



general
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committee

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environment

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ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **34**

ITEM: 34 **BP Convenience Store and Fuel Dispensing Facility, Lot 2 DP 630616, 362 Macquarie Street, Windsor**

FILE NUMBER: DA0382/02/EVD/ENF24NAX.V09

Applicant: MCHP Architects Pty Ltd
Applicants Rep: Mr Chris Jones
Owner: BP Australia Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No 20 (No 2 - 1997)
 State Environmental Planning Policy No 11
 State Environmental Planning Policy No 33
 State Environmental Planning Policy No 64
Area: 4101 sqm
Zone: Residential 2(a)
Advertising: 30 May 2002 to 13 June 2002
Date Received: 26 March 2002

Key Issues: - Character of the area
 - Noise
 - Traffic Generation and Safety
 - Signage

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a service station at Lot 2 DP 630616, 362 Macquarie Street, Windsor.

This matter is being reported to Council due to Council's previous decisions relating to this land and the responses received in relation to the exhibition of 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.

The Proposal

The development consists of the construction of a service station including:

- minor demolition works

- fuel and LPG dispensing area consisting of 4 multi product fuel dispensers and overhead canopy measuring 30m long by 8m wide by 5.3m high
- convenience store with a floor area of approximately 300 sqm measuring 23m long by 13m wide by 4.5m high
- 33 space car parking area
- a 70 kilolitre and 90 kilolitre underground fuel tank and a 30 kilolitre underground LPG storage tank
- associated signage, landscaping and new boundary fencing
- roadworks within Macquarie Street over the frontage of the site

The applicant states that up to 15 persons would be employed on a full time or part time basis with 3 employees being on site at any one time. 24 hour, 7 day per week trading is proposed.

To accompany the application has applicant has provided a detailed Statement of Environmental Effects, Noise Assessment, Traffic and Parking report, Preliminary Hazard Analysis, Contaminated Land Assessment

Background

In September 1993 Council received an application (DA240/93) for a BP service station on the subject site. The application consisted of fuel and LPG dispensing area consisting of 4 multi product fuel dispensers and overhead canopy, convenience store with a floor area of approximately 240 sqm, 12 space car parking area, 5 X 45 kilolitre underground fuel tanks, a 7.5 kilolitre above ground LPG storage tank, associated signage, landscaping and new boundary fencing, roadworks within Macquarie Street over the frontage of the site, car wash, and vacuum bay. 24 hour, 7 day a week hours of operation was proposed.

The development application was refused at the Ordinary Council meeting in December 1993.

The applicant appealed this refusal in the Land and Environment Court. In April 1994 the Court upheld the appeal and approved the development subject to conditions.

In summary, the Court found that the site had existing use rights, light spillage and noise impacts would not be of significance to warrant rejection of the application, impacts on surrounding neighbours would be satisfactory, traffic generation would not have more than a minor impact on the surrounding streets, and given the character and heavily trafficked nature of Macquarie Street the proposal would not be out of character with the immediate environs.

Note, whilst some of the townhouse and villas to the west of the site were not built at the time of the hearing, the Court was made aware of the approvals for same and considered the future development of these sites for residential purposes.

Physical commencement of the consent was subsequently secured in April 1999 by the demolition of a timber mill building, site preparation and the construction of foundations for the canopy in accordance with the development consent and building approval.

BP Australia Ltd now wish to pursue a different style and operation of the service station. The differences between the current application and approved application include updating signage to the current BP corporate image, improved canopy design, deleting the car wash, deletion of above ground LPG tank, increasing the use of the convenience store by 60 sqm and increasing the setbacks from the surrounding residential boundaries.

The proposed development is similar to the Court approved development however it is not substantially the same and therefore a new development application is required. The applicant contends that the current proposal is a scaled down version of the Court approved development and would have a reduced adverse impact on the surrounding area.

Description of the Site

The site is located on the eastern side of Macquarie Street between the Ham Street/Macquarie Street and George Street/Macquarie Street intersections. It is trapezoidal in shape, having an area of 4101 sqm, a frontage of 67m to Macquarie Street and an average depth of 68m. The site is vacant, relatively flat and cleared of significant vegetation.

Surrounding residences consist of single dwelling, duplexes and townhouses are located to the east, north and west of the site. A timber yard is located to the south with residences beyond.

Statutory Position

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The property is zoned Residential 2(a) under HLEP 1989. The objectives of the 2(a) zone are:

- (a) to provide for housing and associated facilities in locations of high amenity and accessibility;
- (b) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and
- (c) to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.

The proposed development is defined as "service station" which is prohibited within the Residential 2(a) zone.

The applicant contends that the site enjoys "existing use rights" and therefore Council can approve alterations to this use under provisions of Part 5 of the Environmental Planning and Assessment Regulation 2000.

The development can also be defined as an "Identified Land Use" under the provisions of HLEP 1989 due to the existence of an operational consent issued by the Court. Identified land uses are permissible within the Residential 2(a) zone.

Other relevant provisions of HLEP 1989 are Clause 18 Provision of water, sewerage etc service; Clause 22 Development fronting a main or arterial road; Clause 23 Advertising Structures; Clause 28 Development in the vicinity of a heritage item.

HLEP 1989 also adopts Clauses 5 and 19 of the Environmental Planning and Assessment Model Provisions 1980 which requires Council to consider such matters as the aesthetic appearance of the development; adequacy and safety of vehicular exits and entrances; car parking, loading, unloading and fuelling of vehicles; location of fuel pumps and tank inlets; provision of landscaping.

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

The subject site falls within the South Creek 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.

The proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls.

State Environmental Planning Policy No 11 - Traffic Generating Development

The application was referred to the RTA and Council's Local Traffic Committee (LTC) for consideration under the provisions of SEPP No. 11.

The RTA and LTC have not objected to the proposed development and provided recommended conditions of consent. A key recommendation being that vehicular access to the site be restricted to left in /left out.

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

The applicant has submitted a Preliminary Hazard Analysis complying with the provisions of SEPP No. 33 for the proposed underground fuel tanks and LPG tank.

The analysis demonstrates that the proposed development has been designed and will operate in accordance with the requirements of AS1940 with regard to fuel systems, NSW Planning's Hazardous Industry Locational Guidelines No.1 and AS1596:1997 with respect to the LPG tank, the Dangerous Goods requirements, and industry standards.

Under the provisions of SEPP No 33 the application was referred to NSW Fire Brigades and WorkCover.

NSW Fire Bridges responded by advising they did not object to the proposal. No response was received from WorkCover.

State Environmental Planning Policy No 64 - Advertising and Signage

The proposed signs may be defined as "business identification signs" under the provisions of SEPP No 64.

SEPP No 64 provides for a number of matters for Council to consider when assessing applications for signage. These matters include character of the area, views and vistas, streetscape, setting and landscape, the site and proposed building, illumination and safety.

Hawkesbury Development Control Plan

Relevant chapters of the Hawkesbury DCP include General Information, Notification, Landscaping, Soil Erosion and Sedimentation Control, Car Parking and Access, and Signage

General Information, Notification, Landscaping, Soil Erosion and Sedimentation Control

The applicant has provided sufficient information for Council to assess the application.

The application was publicly exhibited for the period 30 May - 13 June 2002. 11 submissions were received.

The development application demonstrates satisfactory compliance with the various aims, objectives and rules of the Landscaping chapter.

The applicant has provided a soil erosion and sedimentation control plan which is satisfactory and can be controlled by condition of consent.

Car Parking and Access

The parking ratios of service stations contained within this chapter require 5 spaces per work bay plus 1 space per 30 sqm of ancillary retail floor space. No work bays are proposed and the convenience store would require approximately 10 spaces. The applicant has provided 33 spaces which comply with the relevant minimum dimensions and aisle widths.

Subject to changed entrance and exit arrangement proposed by the RTA and Council's LTC it is considered that the parking and manoeuvring area for the proposed development complies with the aims, objectives and access considerations of this chapter.

Signage

This chapter provides varying controls relative to the zone of the land. Whilst the land is zoned Residential 2(a), given the previous use of the land, the current approval for a service station, and the site's location on Macquarie Street it is considered appropriate that the signage proposed is assessed relative to the controls outlined for commercial and industrial zones.

The aims of these provisions are to permit adequate business identification and advertising to identify the nature of the business conducted on the premises.

The applicant proposes a total of 10 signs/logos consisting of the following:

- one 7m high by 2.2m wide freestanding site identification tower on the south-western corner of the site
- two freestanding 1.1m high by 1m wide freestanding signs to the east of the site identification tower
- one 4.3m high by 2m wide freestanding site identification tower located at the vehicular entry to the site
- two 1.3m high by 1m wide poster boards, one "bp connect" logo, and one "bp" rosette logo all mounted on the front of the convenience store
- two "bp" rosette logos mounted on the fascia of the fuel dispensing canopy

Initially the applicant proposed a 12m high site identification tower on the south-western corner of the site. Subject to discussion with Council staff this was reduced to the two towers measuring 7m and 4.3m high. The applicant contends that the towers proposed represent the lowest heights available from BP's library of signs which comply with the government legislation relating to the advertising of fuel prices.

The 7m high tower would be approximately 2.5m higher than the convenience store roofline.

Development Control Plan - Contaminated Land Policy

The site previously comprised part of the adjacent timber yard. Due to the potential for contaminants to exist on the site the applicant has submitted two reports investigating the presence of hydrocarbons, organochlorines and organophosphorous pesticides, and heavy metals the site.

The reports concluded that there is no apparent soil contamination of the site in excess of NSW EPA guidelines.

Community Consultation

The application was publicly exhibited in accordance with the provisions of the Hawkesbury DCP, SEPP No. 33 and the EP & A Act 1979 for the period 30 May - 13 June 2002. 11 submissions were received.

Matters raised in the submission related to:

- increased noise
- increased traffic movements
- concern about traffic safety
- impacts of traffic movements on adjacent timber yard
- fumes and odours
- 24 hours a day operation
- stormwater collection and disposal
- additional shop and service station is not needed
- social impacts of young persons using service station as a "hang out"

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

Context and setting (issue raised by respondent)

Surrounding landscape and scenic quality of the area is primarily defined by the heavily trafficked Macquarie Street, the timber yard and single storey and double storey residences.

The convenience store is single storey construction with a footprint similar to that of a medium to large residence. The fuel dispensing canopy has a height of approximately 5.3m which is less than the height of surrounding two storey residences. A landscaping strip of approximately 8m deep has been provided adjacent to the eastern boundary along the length of the site with a 2m deep strip and carparking area located along the northern boundary.

It is considered that in general the form, scale and positioning of the proposed structures on the site and landscaping provided to buffer the development from surrounding neighbours will result in a development that is not incompatible with the existing mixed character of the locality.

The proposed structures have been scaled, designed and sited so as to minimise disturbance to the landscape and will not intrude into the skyline. The setback of the convenience store, canopy and tower signage is generally consistent with surrounding development, and will not interfere with driver sight distances or cause significant distraction to drivers.

It is considered that the proposed signs are of high quality design and finish, are relatively simple, concise and have an uncluttered appearance. The proposed signage is appropriately located, integrated and in proportion with the architectural form of the store and canopy and does not detract from existing views and vistas.

The signage is consistent with that typical of a modern service station with associated convenience store and its character is acceptable in terms of height, form, scale and impact on streetscape.

It is considered that illumination created by the signs will not result in an unacceptable glare, affect pedestrian, vehicular and aircraft safety or significantly detract from the amenity of surrounding residence. In this regard it is noteworthy that the illuminated signage on the convenience store is directed into the site and the store has been located adjacent to the southern boundary away from surrounding residences. No illumination of the canopy has been provided on its eastern façade which faces the townhouses/villas in Mileham Street.

Access, Transport and Traffic(issue raised by respondent)

The application proposes separate vehicular entry and exit driveways each 10m wide via a slip lane off Macquarie Street. Thirty three (33) car parking spaces and provided as well as area sufficient for the on-site unloading of fuel, LPG and goods for the convenience store.

The traffic report suggests that the development will generate 2-3 fuel and 1-2 LPG deliveries per week. Customer vehicles for the weekday evening peak are estimated at 200 vehicle movements per hour.

Macquarie Street is an arterial road and RTA traffic flow data indicates that this section of Macquarie Street accommodated a daily traffic flow in the order of 26,000 vehicles per day in 1999. Based on these figures it is considered that the development will not generate significant additional traffic relative to the capacity of the road network.

The main traffic implications of the proposed development in terms of road network capacity concern the ability of the vehicles to enter/exit the site in safety and without undue delay. The traffic report concludes that for all traffic movement to and from the site, sight distances exceed minimum requirements and drivers will not experience undue delay.

The application was referred to the RTA and Council's LTC for consideration. The RTA has provided Council with conditions for inclusion in any consent. It appears that the applicant can readily resolve the conditions of consent relating to design and construction. The main operation condition of consent is that access to the site be restricted to left in / left out.

The owner of the adjacent timber yard raised concern regarding turning into the timber yard site from the western side of Macquarie Street. The applicant has provided amended plan seeking to resolve this matter. In response the RTA has provided Council with conditions of consent to resolve this matter.

Utilities and Stormwater(issue raised by respondent)

Electricity, water and telephone services can be provided by relevant authorities/carriers. Council is the sewer authority for the area and sewerhead work contributions are to be levied on this development.

The applicant has provided a concept stormwater design which provides for the onsite detention of stormwater with discharge to Macquarie Street. This concept plan is generally satisfactory however a detailed plan will be required prior to release of any construction certificate.

Soils and Air and Microclimate(issue raised by respondent)

The soil characteristics and qualities of the site are suitable for the proposed development.

The existing air quality and microclimate conditions of the locality are suitable for the proposed development.

The proposed development has been designed and will operate in accordance with the requirements of AS1940 with regard to fuel systems, NSW Planning's Hazardous Industry Locational Guidelines No.1 and AS1596:1997 with respect to the LPG tank, the Dangerous Goods requirements, and industry standards. It is therefore considered that the proposed facility will not have a significant adverse impact on the surrounding locality with respect to the emission and detection of petrochemical based odours and fumes.

Heritage

A substantial two storey heritage listed residence is located approximately 50m to the west of the site at 607 George Street. Given the separation of distance and the existing and future character of the area it is considered that the proposed development will not have an notable adverse impact of the heritage significance of the item or its setting.

Noise and Vibration, Energy, Construction and Waste(issue raised by respondent)

The applicant has submitted a Noise Assessment in support of the application. The assessment included consideration of the location of surrounding residential development, operations of the proposed service station, plant and equipment to be installed and the provision of the EPA's Industrial Noise Policy. The report concluded that the development could comply with the EPA's Intrusive Noise criteria for all hours of the day and night.

This assessment was based on the assumption that the adjoining timber yard would continue in operation. This was a reasonable assumption to make at the time of submitting the application however Council has since been made aware of interest to redevelopment the site for residential purposes. Council received a development application for same in November 2002. This application has since been withdrawn pending the applicant obtaining further information.

The noise level contours submitted with the service station application suggest that noise levels experienced on the timber yard site would not comply with EPA criteria if it was to be used for residential purposes. It is therefore considered prudent that a deferred commencement consent be issued on the basis that the application demonstrate via further investigation and possible noise attenuation measures that the service station can comply with EPA criteria in the event that the timber yard site is re-developed for residential purposes.

The design of the development achieves satisfactory performance in terms of energy efficiency. It is worthy to note BP proposed to install solar energy collector of the roof of the fuel pump canopy.

Construction of the facility is not expected to unreasonably impact upon surrounding neighbours and can be controlled by conditions of consent in terms of construction hours, site safety and maintenance.

Waste management during the construction phase of the development and operation of same can be controlled by a condition of consent.

Natural and Technological Hazards, Safety, Security and Crime Prevention(issue raised by respondent)

The site is located above the 1 in 100 flood event level for the area. The property is within a minor bush fire risk area and an insignificant bushfire hazard area. The nature of bushfire risk is not such so as to make the site unsuitable for the proposed development

As stated above the proposed development complies with the requirements of AS1940 with regard to fuel systems, NSW Planning's Hazardous Industry Locational Guidelines No.1 and AS1596:1997 with respect to the LPG tank, and the Dangerous Goods requirements. It is therefore considered that the proposed development presents an acceptable and manageable risk to surrounding residents.

It is considered that the design and positioning of the convenience store and fuel dispensing area will provide adequate opportunity for surveillance of the site and limit the potential for criminal activity. The potential loitering of the persons at the site is essentially a site management issue for the operator.

Social and Economic Impact in the Locality(issue raised by respondent)

It is considered the proposed development will have a positive economic impact by providing addition local employment opportunities and providing out of hours convenience shopping.

Given the likely environmental impacts of the development outlined above it is considered that the development will not have a negative social impact.

Site Design and Internal Design

The proposed design and location of the development within the site is conducive to the constraints of the site and surrounding development. Of note is the landscaping provided along the north and eastern boundaries and increase setbacks to residences and generally reduced size development to that which has been approved by the Court.

Cumulative Impacts

Based on the findings of the above assessment it is considered that the proposed development will not have a significant adverse cumulative impact on the surrounding area and that the development as now proposed would have a reduced cumulative impact to the development previously approved by the Court.

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. Subject to RTA and LTC recommended alterations, it is considered that the access to the site is satisfactory for the intended use. Required utilities and services can be made available to the site to serve the development. There are no known hazardous landuses/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 development.

Public Submissions

The concerns of the respondents have been identified and assessed in this report.

Public Interest

The proposed development is a scaled down version of the development previously approved by the Land and Environment Court. The main differences being updated signage to the current BP corporate image, improved canopy design, deletion of the car wash, deletion of above ground LPG tank, and increasing the setbacks from the surrounding residential boundaries.

The proposed development complies with the relevant aims, objectives and rules of HLEP 1989, Hawkesbury DCP, relevant SEPPs, Australian Standards, NSW Planning Guidelines and Dangerous Goods requirements.

It is considered that the proposed development is compatible with the existing mixed character of the locality, will not have an adverse environmental impact and that the site is considered suitable for the proposed development.

It is therefore considered that the proposed development will be in the public interest.

Conclusion

Taking into consideration the findings of the above assessment it is recommended that subject to additional noise investigations and appropriate conditions of consent it is recommended that the proposed development be approved.

RECOMMENDATION:

That the application for a BP Convenience Store & Fuel Dispensing Facility at Lot 2 DP 630616, 362 Macquarie Street, Windsor be granted a **Deferred Commencement** consent subject to the conditions in the attached consent:-

- A. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
- B. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

- 1. Submission of an additional noise assessment and where necessary amended plans/noise mitigation measures demonstrating that the development can comply with the provisions of the EPA's Industrial Noise Policy in the event that Lot 1 DP 630616, 368 Macquarie Street, Windsor is redeveloped for residential purposes.

Schedule 2**General**

- 1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the plans submitted with Development Application No. DA382/02 and any supportive documentation, except as otherwise provided by the conditions of this consent or Schedule 1.

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. Access to the site is to be restricted to left-in / left-out.
- 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. 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.
- 7. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.

8. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue.
9. 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.
10. The approval of the Work Cover Authority may be required under the provisions of the Factories, Shops and Industries Act, 1962. The applicant should ascertain from Work Cover whether its approval is required, prior to commencement of any work.

Roads and Traffic Authority Conditions of Consent

11. Should the design require the northbound carriageway to be moved west, kerb and guttering and associated drainage is to be provided on the western side of Macquarie Street between George Street and Ham Street.
12. Road Design and cycle facilities should be provided in accordance with Austroads Guide to Traffic Engineering Practice and the RTA's Road Design Guide.
13. As the roadworks proposed for this development will impact upon neighbouring access points. The development will need to consult with the owners of adjoining properties to identify concerns and provided written advice of any amelioration measures to be adopted to address their concerns.
14. All utilities are to be relocated to the ultimate location.
15. As a result of the right turn restrictions to and from the site, it is also a requirement for the developer to submit a Traffic Management Plan (TMP) to the Authority for approval. The TMP should also address issues relating to any impacts on existing bus stops (if any in front of the site) and to the implementation of "No Stopping" signage across the Macquarie Street frontage of the site.
16. The following amendments to concept plans R70362C02 (Issue 0) dated Feb 03 through to R70362C06 (issue 0) dated Feb 03 are to be submitted to the RTA for approval
 - The median is to include SF kerbing. Type of new kerbing is to be shown on line marking plan
 - All line marking to RTA Standards and Specifications
 - Plans to show the connection to the existing line marking

- "No Right Turn" regulatory signposting to be shown at George Street on the line marking plan
 - The width of the through lanes on plan R70362C04 (Issue 0) is to be 3.5m
 - The proposed slip lane pavement between the entry and exit vehicular crossings to the site is to be marked out with chevron pavement markings
 - To ensure that when the future widening of Macquarie Road occurs the access arrangement can accommodate a petrol tanker turning left into the site from the ultimate location of the deceleration lane, the RTA requests that the developer show this arrangement with the relevant turning path overlaid. This will highlight any adjustments to be made to the access design at this stage. The deceleration lane in its ultimate location will be 3.5m from the boundary allowing for a footway area.
17. Detailed design plans of the proposed road works / deceleration lane / concrete median within Macquarie Street must be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant should be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of the approved road design by the RTA.
18. All works associated with the development will be at no cost to the RTA.
19. No portion of the development, lighting, signage, land use activities, or the associated building work shall obscure or resemble any traffic control device or any regulatory, warning, advisory guidance or parking signage on any classified road.
20. For road safety reasons, all lighting of the development shall be designed and installed such that it does not provide glare or distraction to approaching drivers on any road.

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.

21. Details demonstrating that the proposed building will comply with the requirements of the Building Code of Australia are to be submitted to the principal certifying authority for approval.

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22. Should any part of the building be proposed to be used as a food shop then separate details of the floor, wall and ceiling finishes and of any benches, appliances, equipment, fittings and mechanical exhaust ventilation system shall be lodged with Council in duplicate for approval. Such details shall be approved by Council prior to construction or installation of the relevant work.
23. Construction of civil works including road, drainage, access, or sewer works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Environment and Development..
24. Payment of a design checking fee of \$1228.00 and inspection fee of \$2383.80 when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
25. The submission of engineering designs and calculations covering all works required by this consent.
26. 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)".
27. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.

Prior to Commencement of Works

28. Separate application shall be made by a licensed drainer for permission to carry out work in relation to Council's sewer. The attached application shall be returned with the appropriate fee prior to the relevant work commencing.
29. Separate application shall be made to Council's Asset Services & Recreation Department for the construction and location of the proposed crossover. (Refer to enclosed agreement form for driveways).
30. 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.
31. 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.
32. 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.

33. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.
- Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
34. 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.
35. 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.

During Construction

36. All building work must be carried out in accordance with provisions of the Building Code of Australia.
37. 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.
38. No burning of demolition or construction material being carried out on the site.
39. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office.
40. 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.
41. 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.
42. Stockpiles and materials shall be covered to reduce windblown dust. When excavating, keep the surface moist to reduce dust.
43. Dust control measures shall be applied shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
44. Effluent generated from portable toilet facilities is to be removed off site by a licensed waste contractor.
45. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
46. Inspections for Compliance Certificate to be requested from the Sewer Authority (Hawkesbury City Council) for internal and external sewer drainage prior to covering any pipe (24 hours notice for inspection is required, the fee is \$70.30 per inspection to be paid prior to requesting the inspection).
47. All work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
48. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.
49. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
50. The garbage area shall be constructed with a surface that is easily cleaned, graded to a drain connected to a sewer, and shall have a supply of water under pressure available within the enclosure. Any stormwater entering the garbage area should be adequately directed away from this drain.

Prior to Issue of Occupation Certificate

51. Occupation of any buildings and the use of the site for the proposed development should not take place until all landscaping is completed, all car parking spaces are constructed and designated and all the conditions of approval have been satisfied.

52. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
53. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.

Following application a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

54. The following documentary evidence is to be obtained 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.

55. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee is \$16.00 per certificate.
56. (a) The construction of concrete kerb and gutter, including heavy duty layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the slip lane and intersection works at Macquarie Street and George Street. together with any works necessary to make this construction effective. Allowance is to be made in the construction for vehicles entering and leaving the adjoining Lots Part A DP 410572 and Lot 1 DP 630616.
57. The construction of sewerage reticulation, including junctions where not already provided.
58. The submission of a Surveyor's Certificate stating that all buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks.
59. Payment of a contribution of \$1044.00 towards sewer headworks. This sum will remain fixed until 30 June 2004 after which it will be recalculated at the rate applicable at the time of payment.

60. Construction of Council's standard heavy duty footway and layback vehicular crossings to suit the access to the site as shown on the approved plans.
61. Design and construction of site drainage shall be carried out in accordance with Council's Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1 : 100 year storm at predevelopment levels.
62. To ensure parking necessary for the development is provided and kept clear and available, 33 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. Note: The disabled space is to be increased to 2.8 metres wide making a total width of 3.8 metres in combination with the pathway to the entrance to the shop.
63. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
64. The registered proprietor of the land shall submit a report and a works-as-executed (WAE) drawing of the stormwater detention basins(s) and stormwater drainage system. The WAE drawings shall be prepared by a registered surveyor and/or the design engineer on completion of the system and shall indicate the following as applicable:
- (a) Invert levels of tanks, pits, pipes and orifice plates
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of spillways and surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot
 - (f) Dimensions of stormwater basins and extent of inundation
 - (g) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as constructed basins in relation to the approved design. The WAE plan and report shall be submitted to and approved by Council prior to the release of the occupation certificate.

65. Application must be made and approved to the Work Cover Authority for all appropriate licences issued under the Dangerous Goods Legislation.

Use of the Site

66. The development shall be conducted in such a manner that noise levels emitted from the site comply with the EPA's Industrial Noise Policy.

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67. The hours for the delivery of all petroleum products including LPG and products for the convenience store is to be restricted to the following times: 7.00am to 5.00pm, Monday to Saturday and 8.00am to 5.00pm Sundays and Public Holidays.
68. All operations relating to the use of the LPG shall be conducted in a manner as described in the BP LP Gas Safety Management System for Retails Outlets.
69. The refrigeration equipment and all associated fittings are to be installed and operated in such a manner that they do not cause a noise or vibration nuisance for adjoining properties.
70. All air conditioners are to be installed and operated in such a manner that they do not cause a noise or vibration nuisance for adjoining properties.
71. The convenience store is to be registered with Council as a food premises and have inspections conducted by Council's officers are necessary.
72. Any building or part thereof to be used for the purposes of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 19898 and Regulations there under, and Council's Food Premises Code.
73. A thermometer complying with Chapter 3 of the Australia New Zealand Food Standard Code is to be kept at the premises at all timed for the purposes of checking food temperatures.
74. Garbage is to be stored, collected and disposed of to the satisfaction of Council.
75. An Annual Fire Safety Certificate in accordance with the Fire Safety Schedule shall be submitted to Council for registration
76. The operation of the development shall be conducted is such a manner so as to not interfere with the amenity of the neighbourhood with respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
77. The operations of the development shall be conducted is a way that no grease, oil or other pollutants from the development is allowed to enter the stormwater system.
78. All bulk storage items such as oils, solvents and liquid wastes are to be stored away from stormwater drains and are to be stored is a storage area that is covered, sealed and banded.
79. Oil, lubricant, coolant, and hydraulic fluid spills or stains should be removed by an approved absorbent materials and disposed of at an authorised waste depot. The absorbent material should be kept in goof supply at all times.
80. All waste generated under the canopy area of the development must be delivered via a coalescing plate separator to the sewer. There shall be no surface water runoff generated under the canopy to surrounding locations to prevent the pollution of waters.

81. Council must be consulted regarding acceptable limits to the sewerage system. A trade waste agreement must be entered into with Council prior to discharge of trade waste from the premises. A trade waste agreement application must be submitted and assessed.
82. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.
83. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:
- (a) all vehicles being loaded or unloaded shall stand entirely within the property;
 - (b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
 - (c) all vehicles associated with the use shall be accommodated within the approved car park on the subject land, to the satisfaction of Council.
84. 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.
85. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Plans of Land and Environment Court Approved Development (DA240/93)

AT-3 Plans of Proposed Development

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Locality Plan

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Plans of Land and Environment Court Approved Development (DA240/93)

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Plans of Proposed Development

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Plans of Proposed Development

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ITEM: 35 **Poultry Farm, 88 Whitmore Road, Maraylya - DA309/94**

FILE NUMBER: P2339/105/EVD/ENF24NBX.V10

REPORT:

Introduction

This report is to provide information on the operation of a poultry farm at Whitmore Road, Maraylya. Details of the operation of the farm and alleged impacts on a neighbouring property are provided in the report.

The Farm

The poultry farm is located on the southern side of Whitmore Road. It consists of 4.835 hectares of land and houses 5 (five) poultry sheds. The sheds have the capacity to accommodate 120,000 (one hundred and twenty thousand) birds. The birds are reared for meat production and normally removed from the sheds after 42 (forty two) days. Each shed has an output of 5 (five) batches per year depending on supply requirements.

Development Consent

Development Consent DA309/94 was issued on 14 July 1995 for the extension of the poultry farm. The consent permitted the construction of 2 (two) additional sheds subject to 24 (twenty four) conditions.

Building approval BA1496/94 was issued on 2 April 1996 for the construction of the 2 (two) sheds.

Conditions relating to the development approval are as follows:

1. *“The proposed earth mound 2 (two) metres high be extended across the front of the proposed buildings, adjacent to the access driveway and this mound and the one along the eastern boundary be suitably landscaped to screen the proposed sheds from Whitmore Road and the adjacent property.”*

Excavation into the land surface provided an area in excess of the 2 (two) metre high mound. The areas were landscaped which provides screening of the sheds from Whitmore Road and the adjoining property owner to the east. In addition, a 1.8 metre colorbond fence has been erected across the front of the property and along the eastern boundary where the newly constructed sheds are located.

2. *“All surface runoff from the existing farm and the proposed extensions to be directed to the existing or proposed dam.”*

Channels have been constructed to direct all surface water runoff to the existing dam.

3. *“Lot 4 DP524290 (the existing poultry farm) and Lot 10 DP227532 (the proposed extensions) to be consolidated into one lot prior to the new sheds being occupied.”*

The lots have been consolidated into one. The land is now identified as Lot 410 DP862539.

4. *“Activities on Lot 4 and Lot 10 to be conducted in accordance with the NSW Agriculture publication “New South Wales Poultry Farming Guidelines”.”*

On inspection by staff, the farm has been found to be operating at recognised industry standards.

5. *“The natural flow of water across the site in the vicinity of the rear of the proposed sheds to be retained within the depression relocated as necessary to avoid the shed.”*

The area at the rear of the sheds has been graded to direct all flow into the existing dam.

6. *“The new access roads to be constructed with a compacted gravel pavement.”*

The access roadway is constructed of a compacted gravel pavement.

7. *“All existing vegetation between the proposed front mound, referred to in Condition 1 above, and Whitmore Road is to be retained and incorporated in an overall landscaping plan for the site.”*

The vegetation between Whitmore Road and the front of the sheds has been retained.

8. *“Dead birds to be removed from the site daily.”*

The operators have installed a large freezer that accommodates the dead birds until they are removed. The birds are frozen eliminating any odour.

9. *“Poultry manure and litter within the poultry sheds to be maintained at a moisture level to ensure no odour nuisance is produced.”*

Measures are in place to restrict the entry of moisture to the sheds.

10. *“Poultry manure and litter, when removed from the sheds, to be immediately transported off site and no poultry manure or litter is to be stored on the existing poultry farm (Lot 4) of the farm extension (Lot 10).”*

Poultry manure is removed from the sheds and site. There is no stockpile of manure on the property.

11. *“Noise from the activities on the site to be controlled at all times to ensure no adverse impact occurs to residents on adjoining lots or in the vicinity.”*

The operator has endeavoured to restrict the collection of birds to appropriate hours. Unfortunately, the collection of birds during daylight hours places the birds under stress from heat and panic that results in a high loss in yield.

12. *“No excavation or site works shall be commenced prior to the issue of the building permit.”*

The site has now been developed.

13. *“Provision of adequate loading and unloading facilities to cater for the proposed use of the land.”*

Loading/ unloading areas are located at the front and between shed.

14. *“Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.”*

A building approval BA1496/94 was issued for the construction of the sheds.

15. *“A detailed plan of landscaping shall be submitted and approved by the Divisional Manager Environment and Development prior to the approval of the building application. Such landscaping is to be completed prior to the occupation of the building and shall be maintained for the life of the development.”*

A landscaping plan was submitted and landscaping provided. Approximately 500 (five hundred) tree/shrubs of various species, wattles, plumbago, casuarina, photinia and mixed natives were planted along the eastern boundary of the property. The landscaped area was also provided with a trickle watering system to assist with the growth of the plants.

16. *“The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.”*

There is no denying that odour occurs during times when manure is being removed from the sheds. It is also recognised under the NSW Poultry Farming Guidelines that odours will be encountered from manure, wet litter or feed. The occupier has to remove the manure in accordance with Condition 10 and the requirements of the New South Wales Poultry Farming Guidelines, Animal Welfare. The guidelines are quite explicit in the proper treatment of the birds and includes the following:

- The provision of adequate food and water for efficient production and bird health,
- Adequate fresh air supply,
- Thermal and physical comfort for birds,

- Prevention of injury and disease control and prevention,
- Minimising fear and stress,
- Maintenance of cages and handling equipment,
- Removal of manure, litter and dead birds within an effective management program.

Noise is also an issue when birds are collected. However, the NSW Poultry Farming Guidelines maintain that the noise level should not exceed 5dB(A) above existing background.

Vibration is not an issue of complaint with poultry farming.

Dust suppression levels can be maintained by watering roadways.

Waste water is controlled with diversions channels into the existing dam.

Waste products are removed from the site.

17. *“The spillage of light, if any, shall be controlled to the satisfaction of the Divisional Manager Environment and Development.”*

There is limited lighting on the site.

18. *“Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.”*

Erosion and sedimentation controls relate to the construction of the shed. However, diversion channels direct runoff water into the dam on site, thereby collecting any sediment.

19. *“All necessary works being carried out to ensure that flow from adjoining properties is not impeded.”*

There are no impediments to the natural flow of water to adjoining properties. The site does not contain any natural water course or the like.

20. *“No excavated material, including soil, shall be removed from the site.”*

Excavated material is not removed from the site.

21. *“The batters shall be grassed to the satisfaction of the Divisional Manager Environment and Development immediately after filling takes place.”*

Carried out during construction.

22. *“All fill to be adequately compacted by track rolling or similar.”*

During construction.

23. *“The submission of a Compliance certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the building application.”*

The building permit was approved and released.

24. *“Council reserves the right to impose extra conditions at a later date.”*

There have not been any additional conditions applied to the consent.

Post construction and use of the sheds

Since construction and the use of the sheds commenced, there have been numerous complaints received. The complaints include spillage of light, noise, dust, odour and the direction trucks take when either entering or leaving the property. Complaints have been received from adjoining owners immediately to the east of the farm. However, complaints are now only received from one person, that being the adjoining owner immediately to the east.

Spillage of Light

The issue relating to the spillage of light was addressed when the occupant removed one of the fluorescent tubes from one of the two lights on the farm. Once completed, there were no further complaints received regarding this matter.

Noise

Complaints suggest that folk lift trucks create noise during times when birds are collected. Noise is produced by the use of folk lift trucks. The folk lift trucks are normally fitted with rubber wheels and other components in an attempt to reduce noise output.

Dust

Complaints were received regarding dust generated from the farm. Dust complaints have reduced since the driveway and access road was covered with compacted gravel.

Odour

Odour remains as the main cause of complaint and occurs more often during hot summer months. The frequency of complaints has decreased over recent times.

Direction of travel trucks use along Whitmore Road to enter or leave the site.

There is no condition within the consent that restricts the direction of travel a vehicle can take to gain entry to or when leaving the site. The only restriction is located on Pebbly Hill Road which has a weight restriction for vehicles above 3 tonnes. In an attempt to direct heavy vehicles away from Pebbly Hill Road the occupant of the farm placed a directional sign within the boundary advising drivers to turn left onto Whitmore Road and therefore away from Pebbly Hill Road.

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Impromptu/ random inspections

Random inspection were carried out of the farm over a period extending from February 1998 until July 1999, and again between August 1999 and June 2001. The inspections were conducted at various times both during daylight and in darkness and as frequent as possible given the resources available. During the course of inspecting the site staff were unable to identified incidents of offensive odours. Further, there was no dust identified and no confirmed noise issues.

Noise level readings were taken during a typical bird collection event on 17 February 1999, between 8.00pm and 2.00am. The conclusion to the report is as follows:

“The farm runs to acceptable limits at times when background levels are significant. At times when background levels fall to below 35dB(A), the farm could run at a level in excess of 5dB(A) above the level of background.

Further noise monitoring would need to be undertaken at the site. Several on-site tests should be taken to identify various noise sources in order to establish a recommendation to reduce noise impact”.

Further noise monitoring was not carried out as the occupier of the farm was reluctant to allow entry due to ongoing quarantine restrictions.

Summary of complaints received

<i>Date</i>	<i>Nature of Complaint</i>	<i>Complaint Source/Address</i>
8 August 1996	Trucks leaving site after 11pm - travelling to 3 tonne load limit road	112 Whitmore Road
20 August 1996	Removal of trees, noisy workmen constructing sheds, dust created by removal of trees, Noise from feed trucks, noise from feeding machines, expected noise from sheds when constructed, foliage trees not planted yet one of the new sheds is near completion, concerns regarding pollution of water, germs from chickens, Odour from the chickens when sheds completed.	104 Whitmore Road
3 October 1996	Shed are now complete and in view, landscaping hasn't been provided how long will they take to grow, Large florescent light on one of the new shed illuminates our property, trucks entering still use the entrance closes to our property, dust caused by removal of chickens from the shed.	104 Whitmore Road
5 December 1996	Dust and odour, unloading feed trucks, view of farm	104 Whitmore Road
24 December 1996	Dust and odour, florescent light, trucks entering the property closest driveway.	104 Whitmore Road
8 February 1997	Odour from stored poultry manure on site	112 Whitmore Road
16 February 1997	Earth mound doesn't extend to rear boundary, florescent light, removal of dead birds, odour during hot and rainy weather, noise.	104 Whitmore Road
6 March 1997	Dust, noise, light dead fowls, entry to land	112 Whitmore Road
22 April 1997	Trucks removing manure up until 1.20am	112 Whitmore Road
24 May 1997	Petition	104 Whitmore Road

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<i>Date</i>	<i>Nature of Complaint</i>	<i>Complaint Source/Address</i>
29 June 1997	Flying feathers and bad odour, noise	104 Whitmore Road
30 June 1997	Odour	122 Whitmore Road
2 February 1998	Odour, transporting of manure off site, noise, trucks entering site	104 Whitmore Road
15 April 1998	Odours, height of silos, why are cattle allowed to eat chicken manure etc	104 Whitmore Road
30 April 1998	Identical to 15 April	15 Whitmore Road
6 May 1998	Identical to 15& 30 April	25 Whitmore Road
8 May 1998	Identical to above	2 Whitmore Road
5 June 1998	Same as above	245 Pitt Town Dural Road
15 June 1998	Identical to above	121 Whitmore Road
18 December 1998	Dust, noise, trucks entering and leaving the site	107 Whitmore Road
30 December 1998	Noise	101 Whitmore Road
21 March 2000	Various - log provided - noise, odour	104 Whitmore Road
29 March 2000	Odour	104 Whitmore Road
9 October 2000	Odour	104 Whitmore Road
16 October 2000	Odour	104 Whitmore Road
18 October 2000	Odour	104 Whitmore Road
23 October 2000	Noise	104 Whitmore Road
3 November 2000	Noise, odour	104 Whitmore Road
15 December 2000	Noise, dust, odour	104 Whitmore Road
27 December 2000	Odour, noise	104 Whitmore Road
4 January 2001	Odour, noise and dust	104 Whitmore Road
30 April 2001	Noise and odour	104 Whitmore Road
3 May 2001	Noise and odour	104 Whitmore Road
16 May 2001	Odour	104 Whitmore Road
25 May 2001	Noise	104 Whitmore Road
30 May 2001	Same as 25 th	104 Whitmore Road
6 June 2001	Odour	Neville Diamond no address or contact no.
17 July 2001	Odour	49 Whitmore Road
10 August 2001	Noise, odour	104 Whitmore Road
30 August 2002	Noise and odour	104 Whitmore Road
Undated - 2003	Odour, noise, trucks leaving site	104 Whitmore Road

Ombudsman

In October 1998 the occupant of 104 Whitmore Road complained to the Ombudsman about Council's failure to enforce conditions of consent. The Investigating Officer for the Ombudsman responded to the complaint by writing to this office with a reminder to enforce conditions of consent.

In December 1999 the occupant of 104 Whitmore Road again complained to the Ombudsman concerning dust and odour from the adjoining property. On 23 February 2000 the investigating officer for the Ombudsman responded by writing to the complainant and to Council. In that response the complainant was advised that the Office of the Ombudsman was unable to assist on that occasion.

Summary

Development approval was issued for the extension of the poultry farm to include a further two sheds.

Prior to the extensions being approved complaints had not been received.

Since the development commenced there have been 41 (forty one) complaints received ranging from;

- noise
- odour
- dust
- direct of travel of trucks
- vegetative screening

Since December 1998 the main cause of complaints amount to:

- noise
- odour
- direction trucks leave and enter the site

Two of the three issues raised are directly related to the consent and should be controlled. The matter relating to the direction vehicles take when leaving the site does not form part of the conditions of approval. However it may be controlled by the Road Act with respect to weights and measures.

It is necessary to understand the cause of noise and odour issues.

Noise

Noise produced on the farm or on any poultry farm is required to be kept at a minimum as the poultry become distressed quite easily, panic or die. Noise is produced during times when the birds are collected for transportation to abattoirs. During hot summer months it is also necessary to collect the birds during the cooler hours of the evening to reduce the stress on the birds.

The New South Wales Poultry Farming Guidelines identify problems associated with the transportation of birds. Poultry meat enterprises have particular problems because grown birds are collected at night for welfare and product quality reasons. In poultry meat production the farm operator must liaise with contract drivers, pick up crews and processors, so that all parties are aware of the potential for conflict from unsympathetic use of transport.

Odour

The News South Wales Poultry Farmers Guidelines identify that odours occur on poultry farms. There are unavoidable odours associated with poultry farming and they may be perceived both on and off the farm.

Some people find the odours offensive and the level of perception and tolerance of odours varies with

individuals.

Odour problems on poultry farms commonly come from wet litter, manure or feed.

All poultry litter and manure contains water and this is essential to avoid dust, allow for ease of handling and promote a suitable environment for beneficial insects and other organisms. Water levels of 30 (thirty) to 40 (forty) percent are found in well managed litter and aged manure.

The moisture content of prepared poultry feeds or ingredients does not vary significantly once delivered to the farm. If moisture levels of these materials is increased other than by atmospheric variations there is an increased risk of odour production.

Odours are produced on the farm when the manure/ litter is removed from the sheds. The removal of the manure/ litter is required to maintain hygiene for the birds. On average the manure/ litter is removed each 6 (six) to 8 (eight) week period.

As a requirement contained within the conditions of consent, the manure/ litter is to be removed and not stored on the property. During the course of performing this task odour is produced and in some instances could be considered offensive. This is an instance where the production of odour is unavoidable.

Conclusion

The poultry farm is operating in accordance with the requirements of development consent. There are some odours and disturbance produced from time to time by the operation, as one would expect from any poultry farm. However, some people are more sensitive to odours than others. This appears to be the situation in Whitmore Road.

As the complainant is still not satisfied after detailed investigation by Council officers and the Ombudsman, perhaps there may be some merit in mediation. Attached for information is an extract from Council's Conflict Management Policy. The purpose of mediation in this matter would be to achieve a level understanding between the parties and an agreement about the way certain activities are conducted, etc. Any agreement would be between the parties and would not require further Council decision, as in this case the operation complies with the requirements of the development consent.

RECOMMENDATION:

That:

1. The report be received.
2. A mediation be arranged between the parties in accordance with Council's Conflict Management Policy, subject to both parties agreeing.
3. The cost of the independent mediator be charged to development control legal expenses.

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ATTACHMENTS:

AT-1 Extract from Conflict Management Policy

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Extract from Conflict Management Policy

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Extract from Conflict Management Policy

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ITEM: 36 **Pitt Town Local Environmental Study**

FILE NUMBER: 79347/LEP3/00/EVD/ENF24NBX.V08

PREVIOUS ITEM: 66, Special (06.05.2003)

PREVIOUS ITEM: 154, Special (12.12.2002)

REPORT:

Background

Council at its meeting of 6 May 2003 considered a report on the Pitt Town Local Environmental Study. At this meeting Council resolved as follows:

1. *The Pitt Town Local Environmental Study be adopted.*
2. *A Masterplan and Local Environmental Plan be prepared based on the medium Growth Scenario Option 2 yielding a total of up to 690 (six hundred and ninety) lots within the Pitt Town Investigation Area using the following criteria that:*
 - (a) *there be no lots in the 400 - 600 square metres range;*
 - (b) *the lot size in the Rural Village areas be 750 - 1000 square metres;*
 - (c) *the area shown as minimum 5000 square metres be altered to 4000 square metres;*
 - (d) *the NPWS and the Heritage Office be requested to continue negotiations on the Bona Vista site (to the east shown as Vegetation Conservation) with the lot density being five per hectare;*
 - (e) *the areas in the north and east of the investigation area shown as Rural Urban Fringe (5000 square metres) be expressed as a lot density of 2.5 per hectare; and*
 - (f) *plans for river access and recreational facilities be considered as part of the plan of management for this development.*
3. *The Pitt Town Steering Committee continue as an advisory committee to assist Council on the preparation of the Masterplan and draft Local Environmental Plan for the development of Pitt Town.*
4. *The remainder of the land at Mitchell Place Pitt Town located above the 20 metres Australian Height Datum is included with the Pitt Town Urban Investigation area at the same density being as the surrounding lots.*
5. *A further report be prepared on:*
 - (a) *A consultation, communication and involvement strategy which would address the structure and functionality of the Steering Committee, as well as the preparation of the next stage of the rezoning process; and*

(b) *budget implications.*

6. *An independent evaluation of the SES report be sought, given the large variation in the methodology employed by the SES.*

The purpose of this report is to provide Council with details of the process in relation to the formation of a steering committee, the consultation and communication strategy and the preparation of the next stage of rezoning land at Pitt Town.

Pitt Town Advisory Committee

As Council is aware, a Steering Committee was established in August 2003 to provide advice to Council, via its Chair, in regard to the options for further development (or not) of Pitt Town in accordance with the draft local environmental study. The Committee ended following the release of the Local Environmental Study.

It is now appropriate to establish an advisory committee to further advise Council on the next stage of the rezoning process. It is proposed that a Pitt Town Advisory Committee be established similar to the Heritage Advisory Committee and the Hawkesbury Economic Development Advisory Committee.

Charter

The Charter of the Pitt Town Advisory Committee will be to oversee the preparation of the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan. The Committee will also be responsible for formulating the communications and consultation strategy.

It is envisaged that the life of the Pitt Town Advisory Committee would extend to the gazettal (or not) of the Local Environmental Plan by the Minister.

Frequency of Meetings

The meeting schedule for the Pitt Town Advisory Committee will be prepared at a later date, however, it is likely that meetings will be a minimum of once per month. Meetings may be more frequent in the initial stages of the Committee's formation and engagement of the successful consultant(s).

Structure of the Committee

The recommended structure of the Pitt Town Advisory Committee is as follows:

- Four Councillors (including the Mayor as Chairperson)
- Four community members

Additional staff support and advice will be provided as required.

There are several options for selecting members from the community, ranging from advertising for interested persons, to selecting representatives from the existing resident groups. Given that the Committee is an Advisory Committee to Council, the requirements of the Local Government Act 1993 in relation to Pecuniary Interests apply. In this regard, members of the Committee cannot own land within the Investigation Area or be employed (as consultants or otherwise) by owners of land within the Investigation Area.

It is also important to note that three groups participated in the Steering Committee, being the Pitt Town Progress Association, Pitt Town Resident Group and the Pitt Town Landowners Group. It is therefore appropriate for Council to invite members of these groups to participate on the Pitt Town Advisory Committee. Given the Pitt Town Landowners Association consists of members who own land within the investigation area, this group is excluded from being involved on the committee due to the pecuniary interest issues outlined above.

It is therefore recommended that the two members from the Pitt Town Resident Group and two members from the Pitt Town Progress Association, who do not own land within the investigation area, be invited to participate in the Pitt Town Advisory Committee.

Reporting

The Pitt Town Advisory Committee meetings will be reported to Council, similar to the existing committees of Council.

Preparation of the Plans

The Pitt Town Local Environmental Study recommended that a separate Landuse and Conservation Management Plan and Masterplan be prepared should one of the development scenarios be adopted. It was considered that the best use of resources would be to roll these documents together as a Masterplan.

It is therefore proposed that the Masterplan will address the following issues:

- ESD and design principles.
- Phasing of development.
- Distribution of land uses, including public open space and environmental protection areas.
- Subdivision pattern.
- Building envelopes and built form controls.
- Heritage conservation, including both Aboriginal and European heritage.
- Infrastructure provision.
- Water Sensitive Urban Design
- Remediation of the site.
- Pedestrian, cycle and road access and circulation network, with particular regard to public
- Transport servicing.
- Parking provisions.
- Provision of community services and facilities.

- Improvements to the public domain.
- Provision of open space, its function and landscaping.
- Conservation of native flora and fauna habitat on the site, including any threatened species, populations or ecological communities.

It is envisaged that the Masterplan would achieve the following objectives:

- An overall subdivision, road layout and open space plan based upon the constraints and opportunities identified in the Local Environmental Study.
- A high quality urban design outcome
- Compliance with a maximum number of dwellings set for the site
- Compliance with the objectives and controls for environmental management
- Consistency with the relevant provisions of SREP 20 and any other relevant environmental planning instruments.

A Section 94 Plan, draft Local Environmental Plan and Development Control Plan will also need to be prepared in conjunction with the Masterplan.

The first task of the Pitt Town Advisory Committee will be to finalise the project briefs for the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan

Engagement of Consultants

The cost of completing a Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan is unknown at this stage. Council could choose to either seek quotations from reputable planning consultants or call for Tenders. Given the uncertainty of the costs involved it would be prudent to make an initial allocation of \$30,000.00 (thirty thousand dollars), at this stage. Consideration will be required with the 2003/2004 estimates for this to occur.

The Pitt Town Advisory Committee would be responsible for finalising the brief for the consultant(s) and recommending the selection of the consultant(s) to Council.

Consultation and communication Strategy

The Environmental Planning and Assessment Act 1979 provides the (minimum) requirements for consultation with both the public and government agencies. Upon completion of the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan, formal Section 62 Consultation will be carried out with the government agencies prior to the preparation of the draft Local Environmental Plan. The government agencies will also be critical in preparing the Masterplan and will be invited to meet with the successful consultants and the Pitt Town Steering Committee at the relevant stages.

In relation to consulting with the community, over and above the requirements of the Environmental Planning and Assessment Act 1979, a detailed communication strategy will be prepared by the Pitt Town Advisory Committee and further reported to Council. It should be noted that the establishment of

the Pitt Town Advisory Committee is also an important component or element of community consultation.

Budget Implications

As indicated above, the cost of the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan is unknown, however it is likely to be considerable. Whilst the cost of the Local Environmental Study is recoverable, the next stage, that is, the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan is not. Council therefore needs to allocate sufficient funds to undertake this work.

RECOMMENDATION:

That:

1. An Advisory Committee be formed to oversee the preparation of the Masterplan, Section 94 Plan, draft Local Environmental Plan and Development Control Plan and consist of the following members:
 - Four Councillors (including the Mayor as chairperson)
 - Four community members comprising 2 (two) members (not being land owners in the Investigation Area) from the Pitt Town Resident Group and 2 (two) members (not being land owners in the Investigation Area) from the Pitt Town Progress Association.
2. That \$30,000.00 (thirty thousand dollars) be considered as an initial allocation, in the 2003/2004 estimates, to allow for the completion of the Masterplan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 36 Oooo

ITEM: 37 Floodplain Management Committee**FILE NUMBER:** 79347/EVD/ENF24NBX.V07

REPORT:

This is in response to a request by Council on 29 April 2003 for a report detailing the status of the Floodplain Management Committee.

The Floodplain Management Committee was disbanded by Council at its meeting of 10 September 2001. It was reported to Council at that stage that this Committee had not met for some time and was no longer considered to be necessary.

Previously, the Committee consisted of Councillors, Director of Environment and Development, other staff members and representatives of the former Department of Public Works, Department of Planning, Water Resources Commission and the State Emergency Services. The Department of Planning, the Water Resources Commission and the Department of Public Works no longer exist in the form that they were at that time, and they now form part of a new Department of Infrastructure, Planning and Natural Resources.

Council has recently received a computer modelling program called the "Flood Hazard Definition Tool" supplied by the Hawkesbury Nepean Floodplain Management Strategy. Council staff will shortly receive training on the use of this computer model.

The model will not only be able to produce maps showing the predicted flood heights, such as the 1% flood or probable maximum flood, but will also produce maps of velocities and will combine the velocity map with a depth of water map to produce a flood hazard map.

The Floodplain Management Committee was involved in the preparation of Council's strategy for flood protection which, in the past, has led to increasing the floor level to the 1% level, but has had little to do whilst the Hawkesbury Nepean Floodplain Management Strategy was being prepared and implemented.

The Hawkesbury Nepean Floodplain Management Strategy has now delivered its computer model to Council and it would seem an opportune moment to assess the data received, or now available under this model, and compare it to the existing planning controls to determine if new changes are required.

It is therefore considered that the results of this model should be presented to a Council workshop in July or August following the training received on 18 June 2003.

ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **37**

RECOMMENDATION:

That a Council Workshop be held on the Flood Hazard Definition Tool and its relationships to Council's current Planning Instruments.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 37 Oooo

ITEM: 38 Kerbside Bulk Waste Collection**FILE NUMBER:** 79347/GW010/004/EVD/ENF24NBX.V02**PREVIOUS ITEM:** 88, GPC Section 1 - Environment (24.09.2002)**PREVIOUS ITEM:** 88, Ordinary (08.10.2002)

REPORT:

Council has previously resolved to call for tenders in the coming financial year for the provision of a kerbside bulk waste collection service to the residential areas of the City.

The adopted Draft Management Plan of Council indicates that tenders will be called during July 2003, with the results of the tender process being reported to Council during September 2003, with a commencement of the service during February 2004.

It was requested that the proposed service be structured around a zoned service, that is, certain areas either by letter box notification or a prescheduled date, place their bulk waste on the kerbside and wait for the contractor to collect the materials over the next seven day period.

Detailed investigations were undertaken with many Councils who have a kerbside bulk waste collection service to ascertain the most efficient and reliable way to provide this type of service. These discussions have revealed that the zoned system may not be the best way to provide this service in the Hawkesbury area.

A number of the Councils have either changed to an "on call" system where ratepayers schedule a collection time with the contractor and it is collected within forty eight hours or they have made the comment that they regretted that they did not implement an "on call" system initially and will recommend to their respective Council's a change to an "on call" system when their current contracts expire.

The investigations also revealed that those Councils operating the zoned systems are having problems with:

- persons from other areas adding (illegally dumping) to piles waiting to be collected over the seven day period
- scavengers dispersing the material that was neatly left at the kerbside over the footway causing risk of injury to the public
- contractors taking up to fourteen days to collect materials in some areas, and
- the unsightly nature of having street after street littered with all kinds of rubbish awaiting collection.

Having the benefit of this information and the experiences of other Councils who have had kerbside bulk waste collection systems for many years, it is suggested that tenders be called in the 2003/2004 financial year for an "on call" system that allows our ratepayers to have two collections per year under this system.

ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **38**

RECOMMENDATION:

That:

1. Tenders be called for an “on call” system of kerside bulk waste collection during July 2003 for 2 (two) collections per property per year in the residential areas of the City for commencement in February 2004.
2. The contract period be 5 (five) years with a 2 (two) year option by mutual agreement between both parties.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 38 Oooo

ITEM: 39 **Development Control Plan for Part of the Employment Lands on Windsor Road, Vineyard**

FILE NUMBER: DCP01/99//ENF24NBX.V06

PREVIOUS ITEM: 40, Ordinary (11.03.2003)

REPORT:

On 11 March 2003 Council resolved:

- “A 1 *Council determine the submissions to Draft Hawkesbury Local Environmental Plan No 3/02 (Amendment No 140) to rezone all land in Zone 3(b) (Business Special) and to allow recreation areas on land classified as community land by proceeding with the plan with the following changes to the exhibited plan being made*
- (a) *the land between Curtis Road and Groves Avenue, Mulgrave remain as the 3(b) (Business Special) zone with a limited floor space area of 1000 square metres for commercial premises and 200 square metres for shops, and*
- (b) *the land in the 3(b) (Business Special) zone at South Windsor be zoned 3(a) (business General).*
- 2 *Subject to (1) above that Draft Hawkesbury Local Environmental Plan No 3/02 (Amendment No 140) to rezone land in Zone 3(b) (Business Special) and to allow recreation areas on land classified as community land be forwarded to the minister for Planing.*
- 3 *The submission authors be advised of (3) [1] above.*
- B *A report be prepared in relation to the preparation of a Development Control Plan for this area.”*

Introduction

Resolution (A) above is being processed by Council Officer's which will see the majority of the lands within Zone 3(b) (Business Special) rezoned to either zone 2(a) Residential 2(a), Zone No 3(a) (Business General) or Zone 4(b) Industry Light. The lands within Zone 3(b) (Business Special) between Groves and Curtis Road, Vineyard will be the only lands remaining in this zone.

This report deals with Resolution (B) above.

Proposed Development Control Plan

Development Control Plans provide more detailed provisions, than those that are contained in an environmental planning instrument, in respect of any land to which the plan applies. In this case it is proposed that a Development Control Plan be prepared to provide additional controls for the use and development of part of the Employment Lands at Vineyard. Employment Lands are lands zoned business and industrial and in this case would be:

- (a) Lands in Zone 3 (b) (Business Special) at Vineyard, between Groves Avenue and Curtis Road - generally developed, and
- (b) Lands in Zone 4(b) Industry Light (Draft Amendment 140 to Hawkesbury LEP), fronting proposed Industrial Road, Vineyard (between Park Road and Groves Avenue - generally undeveloped lands.

The Employment Lands at Vineyard have been, are being or are likely to be developed in the near future as Hawkesbury and Sydney expands. At the same time major road works are being under taken in the vicinity of these Employment Lands that will improve access and local and regional traffic management in Hawkesbury being:

- Construction of Industrial Road, Vineyard as a service road to the lands in (b) above by Council;
- Upgrade of Windsor Road by the Roads and Traffic Authority; and
- Construction of the Flood Evacuation Route, which will link to Windsor Road at Groves Avenue, by the Roads and Traffic Authority.

With the above road works programmed and development activities occurring, Council has the opportunity to ensure the Employment Lands are developed so they contribute to streetscape quality and are used in accordance with the objectives of the two zones.

It is recommended that the Development Control Plan address the following additional provisions for the Employment Lands fronting Windsor Road, Vineyard:

1. Lands in 3(b) zone

Development of vacant lands in line with primary objective being office accommodation;

Balanced use of developed and vacant lands primarily for office accommodation and secondary compatible non-commercial use; and

Details about the Business Special commercial Premises and Shops permitted on the lands.

2. Lands in 4(b)zone

Balanced development and use of lands in line with primary objective of the zone being Light Industry and secondary objective being compatible commercial and retail activities;

Design controls for setback of buildings to Industrial Road; presentation and height of buildings to Industrial and Windsor Roads (including fill and floor height); landscaping; use of lands between Windsor Road and Industry Road (including no signage);

Conclusion

The Development Control Plan would provide Council with additional provisions, which will enable a certain standard of development to be achieved on part of the Employment Lands at Vineyard that is also consistent with the objectives of the two zones. These lands form a gateway function which are highly visible to the community and visitors to Hawkesbury.

It is recommended that Council resolve to prepare the Development Control Plan to put in place more detailed provisions for the development and use of part of the Employment Lands at Vineyard so they contribute to overall streetscape and civic qualities of Hawkesbury.

RECOMMENDATION:

That:

1. Council prepare a draft development control plan for lands fronting proposed Industrial Road, Vineyard and for lands in the 3(b) (Business Special) at Vineyard to provide more detailed provisions on the use and development of these lands, in accordance with the Environmental Planning and Assessment Act, 1979.
2. Subject to no submissions being received to the public exhibition of the draft development control plan for lands fronting proposed Industrial Road, Vineyard and for lands in the 3(b) (Business Special) at Vineyard be adopted

ATTACHMENTS:

AT-1 Plan Showing Employment Lands in the 3(b) Zone at Vineyard

AT-2 Plan Showing Employment Lands in the 4(b) Zone Fronting Industrial Road, Vineyard

ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **39**

Plan Showing Employment Lands in the 3(b) Zone at Vineyard

ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **39**

Plan Showing Employment Lands in the 4(b) Zone Fronting Industrial Road, Vineyard

oooO END OF ITEM 39 Oooo

ITEM: 40 Vegetation Plan for Planting Requirements for Noxious Weeds**FILE NUMBER:** 79347/EVD/ENF24NCX.V04

REPORT:

At the General Purpose Committee Meeting on 25 March 200, Councillor Sheather enquired as to the possibility of Council asking residents to submit a vegetation plan for planting requirements in relation to noxious weeds.

This report will outline the current practices used by Council in respect to the matter and also discuss a range of options.

Current Practices

The Subdivision Chapter of the Hawkesbury Development Control Plan requires that a fauna and flora assessment report be submitted with the application for subdivision where the proposal is likely to result in any clearing of native vegetation or impact on any environmentally sensitive areas.

The report is to be prepared by a suitably qualified person. The report prepared makes an assessment of the current vegetation onsite and its significance and, in some instances, also addresses the presence of noxious weeds especially in the sensitive vegetation.

Some of the reports make recommendations requiring the removal of the noxious weeds and a weed management plan. The removal of the weeds as recommended in the report is imposed as a condition in the following form:

- (a) Remove the weeds from the sensitive vegetation where this area is proposed to be community land and will be managed by the future residents of the subdivision.
- (b) Create a restriction as to user on the title requiring the future owners to implement the recommendations contained in the fauna and flora report in respect to weed management. This is used where the weeds are located on individual private lots that contain sensitive vegetation.

The restriction can require the future owner to provide the necessary documentation (ie, weed management and landscape plan) with the Development Application for a new dwelling on the proposed allotment.

It is not normal practice to require a weed management and landscape plan to be submitted with an application to erect a dwelling house except where required by the restriction as discussed previously.

There are currently no provisions contained in the Hawkesbury Development Control Plan to require this information.

Hawkesbury River County Council

Council officers have discussed the issue of noxious weeds with the County Council and they do not have any requirements for a vegetation plan for planting requirements. Their main focus is to ensure the removal of noxious weeds under the Noxious Weed Act. They follow a set procedure involving letters and notices being issued to the landowner to remove or stop the spread of the weed.

Options

The options that are available to Council are as follows:

- (a) Amend the Development Control Plan to require a weed management plan and vegetation plan for all developments including dwelling houses where the site has sensitive vegetation or a noxious weed infestation. This may require the applicant to undertake investigations by using a qualified person.
- (b) Amend the Development Control Plan to require the recommendations contained in the flora and fauna report for weed management, in respect to subdivision, be implemented prior to the release of the subdivision certificate, and a restriction be placed on the title to require the future owners to maintain the weed management on the site.
- (c) Maintain the current practices used in respect to dwelling houses and subdivisions.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 40 Oooo

ITEM: 41 **Notification from NSW Health Department regarding Rugby World Cup 2003 activities**

FILE NUMBER: 81252/EVD/ENF24NCX.V03

REPORT:

A letter was recently received from the NSW Health Department's Deputy Director-General, Dr Greg Stewart, informing Council that the Rugby World Cup is to be held in Australia this year in October/November.

It is anticipated that approximately 100,000 additional overseas visitors are expected during this period. While the World Cup will not be as large a spectacular as the 2000 Olympics, it will still place an increased demand on environmental health monitoring auditing resources.

In NSW tournament games will be held at Telstra Stadium, Homebush, Moore Park, North Power Stadium Gosford, and Win Stadium Wollongong. It is also proposed that there will be an establishment of live sites for many games in the CBD. The final ten days from 12 November - 22 November, will see a convergence on Sydney and during this time tourist numbers for the whole of NSW are expected to increase.

The NSW Health Department is asking all Councils during this period to take a proactive environmental health regulatory role in its local area, in consultation with the local Area Health Service, Public Health Unit.

The areas that they have asked Councils to concentrate on are:-

1. Microbial Control (Legionnaires disease) with 500m of venues.
2. Skin Penetration industries, particularly tattooists.
3. Public Swimming Pools, and Spas, associated with accommodation and fitness facilities.
4. Mass gatherings due to the use of live sites for game telecasts and other activities.

The letter also thanked Councils for their continued valuable contribution to the protection of public health.

As it is not expected that any of the mass gatherings will occur within our City, the current level of environmental health control should be sufficient to deal with any increases in tourist activities.

Should Council be informed that there is likely to be a higher than anticipated influx of tourists to our local government area later in the year, then a further report will be prepared for Council, outlining the expected resources required to meet the need.

ENVIRONMENT

Meeting Date: 24 June, 2003

Item: **41**

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 41 Oooo