proposal	Compliance
<i>Siting</i> Cut and fill shall be limited to 2m of cut and 900mm of fill	Shed is to be installed on existing levelled area. Minor levelling of this area is required.	Yes
Sheds shall be located no closer to the road than the existing dwelling house.	The shed will be located behind the existing building line.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	The slope of the existing level area does not exceed 10%.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	Minor lopping of adjacent tree branches is required.	Yes

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Design Principles	The Proposal	Compliance
Size In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150sqm in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	The property is zoned Environmental Protection (Scenic) 7(d). The area of the shed is 450sqm. The shed is to house existing and additional farm machinery and antique machines brought to the site by the owner. The applicant has provided an indicative inventory of items to be stored in the shed.	Yes
Height The total height of a rural shed erected in Rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less. In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.	The total height of the proposed shed is 5m (gutter) and 5.921(ridgeline).	No. Recommend height of ridgeline be limited to 5m. This will still allow a garage door of sufficient clearance to enable trucks to enter the shed.
Form Rural sheds with standard roof form will be limited to rectangular shapes.	The proposed shed is rectangular in shape (15m by 30m).	Yes
Colour The colour of a rural shed will match or blend in with those of existing buildings.	No colour specified other than the applicant stating that colours will "blend with bush surrounds"	It is recommended that any consent is conditional such that the shed be dark toned and non reflective.

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Design Principles	The Proposal	Compliance
<i>Type of Building Materials</i> Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective.	The building materials are new and prepainted.	Yes
<i>Landscaping</i> Plantings are to be a mix of trees, shrubs and ground cover.	Existing vegetation between the site and Bells Line of Road and adjacent property is considered adequate.	Yes

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No. 108

The draft LEP introduces the recommendations of the Hawkesbury Sustainable Agricultural Development Strategy. The plan amends the zone names and objectives for the Rural and Environmental Protection zones. Under this amendment the land will be zoned Environmental Protection - Agriculture Protection.

This draft LEP is on exhibition for the period 10 July to 4 October 2002, and is therefore a matter for consideration.

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Grose River Catchment area defined by SREP No. 20 (No. 2 - 1997) which is defined as a "conservation sub-catchment area" and an "environmentally sensitive area".

Key provisions of SREP No. 20 (No. 2 -1997) that Council must consider include:

- new development in conservation area sub-catchments should be located in areas that are already cleared;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by use of management practices;
- visual impacts of the development on the surrounding area;
- develop in accordance with the land capability of the site and do not cause land degradation.

Community Consultation

The development application was publicly exhibited in accordance with the provisions the Hawkesbury Development Control Plan for the period 7 to 27 December 2001. No submissions were received.

Planning Assessment

The following are the major issues of concern relating to the matters for consideration under Section 79C (1) (b), (c), (d) &(e) of the EP & A Act 1979.

Impact on the Environment/Suitability of the Site

The subject property is on the southern side of Bells Line of Road. The site of the proposed shed is on an existing cleared level platform approximately 48m from Bells Line of Road and 10m from the southern property boundary. The area of the platform can accommodate the footprint of the shed.

Surrounding the shed to the south, west and east are existing stands of mature vegetation that will screen the shed from Bells Line of Road and adjacent properties. The existing vegetation and fall of the land will result in the shed not being able to be seen from Bells Line of Road.

Access to the site is satisfactory for the intended development and the proposed development will not lead to unmanageable transport demands.

The development will not significantly impact upon critical habitats and threatened species, populations, ecological communities and habitats. The site's attributes such as size, shape, and slope are conducive to the development.

The site is within a minor bush fire risk area. The nature of this risk does not make the site unsuitable for the proposed development.

It is considered that the that the site is suitable for the proposed shed and that the shed will have a minimal environmental impact.

Conclusion

The proposal is considered acceptable having regard to the location of the shed, the storage requirements the applicant and the proposal's minimal visual and amenity impacts.

It is considered that the proposal is consistent with the relevant provisions of HELP 1989, Draft Amendment No. 108, SREP No. 20 (No. 2 -1997) and the Rural Sheds Chapter of the Hawkesbury Development Control Plan for Rural Sheds.

RECOMMENDATION:

That the application for the erection of a shed be approved subject to the conditions in the attached consent:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (numbered A and B and letter dated 23 May 2002) submitted with Development Application No. 1393/02 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. Exterior surfaces of the proposed shed and any ancillary water tanks being painted or treated with a dark toned non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. In this regard recommended external colours are dark green and/or dark grey.
5. The ridgeline of the shed shall not exceed 5 metres above the finished floor level.

Prior to Commencement of Works

6. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.

7. 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.
8. 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. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
9. 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.
10. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
11. The name and licence number of the licensed contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any work relevant to this approval.

During Construction

12. All building work must be carried out in accordance with provisions of the Building Code of Australia.
13. 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.
14. No burning of demolition or construction material being carried out on the site.
15. 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.
16. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:

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- (a) owner of site and address;
- (b) person/company carrying out site works and phone number;
- (c) consent number and date of approval; and
- (d) approval duration of site works.

- 17. All roofwater shall be drained to the water storage vessel/s.
- 18. The storm water (including over flow from the water storage vessel/s) shall be drained to an absorption trench complete with 600mm plastic high dome void former, minimum length 1.8m plus 1m per 10m of guttering. The high dome to be covered with minimum 100mm of aggregate. Such trenches shall be located a minimum of 4m clear of any building/vessel/allotment boundary.
- 19. All demolition works are to be undertaken in accordance with the provisions of WorkCover and AS2601

Use of Site

- 20. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
- 21. The shed shall not be used or adapted for use for human habitation, or for commercial or industrial purposes.

ATTACHMENTS:

AT-1 Site Plan

AT-2 Plan and elevations

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Site Plan

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Plan and elevations

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ITEM: 81 **Heritage Committee Proposal - Letter to Real Estate Agents**

FILE NUMBER: GH020/003/EVD/ENH27NBX.V03

REPORT:

Introduction

At the meeting of the Heritage Advisory Committee on 8 August 2002, a proposal was discussed to increase the awareness of real estate agents about the importance of older buildings. It was agreed that the matter would be reported to Council to gain optimum public awareness.

Report

Matters are often raised at the Heritage Advisory Committee meetings concerning demolition of older cottages to make way for new development. Often the older cottages are not listed as heritage items within Hawkesbury Local Environmental Plan 1989, however, they do often contribute positively to the streetscape.

As a positive move to assist real estate agents in conveying correct information, the Heritage Advisory Committee has put forward the following draft letter:

“Dear Real Estate Agent

Buildings with Potential Heritage Significance

Some of the major attractions for people moving to the Hawkesbury City area are the rural atmosphere, the scale of urban development and our rich heritage.

You may be aware that many buildings are listed as ‘heritage items’ in the Hawkesbury Local Environmental Plan 1989. This Local Environmental Plan contains special provisions relating to alterations, additions, demolition and development in the vicinity of heritage items. Buildings or material objects more than fifty years old may also be of heritage value, whether or not they are listed as heritage items. Any proposal for demolition of a building over fifty years old will receive a high level of scrutiny and an assessment of its significance.

Hawkesbury City Council places a high value on the rich historical inheritance of our area, particularly on the built environment and its associations with Australia’s early development. Council is committed to the preservation of all such buildings as far as possible and to ensuring that renovations and extensions are sympathetic to the original building.

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As a real estate agent, you have an important role to play in providing comprehensive advice to prospective purchasers about the status of a building. Purchasers should be made aware that Council is not likely to approve the demolition of dwellings or other buildings of heritage value. Also additions and alterations should be of sympathetic design.

You may also wish to advise prospective purchasers that Council provides a Heritage Advisory Service which is free of charge to residents. Council also provides financial assistance through the Heritage Assistance Fund, where applications for grants are called for every year.

Conservation of historic buildings is sometimes rather complex, however, the importance of retaining our rich heritage cannot be understated. Should you require any further information or assistance please do not hesitate to contact ...”

RECOMMENDATION:

That Council endorse the above letter to be forwarded to all real estate agents within the City of Hawkesbury.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 81 Oooo

ITEM: 82 **Lot 25 DP742749, 17 North Street, Windsor - Outcome of Court Appeal**

FILE NUMBER: MA0266/01/EVD/ENH27NCX.V06

REPORT:

Background

On 13 November 2001 Council resolved to refuse a Development Application for the construction of a dwelling. The applicant lodged an appeal which was heard on 8 and 9 August 2002. The appeal was dismissed in Council's favour.

Report

On 13 November 2001 Council resolved to refuse an application for a dwelling on the subject property for the following reasons:

- (a) The objection pursuant to SEPP No. 1 is not supported due to the considerable non-compliance with the Standard and the implications for damage to life and property.
- (b) The Development Application is refused for the following reasons:
 - (i) The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
 - (ii) The proposed development will have an adverse impact on the neighbouring property in terms of privacy and access to sunlight.
 - (iii) The proposed development is unacceptable in terms of bulk and design.
 - (iv) Approval of the proposed development is not in the public interest, as there is not an acceptable evacuation route in times of flood.

The applicant lodged an appeal against this decision in the Land and Environment Court. The appeal was heard by Senior Commissioner Dr John Roseth on 8 and 9 August 2002. A Judgment was delivered on 15 August 2002. A full copy of the Court Judgment has been distributed to Councillors with the Business Paper.

In summary, Senior Commissioner Roseth found that the proposal is prohibited under Clause 25 of Hawkesbury LEP 1989 due to the sunset clause which expired on 30 June 2002. Senior Commissioner Roseth therefore did not examine the arguments relating to the merits of the application.

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RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 82 Oooo

ITEM: 83**Hollands Paddock Carpark - Report on Rezoning****FILE NUMBER:** LEP006/96/EVD/ENH27NCX.V05**REPORT:**

Council has requested a report on the history of the acquisition and zoning of Hollands Paddock land and particularly how it came about to be rezoned from Special Uses 5(a) Carparking to General Business 3(a).

The land was acquired by Windsor Council in 1920. At the time of acquisition the current park and the current carpark were one lot. In 1953 the carpark land was transferred to the Metropolitan Water, Sewerage and Drainage Board and this land is now owned by Pirasta Pty Limited.

A year by year licence for carparking was entered into by Council on 22 February 1968, with Sydney Water. The land was zoned 5(a) Parking under the Windsor Planning Scheme 1973 and then it was zoned 5(a) Parking under LEP1984. LEP1989 zoned the land 5(a) Special Uses Parking.

Council's records indicate that in July 1989, Council was pursuing the acquisition of three lots in that area from Sydney Water, including carpark land, which was at the time zoned for Special Uses. Sydney Water had, at that time, indicated that the land was surplus to its needs and would consider disposal of it, however they were questioning the development potential of the site and proposals to rezone it. A previous rezoning proposal had been refused on the basis of flood liability. There are notes on the file which indicate advice that if the Special Uses zoning was retained and land transferred from Sydney Water to a private individual, Council may be required to acquire the site as it would be a reservation as described under the Environmental Planning and Assessment Act.

At a meeting of 12 March 1996, Council resolved to start the rezoning process which arose from a request to rezone part of the Council carpark at Richmond to allow an expansion of the Coles supermarket. The conclusion of this report was that all 5(a) parking land should be rezoned.

On 25 March 1996, Council advised the then Department of Planning of Council's resolution and advised it would affect five parcels of land in Windsor, two parcels of land in Richmond and one parcel of land in North Richmond.

On 22 July 1996 Council conducted Section 62 consultation with public authorities and in August 1996 the Department of Planning issued a Section 65 Certificate to allow the plan to proceed to exhibition. On 14 August 1996 Council notified all adjoining owners of all eight parcels of land and the exhibition for the Draft LEP was held from 21 August 1996 to 18 September 1996.

Council's General Purpose Committee on 29 October 1996 received a report on the exhibition of the Draft Plan noting that there were three submissions received. The submissions were concerned about the amount of land zoned 3(a) in the city and that development of Council's carpark may lead to a surplus of commercially zoned land.

The body of the report deals with the assumption that Council is the landowner and any development that would take place would require Council's consent. There is no discussion in the report to Council that the Hollands Paddock land was in fact owned by Sydney Water. At Council's Ordinary meeting of 12 November 1996 it was resolved to submit the draft plan for determination and gazettal and also to prepare a draft Development Control Plan for the carparks affected by this Draft Local Environmental Plan. This Draft Development Control Plan has never been prepared.

On 13 February 1997 the Minister for Planning, at the time, made the plan that was gazetted shortly afterwards.

In December 1999 Council was advised the property had been purchased, the new owner being Pirasta Pty Limited.

The Draft LEP that rezoned the carparking land in the three shopping centres was designed to allow for Council to deal with the land and to manage commercial expansion over them. There is no mention in the report or the preliminary information of the unique circumstances of the Hollands Paddock land.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 83 Oooo

ITEM: 84 **Outcome of Class 4 Proceedings - Unauthorised Advertising Sign at 39 Bosworth Street, Richmond**

FILE NUMBER: P255/166/EVD/ENH27NCX.V10

REPORT:

Introduction

This item reports the outcome of legal proceedings brought against the owner of land at 39 Bosworth Street Richmond for an unauthorised advertising sign.

The matter was part heard in the Land and Environment Court on 7 December 2001. The respondent had the hearing was adjourned to 5 August 2002.

Report

On 5 August 2002 the Court made the following orders: -

1. A Declaration that Russell Alan Jarvie and Robert John Jarvie (the Respondents) by themselves, their servants or agents have erected, placed, caused, suffered or permitted to be placed, and to remain, an advertising structure on Lot A DP161216, being 39 Bosworth Road Richmond (the land) contrary to the provisions of clause 9 of the Hawkesbury Local Environmental Plan 1989 (as amended) (the Plan).
2. A Declaration that the Respondents have erected, placed, caused, suffered or permitted to be placed, and to remain, an advertisement or an advertising structure on the land contrary to the provisions of the Environmental Planning and Assessment Act 1979.
3. A Declaration that the Respondents have displayed, placed, caused, suffered or permitted to be placed, and to remain, an advertisement on the land contrary to the provisions of State Environmental Planning Policy No 64 cl 10.
4. An Order that the first Respondent remove or cause to be removed from the land all advertisements and/or advertising structures erected thereon or caused to be erected thereon.
5. Order that the respondents pay Council's costs.
6. Court notes that there is a possibility that within 28 days the Respondent may file a Notice of Motion to set aside or vary these orders.
7. Exhibits are to be returned after 28 days unless a Notice of Motion is filed.

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The 28-day period for the respondent to file a notice of motion expires on 2 September, 2002. If the respondent does not file a Notice of Motion the orders become effective and the advertisement and structure is to be removed forthwith from the land.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 85 **Proposed Tourist Facility - 32C Berambing Crescent, Berambing**

FILE NUMBER: MA1308/01/EVD/ENH27NCX.V02

PREVIOUS ITEM: 69, GPC Section 1 - Environment (30.07.2002)

REPORT:

An application for a tourist facility at 32C Berambing Crescent, Berambing was considered by the General Purpose Committee on 30 July 2002.

The Committee resolved, inter alia, that the matter be deferred until the August General Purpose Committee meeting and that a site inspection be carried out.

The applicant is presently preparing additional information and has requested that consideration of this matter and the site visit be deferred until the September General Purpose Committee.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

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