



# Hawkesbury City Council

## supplementary ordinary meeting business paper

date of meeting: 15 November 2005  
location: council chambers  
time: 5:00 p.m.



**ORDINARY MEETING - Supplementary**

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**ORDINARY MEETING - Supplementary**

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**Meeting Date:** 15 November 2005

**SUPPLEMENTARY REPORTS**

**Item: 360**                      **CP - Draft Local Environmental Plan 6/03 - Amendment 148 to Hawkesbury Local Environmental Plan 1989 - 6 Ham Street, South Windsor - (79339, LEP6/03)**

**Previous Item:**            23, Ordinary (8 February 2005)

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**REPORT:**

**Introduction**

This report was considered and deferred by Council at its meeting of 8 February 2005. The report was deferred to allow consultation with the State Emergency Services. Advice was received from the SES on 10 May 2005. The purpose of this report is to recommend finalisation of the draft Local Environmental Plan.

**Background**

Council resolved at its Ordinary Meeting of 9 September 2003, to build a new South Windsor Family Centre in Stewart Street near to the subject land. The South Windsor Family Centre will have a purpose built space to house services for families and children, as well as a large community hall to replace the existing hall located at Ham Street.

The existing Ham Street Hall is limited in its capacity to respond to the diverse and increasing needs of the residents of South Windsor and surrounding areas. It is not wheelchair accessible, has limited storage facilities and is located on a small block surrounded by medium density housing. Hours of operation are restricted due to noise issues. While the existing Ham Street Hall site has served the community for a number of years, its limitations have, and will continue to, reduce its use and effectiveness as a community meeting space.

**Proposed Rezoning**

In light of the above, it is proposed to rezone Lot 11, DP 759096, No.6 Ham Street, South Windsor from Special Uses 5(a) - Community Purposes to Housing, to enable future residential development to occur on the land once the hall has been decommissioned.

**Section 62 - Consultation with Government Agencies**

The draft local environmental plan was referred to the following Government Agencies for comment and requirements:

- Australian Gas Limited
- Environment Protection Authority
- Integral Energy
- Roads and Traffic Authority
- Telstra
- Sydney Water
- State Emergency Service

A reply was received from Sydney Water who raised no objection to the rezoning and provided advice regarding their requirements for the future development of the land (e.g. Section 73 Compliance Certificate, Basix, etc.).

The SES advice was received on 10 May 2005 noted the constraints on flood evacuation in South Windsor but also noted that the Ham Street situation is a case of a small and clearly one-off rezoning. The SES recognises the net benefit to the community that will be realised by the proposal and has no reason to either oppose or modify the draft plan.

**Exhibition of the Draft Local Environmental Plan**

The Draft Local Environmental Plan was exhibited from Wednesday, 10 November to Friday, 10 December 2004. No submissions to the rezoning proposal have been received.

**Finalisation of the draft Local Environmental Plan**

The draft plan has been referred to Parliamentary Counsel (PC) who have advised that the plan can be legally made. In this regard, PC have consolidated Amendment 148, Amendment 130, Amendment 139 and Amendment 108. The combined Amendment is known as Amendment 108 and is ready for finalisation and gazettal.

It is therefore recommended that the draft Local Environmental Plan (Amendment 148) to rezone Lot 11, DP 759096, No.6 Ham Street, South Windsor from Special Uses 5(a) - Community Purposes to Housing proceed and be prepared for finalisation and gazettal.

**RECOMMENDATION:**

That:

1. The draft Local Environmental Plan (Amendment 148) to rezone Lot 11, DP 759096, No.6 Ham Street, South Windsor from Special Uses 5(a) - Community Purposes to Housing proceed.
2. Council exercise its delegation in respect of Section 69 of the Environmental Planning and Assessment Act 1979.
3. The draft Local Environmental Plan be forwarded to the Department of Planning for finalisation and gazettal

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

Item: 361      IS - London Plane Trees in Chapel Street - (79346, 83026, 1955, 1953, 1954, 83234, 92490)

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**REPORT:**

Following a complaint in May 2005 about dead branches falling and damaging the fence of 12 Chapel Street, Richmond an inspection was undertaken by Council's Arborist, which identified major structural defects not only in the two London Plane trees outside 12 Chapel Street but also in two trees outside 14 Chapel Street.

Due to the London Plane Trees being listed as having local heritage significance, an independent report was commissioned to look at the structural integrity of these four trees. The report by Treescan, received on 3 November 2005, confirms that all four trees have major structural defects and should be removed. The report is attached for your information.

The report indicates that two of the four trees could, as an alternative, be severely lopped to approximately six metres and then managed appropriately. This option is subject to further investigation with regard to dry rot within the main trunks. This process would only allow for their retention for a few years and have ongoing problems with regrowth.

During a storm, on 11 November 2005, a dead branch fell from one of the trees outside 12 Chapel Street, damaging the new veranda and cutting the power supply to the house. This tree is one of the trees that Treescan gives an option of lopping.

The report in conclusion states:

*"These four trees have now succumbed to multiple adverse factors: Poor soil conditions, wounding by lopping, damage to root systems, fungal invasion and over maturity. They are now hazardous and should be removed, since there is a real risk of damage or injury. An attempt could be made to retain two trees in greatly reduced form, with a consequent maintenance requirement. However, the retention would be short term and would hinder plans for re-planting".*

Under Australian Standard 4373 - 1996 Pruning for Amenity Trees, lopping is not a recommended practice. Lopping is not a practice Council Staff use nor allow through the Tree Preservation Order. The reasons for this is that lopping creates structurally weak regrowth, which could result in future damage. It is Council's Arborist opinion that these two trees should not be lopped but removed in their entirety.

Due to the trees history, Treescan's report, the trees being in a high traffic area and the potential damage that the four trees pose to private property, it is considered that the trees be removed as soon as possible. Should the trees be removed it is recommended that they be replaced with semi advanced London Plane trees to keep with the historic avenue of trees within Chapel Street. Appropriate root barrier would need to be installed as part of the planting process.

**Conformance to Strategic Plan**

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Objective: Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".*

**Funding**

Funding will be provided from the Street Trees budget.

**RECOMMENDATION:**

The four trees adjacent to N<sup>os</sup> 12 and 14 Chapel Street be removed and replaced with semi advanced London Plane trees. The appropriate root barrier be installed as part of the planting process.

**ATTACHMENTS:**

**AT-1** Treescan Urban Forest Management's Tree Report - (*Distributed Under Separate Cover*)

**oooO END OF REPORT Oooo**

**SUPPLEMENTARY CONFIDENTIAL REPORTS**

**Item: 362**            **SS - Documents for Execution Under the Common Seal of Council - Clarendon Cafe - (1739, 96894, 95496)**

**Previous Item:**        266, Ordinary (30 August 2005)

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**Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*





ordinary  
meeting

end of  
supplementary  
business  
paper

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