

H A W K E S B U R Y S H I R E C O U N C I L

B U S I N E S S P A P E R

GENERAL PURPOSE COMMITTEE MEETING - TUESDAY, 8TH SEPTEMBER, 1987.

HAWKESBURY SHIRE COUNCIL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DEVELOPMENT APPLICATIONS - HEADS OF CONSIDERATION UNDER SECTION 90

Section 90 of the Act provides that a consent authority shall take into consideration the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument;
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b).
 - (iii) any draft State environmental planning policy which has been submitted to the Minister in accordance with Section 37 and details of which have been notified to the consent authority; and
 - (iv) any development control plan in force under Section 72, applying to the land to which the development application relates;
- (b) the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;
- (c) the effect of that development on the landscape or scenic quality of the locality;
- (d) the social effect and the economic effect of that development in the locality;
- (e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;
- (f) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
- (g) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;
- (h) the relationship of that development to development on adjoining land or on other land in the locality;
- (i) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;
- (j) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;

- (k) whether public transport services are necessary and, if so, whether they are available and adequate for that development;
- (l) whether utility services are available and adequate for that development;
- (m) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (m1) whether the development is likely to cause soil erosion;
- (n) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;
- (o) the existing and likely future amenity of the neighbourhood;
- (p) any submission made under Section 87;
- (p1) without limiting the generality of paragraph (a), any matter specified in an environmental planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application;
- (q) the circumstances of the case;
- (r) the public interest;
- (s) any other prescribed matter.

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ITEM 2: (File DA 181/87)

CORRESPONDENT: - - - - -

SUBJECT: "THE ISLANDS" - PROPOSED TOURIST DEVELOPMENT AND
RURAL/RESIDENTIAL SUBDIVISION

- The following letter has been received from me.*
- 11 At its Meeting of 12th May 1987, in relation to the proposed rezoning of "The Islands" property and its development as a tourist facility, and for rural/residential subdivision, Council resolved:

- 4 "That the application be referred to the Department of Environment and Planning for the issue of a Section 65 Certificate.

That upon receipt of a Section 65 Certificate the rezoning application and the Development Application be advertised concurrently. Further that the assessment of the Development Application proceed so that Council is in a position to consider the Development Application as soon as the rezoning is gazetted."

Subsequent to this resolution a draft local environmental plan document was prepared and forwarded to the Department of Environment and Planning with a request for a Certificate pursuant to Section 65 of the Act to enable public exhibition of the draft plan. The draft plan submitted included a written statement and map as required. The map is on display at this meeting. The written statement is as follows:-

"Citation

1. This plan may be cited as 'Hawkesbury Local Environmental Plan 1984 (Amendment No. ...)'".

Aims, objectives, etc.

2. The aims and objectives of this plan are:

- (a) to enable the development of the land to which the plan applies for the purposes of an integrated residential, tourist, and sporting community;
- (b) to enable the provision of substantial escarpment land to be dedicated free of charge to the National Parks and Wildlife Service apart from survey and legal costs.

Land to which plan applies

3. This plan applies to land known as "The Islands" situated at Kurrajong Heights in the Shire of Hawkesbury, as shown by distinctive edging and lettering of the map marked 'Hawkesbury Local Environmental Plan 1984 (Amendment No. ...)' deposited in the office of the Council of the Shire of Hawkesbury.

Relationship to other environmental planning instruments

4. This plan amends Hawkesbury Local Environmental Plan 1984 in the manner set out in Clause 5.

Amendment of Hawkesbury Local Environmental Plan 1984

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5. Hawkesbury Local Environmental Plan 1984 is amended

- (a) by inserting in the definition of 'The Map' in Clause 4 after the last words occurring in that definition the words 'Hawkesbury Local environmental Plan 1984 (Amendment No. ...);
- (b) by inserting in Schedule 13 after the last words occurring, the following, 'Lot 1 DP 184741 and Lots 181 & 182 DP 70197 known as 'The Islands' at Kurrajong Heights and, as shown by distinctive edging on the map marked 'Hawkesbury Local Environmental Plan 1984 (Amendment No. ...) deposited in the office of the Council' - an integrated residential, tourist and sporting community comprising of a hotel, country club, health farm, equestrian centre, sports complex including a golf course and club house and 200 rural/residential lots and the provisions for separate title for each of these providing that:-
 - (i) the land to be subdivided for residential purposes does not exceed, in number, a total of 200 with approximately 140 lots on that area of the property known as "Middle Island" and approximately 60 lots on that area known as "Little Island" with a minimum area of each lot of 2000m² and a maximum area of 5000m² and that development only takes place on Little Island after development on Middle Island is completed.
 - (ii) that part of the land indicated as zone 6(d) being transferred free of cost to the National Parks and Wildlife Service subject to the Service paying for all survey and legal costs associated with the transfer.
 - (iii) the existing fire trails over the land indicated in (ii) above have created thereon a right-of-way in favour of the owners of development on the remainder for the purposes of bush fire mitigation.
 - (iv) the Council is satisfied that adequate measures are proposed in any development of the land to mitigate the likelihood of start of bushfires.
 - (v) a buffer area, to the satisfaction of Council, is provided along the southern boundary of Big Island Creek within the land.
 - (vi) that area of the property known as 'Big Island' is only developed for the purposes of a golf course and club house."

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The Department of Environment and Planning on 3rd August, 1987, issued the Section 65 Certificate along with the following letter:-

"I refer to Council's letter of the 26 June, 1987 requesting the issue of a Section 65 Certificate for this Draft Local Environmental Plan. I also refer to the Department of Environment and Planning's letters to Council of 9 March, 28 April, and 11 May 1987. These letters set out in some detail the conditions under which the Director would be prepared to consider issuing a Section 65 Certificate for the above development.

After consideration of a report by the Department, the Director of Environment and Planning has:

- (i) agreed, pursuant to the provisions of section 74(2)(b) of the Environmental Planning and Assessment Act, 1979, that the provision of sections 57 and 61 of the Act need not apply in connection with the subject draft plan;
- (ii) certified, pursuant to the provisions of section 65(1) of the Act, that the draft local environmental plan submitted in respect of the subject land may be publicly exhibited in accordance with section 66 of the Act; and
- (iii) directed, pursuant to the provisions of section 66(d) of the Act that Council exhibit all details of the proposed development.

Whilst the Section 65 Certificate has been issued there are a number of matters which require further clarification and must be resolved before the final submission is made to the Minister recommending that the Plan be made.

Clause 5(b)(iii) of the Draft Local Environmental Plan provides that existing fire trails over the land indicated as being transferred to the National Parks and Wildlife Service have created on them a right-of-way in favour of the owners of the development on the remainder for the purposes of bush fire mitigation.

In my letter to Council of 11 May, I indicated that I believed that matters related to rights-of-way should be negotiated between the Developer and the National Parks and Wildlife Service. I remain of the view that these are not matters for inclusion in a Draft Local Environmental Plan.

Clause 5(b)(v) of the Draft Local Environmental Plan provides that a buffer area to the satisfaction of Council is to be provided along the southern boundary of Big Island Creek. In my letter of 9 March, this was specified as one of the features which the Department would wish to see incorporated in any new Draft Local Environmental Plan. Whilst the letter is not specific on this question it is my view that this buffer should be zoned Open Space.

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I consider that the area of Big Island which is to be developed as a golf course should also be zoned Open Space, with a Clubhouse being permissible in this area.

As you are aware the nature of this proposal has changed since the original consultations pursuant to Section 62 of the Environmental Planning and Assessment Act were carried out. The proposal now incorporates elements which were not included in the original Draft Local Environmental Plan and therefore Council will need to further consult with the relevant State Agencies, particularly the M.W.S. & D. Board, and the Soil Conservation Service and have regard to their comments in finalising the Draft Local Environmental Plan. It should also be pointed out that the Draft Plan has not yet obtained the final clearance of the Parliamentary Counsel which will be forthcoming in the near future and any changes required by the Parliamentary Counsel will also need to be incorporated in the Plan finally submitted for Ministerial approval.

If you have any further enquiries, please do not hesitate to contact me.

Yours sincerely,

(Signed)
G. Kibble,
Assistant Director."

The matter falls within two broad categories of development and two categories of statutory processing. The development being those of the tourist component and of the rural/residential subdivision. The statutory components are those of the Local Environmental Plan and of the Development Application.

Present zoning controls under Council's Planning Scheme, Hawkesbury Local Environmental Plan 1984, permit the tourist component with Council's consent as a "tourist facility". The definition of "tourist facility" as defined in the Environmental Planning and Assessment Model Provisions 1980 (as amended) is as follows:-

"Tourist Facilities" means an establishment for providing holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.

Council is referred to the penultimate paragraph in the DEP's letter of 3rd August, 1987, where it is indicated that any changes required by Parliamentary Counsel of the draft LEP will need to be incorporated in the Plan. A meeting has been held with Parliamentary Counsel who has advised that, inter alia, there is no need in the draft LEP to make reference to the tourist component of the development as such is an allowable use with Council's consent. Other minor amendments were suggested.

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Council's resolution of 12th May, 1987, was carried out with the matter being advertised in the Hawkesbury Gazette on 12th August and 19th August, 1987 and inviting submissions. In addition, the proposal was again referred to the M.W.S. & D.B. and the Soil Conservation Service, as required by the DEP.

The M.W.S. & D.B. have reiterated that the proposal will not be serviced by them and that any water supply will be as required by Council and the relevant state authorities. The Soil Conservation Service has indicated a major concern with the overall extent of the proposal, i.e., the tourist facility and the 200 lot subdivision, with the subdivision being their greatest concern. In this respect, they request that a study be prepared, prior to the subdivision proceeding, to address, inter alia, matters of soil erosion and land clearing. Such a requirement can be written into the LEP document if proceeded with.

Responses were received from the following persons:-

Mr R Vermeulen, Kurrajong; Mr B R and Mrs A L Raftl, Kurrajong; Mr R Donnan, Kurrajong Heights; Ms R Viggers, Kurrajong Hills; Mrs B Maguire, Kurrajong Hills; Mr J B Jagoe, Kurrajong Hills; Mr R Rees, Penrith; Mr P J and Mrs H A Miller, Kurrajong Hills; Mr I T McEwan, Kurrajong; Mr J Stafford, Kurrajong Heights; Mr I W Seton, Kurrajong Hills; Mr L and Mrs V Lawson, Kurrajong; Mr E Watts, Kurrajong Hills; Ms M Rennison, Sydney; Mr R and Mrs L Dumbrell, Kurrajong Hills; Ms N Godfrey, Kurrajong Heights; Mr L M Donald, Kurrajong Heights; Mr L M and Mrs J R Ryan, Kurrajong; Mr J Bost, Kurrajong; Mr H A Bell, Kurrajong; Mrs B M Suters, Kurrajong Hills; B M Ward, Kurrajong Hills; Mr P Suters, Kurrajong Hills; Mr W Bean, Kurrajong; Mrs J Bean, Kurrajong; Mr R W Nash, Kurrajong; Mr R Maguire, Bowen Mountain; Mr P G and Mrs A T Drew, Kurrajong; Ms K Kalen, Kurrajong; L, J and J Carrucan, Kurrajong Hills; Mr G and Mrs J Zeuschner, Kurrajong; Petition containing 27 signatures; Messrs G T and P F Miller, Kurrajong; Mrs D Payne, Kurrajong; 2 letters illegible signatures; Mr P De Villamont, Kurrajong; Mrs M Ingersole, Kurrajong; Mrs D Doberer and Messrs S Worrad & T Smith, Kurrajong; Mr P and Mrs L Hulbert, Kurrajong; Mr H R Holt and Family, Kurrajong Hills; Mr R Aldrich, Kellyville; Ms J Dumbrell, Kurrajong; Mr D Buckett, Kurrajong; Mrs R Bost, Kurrajong Hills; Mr D I Bost, Kurrajong; Mr J Torv, Kurrajong; and Mr. K. Rozzoli, M.P.

Of these 40 indicated an objection, and 8 indicated support, including the supporting petition of 27 signatures. Of those objecting some qualified their objection by indicating that if certain conditions were imposed, etc. ... that their objection could be discounted or at least lessened.

Points raised as objections include the following:-

- increase in value - consequent increase in rates; inadequate access; traffic congestion; inadequate water supply; pollution of creek system; noise pollution; affect on fauna and flora; fire danger; despoilation of environment; rubbish, garbage; Riverstone Meatworks land more suitable; excessive land clearing; promotes undesirable horse riding; will cause streams to stop downstream; subdivision size should be 4 ha. not small lots; precedent set for similar type

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proposals; everybody should be allowed to subdivide; isolation; no nearby schools; slum area if development not completed; feral cats and dogs; hotel out of character; road system inadequate; inadequate access to Hermitage Road; dangerous single lane bridge on Hermitage Road; proposal premature given the DEP's escarpment study currently in progress; nutrient and herbicide run off from golf course; isolation from reliable transport; sedimentary deposition; ruin rain forest; financial burden on ratepayers; spot zoning approach - would be better incorporated into new plan; inconsistency of DEP in supporting this and not Diamond Hill; failure to obtain an EIS; Kurrajong reservoir is already at full capacity; tourist potential not proven; proposal against the aim, objectives of the Environmental Planning and Assessment Act; no proper consultation with relevant public bodies; the DEP has acted in haste in providing Section 65 Certificate; subterfuge for 200 lot subdivision; terrain not suitable; increase rate burden.

Points raised in support include the following:-

- present availability of 100 acre lots would destroy property; road upgrading will benefit all locals; innovative development; economic generation; creates employment; dedication of escarpment is applauded; tourist development needed; developers ability to fund fire support will be a plus to locality.

Council is in a position of being able to determine the Development Application and considering whether to further support the Draft Local Environmental Plan.

The Development Application comprises documentation including plans, architectural impressions and a report from consultants on the water supply for the proposal. The Development Application also relies on relevant documentation submitted with the previous proposal by Hoffah Development and Construction. This documentation included reports by consultants on roads, traffic, drainage, waste water and sewerage, fire, and flora and fauna. The development application that is before Council is seeking approval for the following:

"The proposal consists of a tourist recreational resort with the following elements:-

A 200 room hotel on three floors with associated bar, lounge, convention and dining facilities. The hotel has been sited in the existing clearing near the present residence to take advantage of the views and minimise the impact on the environment. The existing cleared area will be landscaped to provide a park like setting for the hotel and country club, the dam in this clearing will be enlarged to form a lake.

A country club with licensed facilities including bars dining room and lounge.

Tennis courts and swimming pool adjacent to the hotel and country club.

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Parking for up to 300 cars screened with landscaping.

A health management centre incorporating health testing facilities, a gymnasium, hydrotherapy, a squash court, spa and sauna.

A small sports complex on Little Island with tennis courts, a swimming pool, gymnasium and squash court.

An 18 hole golf course with a clubhouse. This will be the only development on Big Island in keeping with the need to conserve the landscape of this part of the site. A generous buffer strip has been left between the golf course and the adjacent national park boundary."

Section 90 of the Act specifies those matters that should be considered by Council in its determination of the Development Application. In relation to this Section Council is advised as follows:-

- Hawkesbury Local Environmental Plan 1984 permits the proposal with consent as a "tourist facility";
- The DEP in conjunction with the relevant Councils are in course of preparation of a study on the Blue Mountains Escarpment. This document is not to be a regional plan but will be a document to guide Councils on their management of the escarpment. The document does nothing to hinder the proposed development and, in fact, the dedication of the western escarpment would appear to back up the document;
- Council's revision of its Planning Scheme, soon to be placed on exhibition, provides that the land be contained in an environmental protection area. The proposal, if properly designed and managed, does not conflict with such a zone;
- The development will obviously change the property irrevocably in the area of the development. Any harm likely to be caused by this change can be reduced by the imposition of suitable conditions. The main areas of concern, e.g. pollution and effect on water flow, etc., will be the subject of statutory licensing. The State Pollution Control Commission and Soil Conservation Service will impose stringent conditions on all works;
- The landscape and scenic quality will be altered, however, the majority of development will be on the cleared plateau area, which area is not greatly visible from surrounding areas due to topography and vegetation;
- The proposal will have a social effect on the locality. The extent of this effect is difficult to quantify. Some persons will maintain that their enjoyment of the locality is ruined due to the increase in density. Others would contend that the proposal has a positive social effect in that it will cause upgrading of road facilities;
- The economic effect of the proposal can only be seen in a positive light. It will create employment and assist in visitor expenditure in the Shire and Region;

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- The character and location, etc. of the development is obviously in conflict with surrounding land in that it does not conform with surrounding land uses. The design and siting of the facilities are, however, sufficiently removed from property boundaries so as to not cause intrusion;
- The land comprising of some 2000 acres is considered adequate to properly contain the development;
- The land is in a high bush fire risk area. The tourist facilities in building form are generally in the cleared plateau area which has been used as the fire haven on the site in past fires. Location coupled with proper contingency methods are considered to be satisfactory;
- Access to the site is presently not satisfactory. Such will be required to be substantially upgraded including Hermitage Road external to the site. Such upgrading is considered adequate to cater for the traffic volumes expected from the proposal;
- Public transport is not available and is not required;
- Electricity and telephone are available with augmentation. Water from the M.W.S. & D.B. is not available and any water supply envisaged will be required to be satisfactory in terms of quantity and quality;
- Landscaping is to be covered as a condition of consent. No proposals are made at this stage;
- The development, if not properly carried out, including on going management, is likely to cause soil erosion. Methods will be imposed by the Soil Conservation Service as a condition of their licence to ensure proper management;
- The Council has consulted with, inter alia, the Soil Conservation Service, M.W.S. & D.B., Prospect, National Parks and Wildlife Service, Department of Agriculture, Department of Water, Department of Health, Traffic Authority. None of these authorities have indicated that there is anything within the proposal such as to warrant refusal, although almost all have indicated their concern and have indicated stringent conditions that would be imposed on any application for licensing, as is required;
- The proposal is not "designated development" and an Environmental Impact Statement is not statutorily required;
- Wheel chair access will be required to the buildings as part of subsequent building applications;
- The public interest is as indicated in the precis of submissions.

This development will provide permanent employment for 72 persons. Additionally, the rural/residential component is estimated to provide for a further 20 employment positions.

The developer is proposing, as a consequence of rezoning for the 200 rural/residential lots, to dedicate to the National Parks and Wildlife Service all of the western escarpment. This dedication, in addition to the obvious economic generation from the proposal, is considered to be a substantial bonus to the Shire. Obviously those persons who have considered that the proposal will destroy the character of this locality also have a valid argument. However, in this respect, it is considered

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that "The Islands" property is located in such a position that the only physical effect that will be obvious to the majority of surrounding landowners will be the increase in traffic. Other physical effects are believed to be able to be mitigated or negated by the imposition of appropriate safeguards either by way of Council conditions or by way of licensing provisions under other statutory authorities, as is required.

Should Council further support the draft local environmental plan for the 200 rural/residential lots it should be required within the LEP that the subdivision can only take place providing, inter alia, that the escarpment is dedicated to National Parks and Wildlife Service and that there has been either completion of, or at least substantial commencement on works associated with the tourist facility.

Conditions of any consent for the tourist facility should include the substantial upgrading of Hermitage Road. A schedule of works has been prepared by the Shire Engineer as being those works reasonable in the circumstances. These works are estimated to be of substantial cost and will be payable by the applicant. These works, in addition to others in Hermitage Road already planned by Council, will provide for a much improved local road system which in addition to serving The Islands will benefit all local properties in terms of improved access.

The Shire Engineer advises as follows:-

"BRIDGE - BLUE GUM CREEK

5.0m between kerbs and handrails, span 4.0m. Four timber girders, timber deck with longitudinal planks to provide two wheel tracks to accommodate single lane vehicle movement.

Abutments and wing walls in situ concrete founded on local sandstone. Abutment is exposed on west side, but still exhibiting sound condition.

ROAD

Bridge approaches and curve linear alignment provides for a travel speed of around 30 k/h.

Bitumen pavement 4.6m wide consisting of a two coat bitumen seal overlaying up to 150mm of Tennyson shale.

UPGRADING

Considerable problems are evident in providing a bypass for the bridge but on the basis of the proposal for the upgrading, it will be required for a minimum time.

It is proposed that the existing alignment and design speed be retained with attention given to improve sight distance on bends

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by benching. Acquisition of land or provision of easements for batter will be required to obtain a sight distance of 50m deemed necessary.

With due regard to the existing topography and reservation width, it is possible to achieve a minimum formation width of 7.0m. This will allow for minimum removal of roadside tree growth which currently contributes to the prolific birdlife in the area.

Pavement strengthening will be necessary to withstand the additional traffic and vehicle loads, and it is proposed that subsoil drains be provided on both sides of the formation to avoid saturation of the pavement material. A full width gravel pavement is desirable. Details of pavement strengthening should be subject to refinement following testing to determine overlay design.

It is proposed that the existing pavement be lightly scarified, an additional 150mm of approved gravel overlaid with 300mm thickness of gravel on the widened section. Pavement sealing 6.2m wide to provide adequate lane width for vehicles to pass in safety and comfort. This work is to extend from the Mountain View Close intersection to the first curve to the south of the Douglas Farm Road intersection. The road is then along the ridge where there is improved drainage conditions."

Other conditions should include fire management, erosion, internal roads and drainage etc. Matters of water supply and runoff have been addressed in the submissions made by the Soil Conservation Service and the State Pollution Control Commission. These provisions require licensing, which licensing will not be forthcoming if satisfactory methods are not proposed to the satisfaction of these authorities.

The applicant, thus far, has expended in excess of \$700,000 in consultant's fees and other costs associated with the proposal. It is understood that the overall development of the project is estimated to cost some \$35,000,000 with the first stage of tourist development being estimated at \$12,500,000. The proposal falls within the State Government guidelines for receiving priority processing both within Council and the DEP.

The Council is committed to enforcing the Shire's attraction as a tourist area. This proposal is seen as being a significant step in line with such a commitment.

Recommendation

- A. That the proposed development of a "tourist facility" over land being lots 181, 182 DP 701979 and Lot 1 DP 184741 and known as "The Islands" off Hermitage Road, Kurrajong, be approved subject to the following conditions:-

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1. Submission of a Building Application, plans and specifications complying with Ordinance 70.
2. An onsite area for parking and loading is to be provided that is commensurate with the development of the site and its surroundings, to the satisfaction of the Shire Planner, and is to be of a suitable all-weather construction to the satisfaction of Council's Engineer.
3. An approved physical barrier being provided between public places, vehicle accessways, parking areas and the surrounding landscaped area.
4. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
5. Provision of satisfactory vehicular access to the land to the requirements of Council's Engineer.
6. No advertising structures to be erected, displayed or affixed on any buildings or land without the prior approval of Council under Ordinance 55 of the Local Government Act
7. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Shire Health Surveyor.
8. A detailed plan of landscaping to be submitted and approved by Council prior to the approval of the Building Application, with landscaping to be completed prior to occupation of the building.
9. Exterior surfaces of the proposed structures being painted or treated with a dark toned non-reflective material in such a manner as to cause the structures to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of Council's Health Surveyor prior to occupation or use of the buildings.
10. Provision of toilets in accordance with the requirements of Ordinance 44 of the Local Government Act.
11. Any building to be used for the purpose of storage and sale of food shall be constructed in accordance with the requirements of the Pure Food Act and Regulations.
12. The construction and maintenance of all internal roads drainage and bridge structures to a suitable all weather sealed surface to the satisfaction of the Shire Engineer. Such roads shall not proceed until a design showing both longitudinal and cross sections has been prepared after prior consultation with the Shire Engineer.
13. The provision of a potable water supply and its volume to the satisfaction of the Shire Health Surveyor with reticulation construction to the satisfaction of the Shire Engineer. Design of such a system is to be submitted prior to the commencement of any works and are to follow initial discussions with the applicant, Shire Health Surveyor and Shire Engineer.
14. The disposal of all waste water to the satisfaction of the Shire Health Surveyor and Shire Engineer. Plans of the method of disposal are to be submitted prior to the commencement of any works and are to follow initial discussions with the applicant, Shire Health Surveyor and Shire Engineer.

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15. No land is to be cleared as a result of this approval without consent of Council by way of its Tree Preservation Order as administered by the Shire Engineer. A detailed plan of proposed clearing is to be prepared and should indicate all areas of clearing in relation to all works associated with the development including roads, tracks, car parking, bridges, golf course, dams and all buildings.
16. A fire contingency plan shall be prepared and shall be to the satisfaction of the Shire Engineer and Shire Health Surveyor. Such plan shall cover both bush fire and domestic fire situations and shall be submitted after consultation by the applicant with Council's Fire Control Officer and Shire Health Surveyor.
17. The final external design and materials including their colours and textures shall be as approved by the Shire Planner in consultation with the applicant.
18. The buildings shall include noise attenuation within their design as required by the Shire Health Surveyor to minimise the escape of objectionable noise from the premises.
19. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, (as amended) the applicant is to carry out works to Hermitage Road to provide for its upgrading commensurate with traffic usage likely to be generated by the development. Such works are to be to the satisfaction of the Shire Engineer and are to be in accordance with the following:-

Widening of the bridge over Blue Gum Creek to 7.0m with replacement of the existing timber deck in steel and concrete to provide for two way traffic.

Upgrading of Hermitage Road from Mountain View Close, i.e., commencement of the new access road through to the southern end of the curve in Hermitage Road to the south of Douglas Farm, Road that is for a distance of 1.6km, to provide for a sealed pavement 6.2m wide with minimum formation of 7.0m widened at curves with the gravel pavement to extend 0.3m outside the bitumen pavement.

Subgrade drainage be improved by installation of a sub-soil drain located longitudinally along both sides of the pavement.

20. The applicant is advised that licensing and/or approval may be required from the State Pollution Control Commission, Department of Water, Department of Health, the Soil Conservation Service, National Parks & Wildlife Service under their various Acts and Ordinances. The applicant is to consult with these bodies and evidence of their satisfaction shall be produced to Council prior to the commencement of any works.
21. The applicant is to consult with Prospect Electricity and Telecom concerning their supply of utilities. The applicant

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is advised that, subject to comments received from these authorities, that the reticulation may be required to be by way of underground easements in certain areas. Such will be determined after consultation with these authorities and Telecom and having regard to the amount of land clearing etc. that each option may require.

- B. That the draft local environmental plan and draft local environmental plan map be altered by deleting all reference to the tourist facility component and that it be re-written and resubmitted to the Department of Environment and Planning, pursuant to Section 68 of the Act so that it will enable Council to permit a 200 lot rural/residential subdivision provided that:
1. The western escarpment of the land is dedicated to the National Parks and Wildlife Service;
 2. The tourist facility, as indicated in A above is either complete or has been substantially commenced to Council's satisfaction;
 3. The document contains a clause requiring that Council shall be satisfied prior to issue of consent as to traffic management, soil erosion and pollution.

G. Falson
Shire Planner