



general
purpose
committee

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section

environment

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ENVIRONMENT

Meeting Date: 24 September, 2002

Item: **86**

ITEM: 86 **Tourist Facility - Installation of 3 (three) prefabricated cabins and conversion of an existing shed to a manager's residence, Lot 1 DP630711, 1389 St Albans Road, Central MacDonald**

FILE NUMBER: DA0638/02/EVD/ENI24NAX.V03

Applicant: Transplan Architects
Applicants Rep: Mr Terry Gates
Owner: Parrihart Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 17.05ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: 13 to 29 July 2002
Date Received: 28 May 2002

Key Issues: Visual impact
 Character of the area
 Use of the site
 Unauthorised development
 Effluent disposal
 Flooding
 Traffic
 Noise

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a tourist facility at 1389 St Albans Road, Central MacDonald.

This matter is being reported to Council due to the number of submissions received and the background to this application. 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 application is for the installation of 3 prefabricated cabins, the conversion of an existing shed into a manager's residence and the conversion of a small split log shed into a reception office for the tourist facility. The cabins are to be used for short term tourist accommodation.

The cabins are ex-Olympic cabins containing 2 bedrooms, bathroom, dining, living room and kitchenette. The cabins are constructed of weathertex walls and corrugated Colourbond roofing. The walls of the cabins are to be painted a mid green colour, the roofs are to be grey. 2 to 6 persons are expected to occupy each cabin at any one time.

Cabin 1 is to be located in a cleared area in front of the proposed caretakers cottage. This cabin is to be cut approximately 2m into the existing hillside and setback 10.9m from the property boundary adjoining St Albans Road. Cabins 2 and 3 are to be located on an existing cleared platform west of the Cabin 1 and an internal driveway. These cabins are to be setback approximately 45m from the property boundary adjoining St Albans Road.

The existing shed to be converted to a managers residence is located to the south of Cabin 1 and includes a bedroom, kitchen, dining/lounge, laundry, and bathroom. The shed is constructed of corrugated sheet metal roofing, spilt hardwood logs, timber windows, weatherboard walls. A smaller split log shed is to be used as a reception office, the shed is located immediately to the south-east of the manager's residence.

Cabin 1 and the caretakers cottage are to be connected to an existing aerated waste water treatment system. Cabins 2 and 3 are proposed to be connected to a new aerated waste water treatment system.

Parking is proposed for 6 cars. Vehicle access to the site is to be via an existing driveway of St Albans Road.

Background

In March 2001 the 3 cabins were transported to the property and stored in the lower portion of the site adjacent to the MacDonald River. In April 2001 the owner of the property was served with a Notice of Intention to Serve an Order which, inter alia, required the removal of the cabins from the property. The owner then wrote to Council in May 2001 advising that a development application for the cabins was being prepared and would be submitted by July/August 2001.

In July 2001 Council received a development application for 3 tourist cabins, a substantial residence and waste water treatment systems on the lower portion of the site adjacent to the MacDonald River. This application was publicly exhibited and 4 submissions and a petition with 109 signatures were received. The application was refused on 24 September 2001 primarily due to the development's proximity to the MacDonald River and the resultant environmental impacts.

The applicant subsequently submitted a new development application in December 2001 which proposed the relocation of the development to the other side of St Albans Road where the land is higher and further from the river. The 3 cabins were to be located on the cleared area in front of the proposed caretakers cottage.

This application was publicly exhibited and 3 submissions were received. The application was reported to Council in March and May 2002. The application was refused.

Subject Land

The subject land is 1389 St Albans Road, Central MacDonald. The property is irregular in shape with an area of 17.05ha. The property is traversed by St Albans Road with approximately 30% of the property to the north-east of St Albans Road and the remainder being to the south-west of St Albans Road.

The lower portion of the site adjoins MacDonald River and consists of substantially cleared river flats. Land to the south-west of St Albans Road is higher, varying in height from 9m to 180mAHD. Towards St Albans Road this portion of the property is substantially cleared with the remainder of the site being bushland.

St Albans Road is an arterial road. The 1 in 100 flood event level is approximately 11m AHD.

Statutory PositionHawkesbury Local Environmental Plan 1989

The property is zoned Environmental Protection (Scenic) 7(d). "Tourist facilities" are permissible within the 7(d) 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 Developments fronting main or arterial road, 24 Developments within Zone No. 7(d) and 7(d1), 36 Clearing of land within Zone No. 7(a), 7(d) or 7(d1).

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. It also introduces special provisions relating to "Rural Tourist Facilities", in an effort to prohibit large-scale inappropriate tourist development.

Under this amendment the land will be zoned Environmental Protection - Mixed Agriculture. "Rural tourist facilities" are permissible with consent in this zone. The application would fit the criteria for a rural tourist facility.

This draft LEP is on exhibition for the period 10 July to 4 October 2002.

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

The subject site falls within the MacDonald River Catchment Area and is within an area having "Scenic Significance Beyond the Region" (Landscape Unit 4.1.6 MacDonald River Valley).

The aim of SREP No. 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies, recommended strategies and development controls which are to be considered in the assessment of a development application.

Relevant matters for consideration are total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture/aquaculture and fishing, recreation and tourism, building works or land uses within conservation area sub catchments, recreational facilities, land uses in or near the river, land uses in riverine scenic areas, sewerage systems or works.

Hawkesbury Development Control Plan

MacDonald Valley Chapter

Relevant provisions of this chapter relate to siting, and building design and materials.

A summary of these provisions is provided below:

Siting

Development should be located on natural benches below ridge lines. On slopes greater than 10 degrees split level or pole construction is to be used. All buildings should be sited to provide buffer zones and access from all sides in the event of fire. Provisions are aimed at protecting ridgelines, reducing earthworks, and avoiding erosion and land slip.

Building Design and Materials

New buildings need not follow historic styles and designs. Roofs should be gently pitched (12-21 degrees) rather than flat. The installation of fixed roof sprinkler systems is recommended.

Preferred roofing material is corrugated iron. Preferred external wall materials are ironbark slabs, hardwood boards, weatherboard, sandstone and corrugated iron.

Doorways should be positioned in protected elevations, window openings kept to a minimum in exposed elevations. It is recommended that all windows be protected by hinged shutters, ventilation openings screened with metal gauze.

Residential, Energy Efficiency, Landscaping and Car Parking and Access Chapters

The proposed development demonstrates satisfactory compliance with the provisions of these chapters, except for the matter discussed below.

The Car Parking and Access chapter requires 2 covered spaces for the size of the proposed caretakers residence. The application proposes 1 covered space. In order to minimise the erection of additional structures and given that the proposed residence is to contain only 1 bedroom it is considered that the provision of 1 covered space is acceptable. The width of the uncovered car parking spaces and aisles are slightly below the required minimum. There is sufficient space available on site to increase these widths and this matter can be readily resolved by way of condition of consent.

Community Consultation

The application was publicly exhibited for the period 13 to 29 July 2002.

Three submissions were received. A meeting with council staff and two of the respondents was held on 16 August 2002.

A summary of the respondents concerns is provided below:

- Incremental development within the MacDonald valley
- No masterplan of the site has been prepared or submitted for comment. The site may also be being used for an intensive horticultural activity which requires development consent
- Intention of the developer is unclear
- The reasons for Council refusing the previous applications are still applicable to this development
- The relocation of the 2 cabins to the higher cleared area is of concern due to additional clearing required for bush fire protection
- The location of Cabin 1 is inappropriate due to its visual impact
- The cabins are presently on the site without Council approval
- Scale, density and visual impact
- Concern cabins will be used to house workers required for a future nursery on the site
- Impact on low density rural character of the area
- No facilities are provided for the guests
- Impact of visitors accessing MacDonald River
- The development is inconsistent with the objectives of the zone
- Noise
- Cabins 2 and 3 will be more visible and exposed than the previous location
- Ongoing policing of the development to ensure compliance with consent

Planning Assessment

The following are the relevant matters for consideration under Section 79C (1) (b), (c), (d) and (e) of the EP & A Act 1979.

Impact on the Environment

Location, Context and setting (also raised by respondent)

The MacDonald Valley may be characterised as having a substantially low density broad acre rural character. Within this valley there is a wide variety of land uses including new and older style dwellings, mixed agricultural uses, tourists facilities and tourist attractions. The scenic quality of the area is defined by these land uses as well as the natural beauty of the river and bushland.

The use of this property for a tourist facility is consistent with the existing land uses throughout the valley and is based on promoting the rural/scenic character of the locality.

Visually, the major concerns of this development are the proximity of Cabin 1 to St Albans Road and the clearing of vegetation surrounding the proposed caretakers residence and Cabins 2 and 3 required for bush fire mitigation purposes. The current proposal to locate Cabins 2 and 3 on the existing cleared area west of Cabin 1 is in response to previous concerns of Council and the respondents regarding the visual impact of locating 3 cabins close to St Albans Road. The respondents to this development application have raised concerns regarding the visual impacts of Cabin 1 being located in the cleared area close to St Albans Road and the removal of vegetation for Asset Protection Zones.

Clearing required for the Asset Protection Zones is shown in Attachment 5 to this report. In summary a 20m Asset Protection Zone will be required around the cabins and the proposed residence. This will require the removal of the understorey vegetation and the removal of selected mature trees in order to provide a discontinuous canopy. The majority of the clearing will occur behind cabins 2 and 3 and the residence. Minor clearing, primarily underscrubbing, will be required in front of cabins 2 and 3 and the residence.

The removal of vegetation will result in the caretakers cottage and the 3 cabins being visible from St Albans Road and from other more distant locations within the immediate visual catchment. To mitigate the potential visual impacts the applicant proposes to paint the external walls in a mid green to blend with the colours of the existing landscape as well as to provide addition landscaping around the cabins. It should also be noted that the visual character of area proposed to be developed is already that of a partially disturbed landscape. The cabins are single storey, of light weight construction and have articulated rooflines and facades in order to reduce their perceived bulk and scale. It is considered that the location and design of the cabins is compatible with the site and other dwellings/buildings throughout the valley and that the resultant development would not have such a visual impact as to be out of character with the area or land similarly zoned.

The location of the cabins, parking area and improvements to the existing shed will not significantly impact upon the amenity presently enjoyed by surrounding neighbours, their views or visual and acoustic privacy, nor will it significantly impact on adjacent land uses.

In summary, it is considered that the position of the buildings, the choice of colours and landscaping is sensitive to the constraints of the site and the character of the area, and achieves satisfactory compliance with Clause 5 of the Model Provisions, zone objectives (a), (b) and (e), Clause 22 (a), (c), and (d), and Clause 24 (3) of HLEP 1989.

Access, transport and traffic

The proposed development is not “traffic generating development” as defined by State Environmental Planning Policy No 11. The peak traffic movements created by the development are expected to be during weekends and school holidays. The traffic movements generated by the development will not be beyond the existing capacity and safety of St Albans Road.

The applicant proposes to use an existing vehicle driveway off St Albans Road to access the development. No other reasonable alternative access to the property is available. The location and design of the driveway and proposed parking area are appropriate for the development and provided the pavement is properly maintained is considered satisfactory for the expected movements.

It is considered that given the limited volume of traffic passing the site each day and the good sight distances within the vicinity of the site the safety of the visitors crossing St Albans Road to access the lower river flat portion of the property will be satisfactory.

Effluent Disposal (also raised by respondent)

The applicant proposes to connect the caretakers cottage and Cabin 1 to an existing aerated waste water treatment system and connect Cabins 2 and 3 to a new aerated waste water treatment system.

The applicant has provided a waste water feasibility study demonstrating that the site and proposed systems will cater for the disposal of effluent generated by the development.

It is considered that use of both waste water systems will not exceed the "designated development" 20 person equivalent threshold for "sewerage systems or works". This is because it is unlikely that the 3 cabins will be at maximum occupancy (i.e 18 persons) at any one time and as the manager's residence contains only 1 bedroom hence it is assumed that a maximum of 2 person will reside in the manager's residence. A condition can be imposed on any consent restricting the occupancy of the development.

Utilities, Water, Soils, Air and Climate

Utilities such as telephone, and electricity services can be supplied to the development subject to requirements of Integral Energy and Testa. Water supply is to be potable with rainwater being collected off the roof of the buildings. Water will be made permanently available for fire fighting purposes.

It is considered that the sandy soil structure of the site does have the potential to create a soil erosion risk. To minimise this risk the applicant proposes a predominantly pier construction with a small cut (approximately 2m in depth) which is to be retained by a hardwood retaining wall. Stormwater run-off will be minimised by collecting rainwater off the roofs in tanks. Erosion and sedimentation controls and proposed landscaping will also minimise the environmental impact of erosion and stormwater run-off.

Flora and fauna (also raised by respondent)

The applicant has submitted a flora and fauna assessment which addresses the provisions of the Threatened Species Conservation Act 1995. The report examined the likely impact of the proposed development on threatened flora and fauna and provided a number of recommendations regarding landscaping, the removal of weeds, rehabilitation of native vegetation along the river and prohibiting guests bringing domestic pets to the site. The report concluded that provided these recommendations were implemented the development would not have significant impact on threatened species known or expected to occur on the site. The recommendations of the report are considered satisfactory and can be included as conditions of consent.

The report also examined the likelihood of the site to contain "Core Koala Habitat" under State Environmental Planning Policy No. 44. The report concluded that the site did not contain such habitat.

Landscaping in front of the cabins will consist of fire resistant trees and shrubs up to 1.5m in height. Beds for the landscape areas are to be sourced from the excavated materials obtained from the minor earthwork required for the installation of the cabins.

Energy, Noise, Construction, Waste (also raised by respondents)

The design and materials used in the construction of the cabins and converted sheds achieves satisfactory performance in terms of energy efficiency. It is considered that the development will not create offensive noise pollution due to the limited number of guests expected on the site at any one time and no noisy recreational activities are proposed as part of the development.

Works required for the installation of the cabins, primarily minor earthworks for benching and piling for the cabins and associated water tanks, will not unreasonably impact upon surrounding neighbours and will be controlled by way of conditions of consent relating to erosion and sedimentation control, hours of construction, waste management etc.

Council presently provides the property with a garbage collection service. Any increase in collection requirements will need to be met at the expense of the landowner.

Natural hazards (also raised by respondents)

The site to be developed is within a minor bushfire risk area and a low bushfire hazard area. The cabins are to be installed in a substantially cleared area on a north-east facing slope. In front of the development site is St Albans Road with substantially cleared river flats beyond.

The application has been referred to the Rural Fire Service and they have advised that the development generally complies with the "Planning for Bushfire Protection" document except that:

- all water storage tanks are to be constructed of concrete, not PVC;
- it is the owner's responsibility to provide asset protection and not rely on fuel reduction burning by the Rural Fire Service.

It is therefore concluded that the nature of bushfire risk and hazard does not make the site unsuitable for the proposed development.

The 1 in 100 flood event level for the area is approximately 11m AHD. Cabin 1 is to be located on land above 11.5m AHD and will have finished floor level of 13.5m AHD, the caretakers cottage and Cabins 2 and 3 are to be erected on land approximately 22m AHD. In the event of heavy rains and/or flood event it is unlikely that the site will be occupied. There is sufficient land well above the 1 in 100 flood event level to provide refuge for any occupants. The development complies with Clause 25 of HLEP 1989 and it is considered the nature of flooding does not make the site unsuitable for the proposed development.

Social and economic impact in the locality (also raised by respondent)

No significant change in the social structure of the immediate area is anticipated as a result of this development and no significant negative social impact is anticipated. It is considered that the tourist facility will have a positive economic impact for the Hawkesbury, in particular the MacDonald Valley area.

Site design, Internal design, and cumulative impacts (also raised by respondent)

The design, construction and siting of the cabins achieve satisfactory compliance with the provision of the MacDonald Valley DCP and are sensitive to the site's attributes, surrounding natural environment, and the existing and future amenity of neighbours.

It is considered that no significant negative cumulative impact will arise as a result of the development.

Suitability of the site for the development (also raised by respondent)

The constraints of surrounding land uses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands. Vehicle access and parking arrangements are satisfactory. Adequate services and utilities are available to the site. There are no known hazardous land uses/activities nearby. Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

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

Public Submissions

Relevant planning related concerns raised by the objectors have been addressed in this report.

Other issues which require comment are:

Unauthorised installation of the cabins

The cabins were installed on the property without Council approval. This application seeks approval to relocate the cabins and use of the cabins for a tourist facility.

Lack of Facilities for Guests

Some respondents have noted that no formal facilities or activities are to be provided for the guests. The provision of these facilities or activities are not necessary for the cabins to be used for tourist accommodation. The applicant advises that the guests will either be at the site for relaxation or use the site as a base to access other activities (eg golf, water sports, shopping, dining) throughout the valley.

Concern has been raised as to the guests accessing the MacDonald River and the potential impact of the banks of the river. The application does not propose any paths or structures near the river. It is considered that the random accessing of the river for passive recreation pursuits will not significantly impact upon the river, its banks or the immediate riparian zone.

Public Interest

Based on the above assessment of the application it is concluded that the proposed development will be in the public interest

Conclusion

The development demonstrates satisfactory compliance with the provisions of HLEP 1989, SREP No. 20 (No. 2- 1997), Threatened Species Conservation Act 1995 and Council's Development Control Plan.

The tourist facility is sensitive to the constraints of the site and will not significantly impact upon the environment or amenity enjoyed by surrounding landowners/occupiers. Key matters such as a visual impact, effluent disposal, noise, traffic, flooding, bushfire risk, erosion and sedimentation and location have been adequately addressed by the applicant and/or can be controlled by condition of consent.

It is recommended that the proposed development be approved.

RECOMMENDATION:

That the application be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application, as amended in red and as modified by these further conditions.
2. To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area, the development shall be completed in accordance with the approved colours and finishes and shall not be altered.
3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
4. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
5. No excavation or site works shall be commenced prior to the issue of the Construction Certificate.
6. All buildings shall comply with the requirements of Planning for Bush Fire Protection prepared by Planning NSW 2001 and AS 3959 - 1999 Construction of Buildings in Bush Fire Prone Areas.
7. 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.
8. The proposed water tanks are to be constructed of concrete not PVC.

Prior to Issue of Construction Certificate

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

9. Submission and approval of a detailed landscape management plan. The plan is to be consistent with the concept landscaping shown on the approval plans, the recommendations of the flora and fauna assessment prepared by Ozwide Fauna Consultancy dated October 2001, the provisions of Planning for Bushfire Protection, NSW Planning, December 2001.

10. Submission of an "Application to Install a Sewerage Management Facility" accompanied by full manufacturers and installers plans and specification. The proposed facility is to be consistent with the findings of the wastewater management study prepared by Asset Geotechnical Engineering Pty Ltd dated 12 July 2002. Note the land application area is to be serviced by subsurface drip irrigation.
11. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
12. Detailed engineering plans and specifications relating to the work shall be submitted.
13. Details demonstrating that the proposed buildings will comply with the Building Code of Australia and AS3959-1999 are to be submitted to Council.
14. Amended parking details demonstrating compliance with Car Parking Chapter of the Hawkesbury DCP are to be submitted to Council.
15. Details demonstrating that the proposed manager's residence will comply with the Council's "Code for the Construction and Fitting Out of Food Premises" are to be submitted to Council.
16. The submission of a bushfire safety authority issued under Section 100B of the Rural Fires Act 1997.

Prior to Commencement of Works

17. 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.

18. 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.

19. 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.
20. 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.
21. 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.
22. 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

23. All building work must be carried out in accordance with provisions of the Building Code of Australia.
24. 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) foundations;
 - (d) external drainage lines, prior to backfilling;
 - (e) on completion of the structure; and
 - (f) landscaping.
25. All roofwater shall be drained to the water storage vessel/s.
26. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
27. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
28. 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.
29. No burning of demolition or construction material being carried out on the site.

30. 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.
31. 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.
32. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations there under and Council's Food Premises Code.

Prior to Issue of Occupation Certificate

33. 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.
34. The cabins are to be connected to a fully installed and approved waste water treatment system.
35. The following documentary evidence is to be obtained prior to the issue of any Occupation Certificate, whether by Council or an accredited certifier:
- (a) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

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

36. The creation of easements to drain water over the site of drainage discharge from roads 4m wide and 10m long free of cost to Council.

Use of the Site

37. The cabins are to be used for short term tourist accommodation only.
38. No more than 6 persons are to be accommodated in each cabin at any one time. The combined number of persons residing in the manager's residence and accommodated in the cabins are not to exceed a combined total of 20 persons at any one time.
39. Guests of cabins are not bring domestic pets onto the site.
40. 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.

41. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
42. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.
43. 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.
44. No signs shall be displayed on the footpaths, pedestrian ways, roadways or in the vicinity.
45. All waste materials to be stored and disposed of at regular intervals.
46. All Asset Protection Zones are to be maintained in accordance with the provisions of NSW Planning's "Planning for Bushfire Protection".

ATTACHMENTS:

- AT-1** Locality Plan
- AT-2** Site Plan
- AT-3** Elevations of cabins
- AT-4** Elevations Caretaker's Cottage
- AT-5** Asset Protection Plan

ENVIRONMENT

Meeting Date: 24 September, 2002

Item: **86**

Locality Plan

ENVIRONMENT

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Site Plan

ENVIRONMENT

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Elevations of cabins

ENVIRONMENT

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Item: **86**

Elevations of Caretaker's Cottage

ENVIRONMENT

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Asset Protection Plan

oooO END OF ITEM 86 Oooo

ENVIRONMENT

Meeting Date: 24 September, 2002

Item: **87**

ITEM: 87 **Turf farm and enlargement of an existing dam, Lot 1 DP 577802, 48 Hilltop Road, Tennyson**

FILE NUMBER: MA864/01/EVD/ENI24NAX.V05

Applicant: HJ & MJ Books
Applicants Rep: McKinlay Morgan & Associates
Owner: Mr R Grech
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 13.15ha
Zone: Rural 1(b)
Advertising: 3 to 21 August 2001 and 3 to 18 April 2002
Date Received: 26 July 2001

Key Issues: Designated development
 Water quantity and quality
 Traffic, noise and odour
 Impact on surrounding properties
 Visual impact
 Impact on flora and fauna

Action: Approval

REPORT:

Introduction

Council has received a development application for a turf farm and the enlargement of an existing dam at 48 Hilltop Road, Tennyson.

This matter is being reported to Council due to the submissions received in relation to the application. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979.

Background

Initially the application was for a turf farm, market garden and the reconstruction of an existing dam. The reconstructed dam was to have a capacity of 25 mega litres.

The application was publicly exhibited and referred to the Department of Land and Water Conservation. Five responses raising concerns about the proposal were received. Department of Land and Water Conservation advised that no objection was raised to the reconstruction of the dam.

Council staff subsequently had discussions with the applicant regarding the nature of the submissions, the size of the dam and the operations of the farm.

The applicant submitted amended details which reduced the size of the dam and deleted the market garden. The application was re-exhibited and 1 joint submission from three adjoining landowners was received.

The Proposal

The application is for the reconstruction of an existing dam and the establishment of a turf farm.

The existing and proposed dam is located on the headwaters of an upper tributary of Howes Creek. The existing dam has silted up over many years and the dam wall has a significant leak which compromises its integrity. The new dam is proposed to have a capacity of 18 mega litres (7 mega litres less than initially proposed). A smaller diversion dam is to be constructed upstream of the new dam in order to regulate flows into the main dam and to maximise the potential for environmental flows in Howes Creek. The owner of the property presently holds a licence from DLWC for a 25 mega litre dam.

The turf farm operation is proposed in a series of 6 paddocks which have a combined area of 8ha. The area proposed to be used for the turf farm is presently used for low scale grazing. The paddocks will be separated from the watercourse by a series of catch drains, a swale channel, sediment/nutrient control ponds, and some existing grassland that is proposed to be retained.

The Site and Surrounds

The property is irregular in shape and has an area of 13.15ha. Hilltop Road is the property's western boundary the remaining boundaries adjoin rural properties. A headwater tributary of Howes Creek runs south-west to north east through the property. The land is substantially cleared of vegetation except for grasses and scattered trees and slopes gently (6-15%) to the Howes Creek tributary. The property contains a residence and two sheds.

Surrounding properties are predominantly rural and rural-residential being mainly used for horse and cattle grazing and stud operations. Surrounding properties contain numerous dams and watercourses, including the watercourse which passes through the subject property.

Statutory Position

Hawkesbury Local Environmental Plan 1989

The property is zoned Rural 1(b) HLEP 1989. The proposed turf farm may be defined as "intensive agriculture". Dams and intensive agriculture are permissible within the Rural 1(b) zone subject to development consent.

Relevant provisions of HLEP 1989 are Clause 9A Zone Objectives, Clause 18 Provision of water, sewerage etc services, Clause 44 Intensive Agriculture.

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 "Mixed Agriculture". The proposed development is permissible with consent in under this draft plan. Relevant objectives of the Mixed Agriculture zone are:

- to ensure that development does not create or contribute to rural land use conflicts;
- to ensure that agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands, and occur in a manner that satisfy best practice guideline/best management practices;
- to promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation;
- to ensure that development retains or enhances existing landscape values which includes a distinctive agricultural component.

This draft LEP is on exhibition from 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 Middle Nepean Hawkesbury River Catchment area defined by SREP No. 20 (No. 2 1997).

The aim of SREP No. 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies, recommended strategies and development controls which are to be considered in the assessment of a development application.

Relevant specific planning policies and recommended strategies relate to total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, and rural residential development.

Hawkesbury Development Control Plan

Relevant chapters of the Hawkesbury DCP are Notification, Soil Erosion and Sedimentation Control, and Dam Construction.

The development application was exhibited in accordance with the Notification Chapter of the DCP.

The development demonstrates satisfactory compliance with the provisions of the Soil Erosion and Sedimentation and Dam Construction Chapters of the DCP.

Designated Development - Schedule 3 of the Environmental Planning and Assessment Regulations (the Regulations)

The Regulations provide definitions of "designated development". Applications for designated development require an environmental impact statement (EIS) to be undertaken and are subject to special provisions of the Environmental Planning and Assessment Act 1979. In this case the designated development definition of "turf farm" is of relevance.

In summary the Regulations state that a turf farm is "designated development" if it is located within 100 metres of a natural waterbody or wetland, in an area of high watertable or saline soils and that, because of their location are likely to significantly affect the environment.

This report demonstrates that the proposed development will not have a significant environmental impact and therefore it is not designated development.

Community Consultation

The amended application was publicly exhibited for the period 3 to 18 April 2002. One joint response was received from three adjoining property owners. Relevant concerns raised were:

- proposed dam may not be properly maintained
- no justification for size of the dam or assessment of required water usage for a turf farm
- the proposed turf farm is designated development due to environmental impacts
- impact on flora and fauna
- the DLWC licence cannot be used for a turf farm
- increased traffic and adequacy of surrounding and internal road network
- no details of machinery, number of employees and hours of operation
- no details of turf management and fertilizers
- the land is not suitable for the proposed turf farm
- impact on surrounding landuses which include cattle grazing, horse stud, dairy goat stud and alpacas stud

Proponent's Response to Submissions

The owner/proponent has provided additional information including a Farm Management Plan in response to the above submission. The owner advises:

- the enterprise aims to produce quality turf grass cost effectively using the best available technology and practices which are environmentally responsible.

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- the soil is moderately deep (60cm) of clay loam over medium clay in keeping with all other turf farms in Kurmond Road, Wire Lane and Shepherds Road, Freemans Reach.
- vegetative screening will be used along both the common south east boundary and north side to soften the appearance of the development.
- the whole property will not be planted out at any one time. This will allow resting of areas for further planting.
- the operator holds a current Farm Chemicals Users Certificate and is competent in regard to correct selection, calibration and application of farm chemicals. Sprayers used for chemical application will be hand held. Spraying will occur early in the morning or late afternoons when there is no wind.
- soil will be regularly analysed to monitor and assess it's nutrient needs. This practice will help ensure that excessive amounts of fertiliser, particularly nitrogen and phosphorous are not applied to the crops and end up in ground and/or surface waters.
- organic animal manures that maybe used will be purchased on a needs basis to avoid long storage and associated odour generation problems. Any organic animal manures that need to be stored on the farm for short periods will be of minimal and necessary quantities on an impermeable base, covered with plastic sheeting and located well away from neighbouring residences.
- only light traffic is envisaged to enter the property. Delivery and distribution times will attempt to avoid early morning or evening vehicles movements. One to two truck movements per day during harvest time is envisaged. Trucks expected to visit the site are up to 9 tonne in capacity.
- operations of the turf farm will generally be restricted to daylight hours. Irrigation will be conducted with an electric pump.
- monitoring of dam water quality will be undertaken with the assistance of NSW Agriculture. NSW Agriculture is not aware of any groundwater salinity problems in the locality.
- dust generation will be minimal because the farm will be covered in turf. No cultivation will take place in heavy wind.
- the establishment of good grass cover will minimise erosion and sedimentation in the drains and dam. Blockage of drains with foreign material is not envisaged. However on the event of a blockage, the drains will be manually cleared and if necessary reformed and re-grassed.
- One person will be employed fulltime with another person required during harvest times.
- the water licence from DLWC is unrestricted and allows irrigation for the purposes of a turf farm.

Planning Assessment

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

Impact on the Environment*Water Quality and Quantity* (raised by respondent)

The turf farm paddocks will be located on gently sloping land and separated from the watercourse by a series of catch drains, a swale channel, sediment/nutrient control ponds, and existing grassland proposed to be retained. These devices will act as a filter by intercepting suspended sediments as well as absorbing nutrient runoff.

Reconstruction of the dam will require the installation and maintenance of erosion and sedimentation control devices such as silt fencing and straw bales.

Information provided by DLWC and Hawkesbury Nepean Catchment Management Trust show that the groundwater resource in the area has a low vulnerability. The applicant advises that pesticides and fertilizers will be used in accordance with industry standards and local practice. Details of fertilizer and pesticide application are contained in the Farm Management Plan submitted by the owner.

It is considered that the management practices to be employed by the operator will result in the development having a minimal impact on surface water and groundwater quality.

An Investigation of Engineering Impacts submitted with the application notes that at present the existing dam would capture virtually 100% of flows in the watercourse for minor events unless it was completely full. Whereas the installation of the upstream diversion dam will ensure that at any time at least 50% of the upstream flow will bypass the dam and stay in the watercourse. In more significant rainfall events, the proposed dam will still provide more downstream flow than the existing dam up until an overflow situation is reached. However, because the reconstructed dam will be of larger capacity and water is being diverted by the diversion dam it will take longer to reach full storage.

Soils (raised by respondent)

The property is classified as having Class 3 Agricultural Land. NSW Agriculture advise that Class 3 land is grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall level of production is moderate as a result of soil, topographic or climate constraints. Erosion hazard, soil structure breakdown, or other factors, including climate may limit the capacity for cultivation and soil conservation.

Whilst this will provide some additional limitations on the operation of the turf farm relative to traditional turf farming on the lowlands, it is considered that given the limited harvest of typically 1 crop per year the site and soil structure is suitable for the proposed development.

Noise (raised by respondent)

Delivery trucks and tractors fitted with mowers, cutters and fertilizer spreaders will be the main machinery used in the operation of the turf farm. Given the surrounding land uses noise impacts are likely to be similar that presently experienced in the locality.

Reconstruction of the dam will require the use of larger machinery however the applicant advises that construction of the dam will be undertaken within a four week period.

Noise generated by the pumps for irrigation can be controlled by condition of consent to ensure noise emission comply with manufactures specifications.

Odour (raised by respondent)

The most odourous component of the operation will be the application of manures in particular chicken manure. Application of manures will typically be once per harvest and are to be immediately watered in. This type of odour is not uncommon in a rural environment and will quickly dissipate after the application of water.

Context and setting (raised by respondent)

The surface area of the reconstructed dam will not exceed 0.5ha. The maximum height of the dam wall will not exceed 2.5m in height and will be grassed to become part of the surrounding grassed landscape. The area, height and shape of the dam will be consistent with many of the other dams within the immediate vicinity.

Surrounding development consists primarily of rural and rural - residential pursuits including cattle grazing, horse stud, dairy goat stud and alpaca stud. The scenic quality of the surrounding area can be described as consisting of gently undulating hills which are substantially cleared of native vegetation. It is considered the use of the property for the turf farm and dam is consistent with the character of the area and will not adversely impact upon surrounding properties.

Access, transport and traffic (raised by respondent)

Access to the site is via an existing driveway off Hilltop Road. The access is located approximately 800m from the intersection of Hilltop and Tennyson Roads. Delivery trucks up to 9 tonne capacity are expected to access the site. 1 -2 truck vehicle movements per day during harvest time is expected and the farm will typically require one permanent employee with one additional employee during harvest time.

The proposed access arrangements are considered satisfactory. The proposed development will not increase the amount of traffic presently using Hilltop Road or the surrounding road network or cause significant conflict between vehicles, pedestrians and cyclists.

Flora and fauna (raised by respondent)

The property has undergone significant disturbance due to previous activities on the land. Approximately three black wattles and three swamp paperbarks will need to be removed for the reconstruction of the dam.

The applicant has provided advice from expert flora and fauna consultants which concludes that the proposed development will not have a significant impact on threatened or endangered flora and fauna, ecological communities or critical habitat as listed under the Threatened Species Conservation Act 1995.

Social and economic impact in the locality

No significant social or economic impacts are foreseen by the operation of the proposal. The proponent presently operates a number of turf farms in the lowlands of Wilberforce/Freemans Reach area and proposes that this turf farm be partly used for the growing of new turf varieties as well as providing a source of income and product availability in times when the lowland turf farms are subject to flood inundation.

Site design and internal design

The design and layout of the proposed development is sensitive to the surrounding environment, existing and future amenity of neighbours, and the attributes of the site such as size, shape and slope.

Cumulative impacts (raised by respondent)

At present there are a number of dams and agricultural pursuits on land surrounding the development site. It is considered that proposed dam and turf farm will be compatible with the surrounding landuses, environment and scenic quality of the area and hence no significant negative cumulative impact is foreseen.

Suitability of the site for the development

The constraints of surrounding landuses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory for the intended development. Adequate services and utilities are available to the site. Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment.

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 conducive to the development.

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

Public Submissions

The concerns of the respondents have been addressed in the above report. It is considered that the proposed development is not inconsistent with the broader public interest of preserving and using agricultural land for an agricultural purpose.

Conclusion

The development is consistent with the provision of HLEP 1989, draft Amendment N0 108, the Hawkesbury DCP and SREP N0 20 (No. 2 -1997). It is considered that the site is suitable for the proposed development, that there will be no significant adverse environmental impacts, and that the development is in the public interest.

It is therefore considered that the application is not "designated development" and it is recommended that the application be approved.

RECOMMENDATION:

That the application for a turf farm and reconstruction of an existing dam be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by McKinlay Morgan & Associates Pty Ltd numbered 90659:D:2 dated 6 February 2002) submitted with Development Application No. MA864/01 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.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.

Prior to Issue of Construction Certificate

4. Submission to Council of the final design of the proposed dam and diversion dam for approval.
5. Submission to Council of a landscaping plan in accordance with that identified in the Farm Management Plan.

Prior to Commencement of Works

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.
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 /94 - Soil Erosion and Sedimentation.
9. 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

10. The dam shall be constructed such that the grades of the batters are consistent with Council's Dam DCP, being 3:1 (one in three) (v:h) on the downstream side. The upstream side shall be no steeper than 1:4 (one in four), i.e. (1m [one] vertical, 4m [four] horizontal). All batters shall be revegetated using seeding or turf. No trees are to be placed on the structure.
11. The width of the dam crest is to be a minimum of 3m (three) for the first 3m (three) of a dam wall and is to increase in width by 0.5m for every metre above 3m (three).
12. A minimum of 1.0m is to be established for a freeboard and this is to increase by 10% (ten) for every metre over a 3m (three) high wall.
13. The material used to construct the embankment is to be sufficiently impervious to keep seepage low and to be stable. A soil with 25% (twenty five) clay content is ideal in this respect to form an impervious barrier.
14. The width of the spillway outlet is to be not less than the inlet width. The spillway is not to direct flows onto the downstream toe. The spillway area is to be grassed, stable and able to accept runoff flow. It will be necessary to turf the spillway area. The spillway cut batter should have a maximum steepness of 1.5:1.
15. A cut-off trench is to be provided and is to be constructed along the entire length of the embankment. The trench should be excavated at least 300mm (three hundred) into impervious soil and backfilled with impervious material.
16. The dam is to be constructed with a waterproof clay lining and the depth is to be kept above the water table in order to minimise the threat of groundwater contamination.
17. Topsoil is to be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. Sediment control fencing is to be then placed around the stock pile.

18. The following soil types are not to be used in the construction of the dam:
 - (a) sand;
 - (b) gravels;
 - (c) organic soils; and
 - (d) peat.
19. The embankment is to be completed with 100mm (one hundred) of top soil. It is to be planted with a good holding grass such as kikuyu or couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water.
20. The dam wall is to be adequately compacted by track rolling or similar in layers no greater than 150mm.
21. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
22. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
23. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
24. All works required for the construction of the dams being restricted to between the hours of 7am to 6pm Monday to Friday and 8am to 4pm Saturdays.
25. No burning of demolition or construction material being carried out on the site.
26. 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.

The Use of the Site

27. The farm is to be operated in such a manner as to not interfere with the amenity of the neighbourhood, in respect of noise, vibration, smell, dust, waste or waste products, or otherwise.
28. The farm is to be operated in accordance with the Farm Management Plan submitted with the application.
29. Submission to Council of annual water and soil testing results.
30. All sound producing plant, equipment, machinery, fittings, and the like shall be sound insulated and/or isolated, and maintained so as to control noise emissions from the premises to within the limits prescribed by the EPA Noise Control guidelines.

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31. A works as executed plan for the dams is to be submitted to Council within 30 days of the completing of works.
32. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.
33. Stockpiles of manures are to be located between the existing sheds and stand of gums as shown on Plan No. 90659:D:2.
34. The storage, application and use of pesticides is to be undertaken in compliance with the Pesticides Act 1999 and associated Regulations.
35. All fuel stored on site is to be kept with an appropriately sized and constructed bunded area to the satisfaction of Council
36. An emergency chemical spill kit is to be available at all times. The kit is to include suitable quantities of absorbent materials.

ATTACHMENTS:

AT-1 Locality plan (including location of respondents)

AT-2 Plan of proposed dam reconstruction

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Locality Plan

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Plan of proposed dam reconstruction

oooO END OF ITEM 87 Oooo

ITEM: 88 Result of the Community Consultation Survey - Bulk Waste Kerbside Collection**FILE NUMBER:** GW010/004/EVD/ENI24NBX.V02

REPORT:

Council resolved that a survey be designed and posted to a random selection of residents within the Hawkesbury to assess their opinion on a bulk waste kerbside collection.

1000 surveys were posted to randomly generated households from the Hawkesbury City Council Rates database. Approximately 35% of households responded to the survey within three weeks of posting them out. A copy of the survey has been distributed separately.

The survey was divided into three sections. Section one explored previous activity in waste disposal at the Hawkesbury City Waste Management Facility. Section two examined the opinions of the public on whether a bulk kerbside collection service should be implemented in the Hawkesbury. Section three generated general statistical data on the respondents.

Section One

Of the 345 respondents 216 have deposited waste at the Hawkesbury City Waste Management facility within the last 12 months. 175 of these respondents used a ute or a trailer to deposit waste and 21 used a truck. 91 of the vehicles were either borrowed or hired and of this 91, 38 were for the sole purpose of depositing waste at the waste depot.

Section Two

305 residents responded to the question of whether they would like a kerbside service introduced into the Hawkesbury. 163 residents would not like to see a service introduced and 142 would like to see a service introduced.

Of those residents who would like to see a service introduced 99 would require a service twice a year and 69 would only require it once a year.

Residents who answered 'yes' to requesting a collection were asked to gauge their level of concern regarding a number of issues associated with kerbside collections. Many residents who answered 'no' to a kerbside service also answered these questions. Their answers were also recorded.

97 respondents were not concerned about litter arising from collections. 21 respondents were very concerned. The interests of the rest lay somewhere in the middle.

Residents were equally very concerned and not concerned about people adding rubbish to their pile. The interests of the rest lay somewhere in the middle.

Concerns for safety were evenly distributed from very concerned through to not concerned.

68 residents were not concerned about the visual aspects compared to 43 who were very concerned. The interests of the rest lay somewhere in the middle.

There was a resounding concern for uncollected waste piles with 120 residents expressing strong concern about uncollected waste. 31 were mildly concerned and 28 were quite concerned.

Section Three

If respondents disclosed more than one person answered the survey, all sexes were recorded. 191 males and 187 females responded to the survey. 153 of the respondents were families with children and 120 were families with no children. 150 respondents were aged between 35-55 and 141 were aged over 55.

The highest response was from Richmond with 57 respondents followed by Wilberforce with 48. A total of 26 towns were represented in the survey results.

Many Residents chose to write their own comments on the survey. These comments are included in the information pack previously issued to Council

Results of the Survey

Respondents of the survey indicated a strong desire for a user pays system only. Many concerns were also expressed regarding safety and aesthetic appeal.

Alternative methods of providing a kerbside bulk waste collection

There are a number of methods presently being used in other local government areas for the provision of this service. They include "zone" collection, where areas of a city or municipality are serviced at certain times of the year. Residents are asked to leave their waste on the nature strip, and sometime over the ensuing weeks a contractor will come and collect the material.

Another method is "on call" collection, where residents are to ring a designated number and book in a collection of the materials left on the nature strip. This method is very expensive as the contractor would have to send a truck to individual locations on a daily basis. Some Councils combine the "zone" and the "on call" method, where people book in their collection when the contractor is in their area at a designated time.

Both of the aforementioned methods incorporate leaving waste materials on the nature strip which was highlighted as a concern by many of our community in the survey for aesthetic and safety reasons. The other opinion that came from the survey was that the collection should be based on a user pays system.

To satisfy all these issues, it is suggested that consideration be given to introducing a kerbside bulk waste collection service where skip bins of three cubic metres could be used which would be subsidised partly by Council and the remainder of the cost born by the consumer. The use of this system should be restricted to non commercial properties and provided a maximum of two times per year.

It has become evident that a number of the skip bin operators are now recycling all materials collected in their bins. This could form part of the requirements of persons wishing to tender for our service, thus meeting the objectives of the "Draft Waste Avoidance and Resource Recovery Strategy" formulated by Resource NSW.

Indicative costs for the alternate methods of collectionZoned collection

Camden Council employs a contractor to collect bulk kerbside waste. The yearly budget for collection is \$135,000.00 (one hundred and thirty five thousand dollars) amounting to \$5.96 (five dollars and ninety six cents) per property/collection. Landfill costs amount to \$765,000.00 (seven hundred and sixty five thousand dollars) yearly including the EPA Section 88 levy. This figure is based on approximately 15,000 households. The total cost of kerbside collection in Camden Council is approximately \$900,000.00 (nine hundred thousand dollars).

On call collection

Penrith Council uses the same contractor for general waste and kerbside collection. The cost per council per year, for kerbside, is approximately \$600,000.00 (six hundred thousand dollars). This covers 25,000 collections per year. There is more demand for collections from residents, than collections available.

Skip bin collection

An indicative cost for a service of this type would be approximately \$80.00 per service. If Council were to subsidise the cost by 50%, then the cost to the consumer would be approximately \$40.00 (forty dollars) compared to costs in excess of \$120.00 (one hundred and twenty dollars) that it would presently cost to use a skip bin in our city.

As the estimated cost for provision of this service would exceed \$100,000.00 (one hundred thousand dollars) per year, tenders would need to be called which may reduce the costs indicated for the provision of a skip bin service. If all current services requested the collection, the cost would be in the order of \$880,000.00 (eight hundred and eighty thousand dollars) per year.

RECOMMENDATION:

That:

1. A bulk waste kerbside collection system be introduced into the City of Hawkesbury during the 2003/2004 financial year using 3 (three) cubic metre skip bins.
2. Tenders be called for the provision of this service.
3. The subsidy by Council be 50% (fifty percent) of the tendered price for each service taken from the waste budget.
4. The contract period for the service be restricted to 3 (three) years, with a review of the service 12 (twelve) months prior to the expiration of the contract.

ATTACHMENTS:

AT-1 Community Consultation Survey Results (distributed separately)
oooO END OF ITEM 88 Oooo

ITEM: 89 **Update of Proceedings - Unauthorised Advertising Sign, 39 Bosworth Street, Richmond**

FILE NUMBER: P255/166/EVD/ENI24NCX.V01

PREVIOUS ITEM: 84, GPC Section 1 - Environment (27.08.2002)

REPORT:

Introduction

This report is provided for information on the progress of Class 4 proceedings in the Land and Environment Court against the owner for an unauthorised advertising sign.

Report

The matter was determined by Justice Cowdroy in the Court on 5 August 2002. Orders were issued requiring the owner to remove the unauthorised advertising sign and structure (truck). The operation of the Orders was stayed for a period of 28 days. The 28 day period expired on 2 September 2002.

On 2 September 2002 the owner lodged an application to vary the orders. The matter returned to the court on 11 September 2002 before Justice Lloyd Jones. Council requested the Court to strike the matter out. Justice Lloyd Jones felt that he did not have the jurisdiction to deal with the matter preferring that it be placed before Justice Cowdroy who, at that time, was overseas.

The matter has now been adjourned to 15 October 2002 for hearing. In the interim the Court Order to remove the sign cannot be enforced.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 89 Oooo

ITEM: 90 **Lot 2 DP876389, 6 Bowen Mountain Road, Grose Vale - “La Tosca”****FILE NUMBER:** DA0782/02, P212/312/EVD/ENI24NCX.V07

REPORT:**Introduction**

Information has been requested concerning the recent Development Application for the subject land. The purpose of this report is to inform Council of the heritage significance of the property, the recent Development Application proposing demolition and possible future action.

Heritage Significance

“La Tosca” is a substantial brick federation residence, which was built in around 1904. The building has features typical of its period, ie. bullnose verandah, corrugated iron roof, tuck pointed brickwork, victorian lace and well. It is situated on a hilltop on the corner of Westbury Road, Horans Lane and Bowen Mountain Road and commands extensive views of the district. “La Tosca” is one of five houses in the area built by the Dunstan Family. It was identified in the heritage study of the northwestern sector of Sydney and also in the heritage study prepared for Council in 1987. The property is listed as a heritage item in Hawkesbury LEP 1989.

Recent History

The property remained in the ownership of a member(s) of the Dunstan family until May 2001. Since the change of ownership, the building has deteriorated significantly, with windows and doors removed, verandahs removed and damage to the roof. Following representations from the Hawkesbury branch of the National Trust, the Kurrajong Comleroy Historical Society and individuals, a Notice of Intention to Serve and Order was issued on the owners on 24 May 2002 requiring the buildings to be secured from unauthorised entry and weatherproofed to prevent further deterioration. A subsequent inspection revealed that the notice had been complied with and no further action was taken.

Development Application

A Development Application was received on 18 June 2002 proposing to demolish the existing heritage listed dwelling and replacing with a new, much larger dwelling. The Application was referred to Council’s Heritage Advisor, who provided advice which, in summary, concludes that the assessment provided with the Application is inadequate, the building has historical importance, aesthetic significance and substantial social significance to contemporary society. It was concluded that the impact of demolition would therefore be substantial. Given this advice, correspondence was forwarded to the owners of the property which in part stated *“given the location and significance of ‘La Tosca’, the Application is unlikely to be supported and on our preliminary assessment would be refused. You may wish to consider withdrawing the Application and discussing alternatives with Council officers”*.

The Application was not withdrawn. Twelve letters of objection and four separate petitions, totalling 180 signatures were received in response to the public notification of the proposal.

In the absence of further correspondence from the applicant, the Application was refused under delegated authority on 16 August 2002.

Further Action

A brief has been referred to Council's solicitors, Abbott Tout requesting advice as to appropriate action to prevent further deterioration of the building and possible reinstatement of alleged unauthorised works.

On 9 September 2002 a letter was forwarded to the New South Wales Heritage Office requesting that an interim Heritage Order be placed on the property, while a comprehensive submission is prepared for this property and the other properties in the locality which were built by the Dunstan family. At the Heritage Advisory Committee meeting held on 12 September 2002, the Committee decided to prepare a submission to the Heritage Office for state listing of the five Dunstan properties.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 90 Oooo

ITEM: 91 **Richmond Mainstreet Program and Development Control Plan**

FILE NUMBER: DCP1/99, GT070/024/EVD/ENI24NCX.V06

PREVIOUS ITEM: 63, GPC Section 1 - Environment (25.06.2002)

REPORT:

Introduction

The purpose of this report is to provide an update of the Development Control Plan process for Richmond Mainstreet.

Report

Council has engaged Mr Douglas Sanger, architect and urban designer to assist in preparing the Development Control Plan and facilitating the public meetings. The process is carried out in partnership with the Hawkesbury City Chamber of Commerce & Industry.

A public meeting was held at the Royal Hotel Function Room at Richmond on 28 August 2002. The meeting was attended by approximately 65 people including land owners, business proprietors, residents and real estate agents. Four Councillors were also in attendance.

Presentations were made on the background to Mainstreet, observations of Richmond from a visitor's perspective, historical perspectives and a possible future vision. Most importantly, every person who attended the meeting contributed to discussion with observations and suggestions. Two 15m long photographic panels of Windsor Street were also displayed at the meeting.

Those who attended the meeting were requested to complete "feedback forms" with suggestions, sketches or photos. A number of these have already been received. It is intended to hold a second meeting mid October, where some of the suggestions from the community will be illustrated as far as possible and direct feedback will be gained in response to some preliminary ideas for a Development Control Plan.

Conclusion

To date, both the process and the feedback from the community has been very positive. Some panels from the presentations made on 28 August 2002 will be displayed at the meeting.

RECOMMENDATION:

That the information be received.

ENVIRONMENT

Meeting Date: 24 September, 2002

Item: **91**

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 91 Oooo