

GENERAL PURPOSE COMMITTEE MEETING - 26TH MARCH, 1991.

SUPPLEMENTARY REPORT

SECTION 2 - PLANNING AND DEVELOPMENT

ITEM 28: (File DA 393/89)

SUBJECT: AURORA MEANDER SCHOOL - LOT 1 DP 204940
MOUNTAIN AVENUE, YARRAMUNDI

REPORT (M.T.P.)

Council is referred to Item 27 of the Planning and Development Section in this Business Paper.

Mr and Mrs Matheson's objection is now reproduced, in part, below:

"When Council first passed the plans for the school both they and the school acknowledged noise would be a problem to the adjoining neighbours but Aurora Meander assured everyone that no buildings adjacent to the neighbouring properties would be used as classrooms and noise would be kept to a minimum.

The subject of noise was again raised at a meeting of all Councillors on site and again they were assured that no buildings other than those proposed in Aurora Meander's original submission would be used as classrooms. In their request to use the weather shed as a classroom, Aurora Meander again clearly stated it would only be for a period of 12 months, now they want to use it as a permanent classroom.

The area adjacent to our property is now used as a playground simply because it is outside of the 'temporary classroom'. Noise levels have increased significantly. On a number of occasions Aurora Meander told both us and the Council that this area was to be used for gardening and no noise would be created from the area.

The rules seem always to be changed in Aurora Meander's favour. The layout of the school is now completely different from what was originally proposed
...

I therefore ask the Council not to delete the word 'temporary' from the school's request to use the weather shed as a temporary classroom but rather have them make some attempt to adhere to the original proposals which they have assured Council they would do and at the same time reduce noise levels for adjoining neighbours."

Aurora Meander School has advised that the two new classrooms and amenities block will be located towards the rear of the property, as originally proposed. Although it is anticipated that these new buildings will be completed by the end of September, 1991, there is a concern that the temporary classroom may continue to be used for this purpose.

Accordingly, if the weather pavilion is to be used as a permanent classroom, then the immediate provision of an aerated septic system is considered necessary.

The issue of noise, however, generated by the children particularly when playing outside, needs to be addressed. Whilst the landscaped mound would, to some extent, reduce noise levels, the question of whether this noise is unreasonable and/or unpleasant needs to be considered. This is very subjective and certainly dependent upon other background noise. Given that playground noise would, however, on most occasions, only occur at three times during the day, the provision of the landscaped mound would seem sufficient. The provision of additional noise reduction measures at this stage is not considered necessary, but can be re-assessed at the end of this year, hence the imposition of Condition No.5.

Therefore, the proposal is recommended for approval subject to the conditions, as shown.

Recommendation

That the objection of Mr & Mrs Matheson be received.

ITEM 29: (File DA 43/91)

SUBJECT: VILLA HOUSES - LOTS 10 & 13 DP 801358, IVORY PLACE AND LANGLEY PLACE, RICHMOND - CAVASINNI DEVELOPMENTS PTY LTD

REPORT (M.T.P.)

Council is referred to Item 15 of the Planning and Development Section in this Business Paper.

Thirteen objections have now been received to the above development, which are shown on the attached plan. The following extract from the objections encompasses most of the reasons for objection:

"We each purchased our land on advice from Property 2000 that Mountain View Estate would comprise only 27 x 1000 square metre blocks each restricted to a single, prestige family dwelling. We each purchased our land at prices commensurate with this guarantee and have planned - or proceeded with - quality housing to suit. The introduction of medium density housing will impact on the security, capital growth and attractiveness of our investments.

The cul-de-sacs, Ivory and Langley Place, were planned to service 21 family dwellings. Approval of this application will increase the potential traffic volume by 15-20 percent and, in turn, impact on our families' safety and our domestic peace and quiet.

... We each contracted with Property 2000 to adhere to a series of construction restrictions to safeguard this prestige of the estate. These restrictions detailed such requirements as minimum dwelling sizes, proximity to Castlereagh Road, single storey dwellings on Drift Road, and the like. We understand that Property 2000 may have waived some restrictions in favour of the villa developer.

We would prefer that the number of villas be reduced, that the quality of construction equate to the estate's standards and that each villa be owned by its occupants. At the very least, we would expect that the villa developer conform to the same restrictions that we ourselves face ...

We further ask that these objections be noted for future medium density building applications in the area."

The owner of adjoining Lot 12 also advised that:

"In the plan submitted to Council, the Developer has dedicated the driveway from Langley Place to Lot 13 - to Lot 12 - which is my property. We were not made aware of this and if this is to be the case, certainly we should be approached."

Clause 34 of Hawkesbury LEP 1989 provides that for the purpose of enabling development to be carried out in accordance with the LEP, the operation of any covenant which imposes restrictions on the development, shall not apply. Notwithstanding this, the following comments are made.

The setback to Unit 2 from the proposed alignment of Castlereagh Road following future widening will only be 2.5 metres. Whilst it may be possible to relocate the unit, so a 5m setback can be achieved, the new location is likely to be less desirable in that the rear courtyard and those rooms towards the rear of the unit will be subject to additional noise associated with Castlereagh Road. To some extent, the proposed location provides that the end wall, which contains no openings, will partially act as a noise barrier; and this, together with appropriate fencing and landscaping will reduce traffic noise considerably.

The area of Unit 1, because it stands alone, will only be 116m². This could be overcome by increasing the size of the rooms; however to provide some continuity to the overall development, the need to do this is questionable.

If the access handle to Lot 13 is not consolidated with adjoining land, it is possible that the access handle could create a maintenance problem. In this regard, a condition can be imposed, and whilst the owners of Lot 12 may not wish to buy this land, the owners of Lot 14 may.

Although there is no real on street parking in the vicinity of the site, given the number of driveways located around the cul-de-sac, off street parking has been provided in accordance with Council's Medium Density DCP, with two additional visitor spaces.

Whilst there will certainly be an increase in traffic in Ivory Place, the road system is considered capable of accommodating this extra traffic.

Given that the site has not been developed to its maximum density; each dwelling will be provided with a private courtyard in excess of the 50m² required under Council's amended DCP; and the development will be single storey, the proposal is not considered to be out of character with surrounding residential development.

Drainage is not considered to be a constraint to the development of the site and will need to be provided to the satisfaction of the Manager of Engineering Services.

A detailed plan of landscaping will be submitted with the building application, if the proposal is approved. The concerns of adjoining owners can be considered at this stage.

The noise generated by vehicles using Castlereagh Road will be reduced through the use of appropriate fencing and landscaping.

In regard to the statement that one of the objectors made:

"We were not informed of the resubdivision of these lots nor were we informed of previous applications for other villa home projects",

the following comments are offered.

In accordance with Council's advertising policy, adjoining owners are not notified of any proposed subdivisions.

Council has previously approved seven 3-bedroom townhouses on the subject land (June 1990), and two 2-bedroom villa homes with one 3-bedroom townhouse on Lot 26 in the estate (July 1990). On both occasions, Council sought to advise adjoining landowners in accordance with the advertising policy. However, whilst most of the relevant landowners settled in March 1990, with the transfer of land notices being received by Council at some point after this, Council's computer records had not been updated at the time the letters to the adjoining owners were forwarded. Consequently, in most cases, the lots were still in the name of Property 2000 Pty. Ltd. Further, Property 2000 Pty. Ltd. did not advise any of the new landowners of the proposed developments. Therefore, in both circumstances, no objections were received.

Whilst the concerns raised in the objections are understood they do not alter the recommendation for approval of the proposal.

It would appear that the marketing strategy of Property 2000 has been unfortunate if the impression was given that only single houses would be able to be built.

Letters are being compiled to be sent to Solicitors regularly dealing with Council to remind them that medium density housing is allowable in most residential areas so that they can advise their clients should they think it appropriate.

Recommendation

That the information within the objections be received.

ITEM 30: (File DA 27/91)

SUBJECT: MUSHROOM FARM EXTENSIONS - SALTERS ROAD,
WILBERFORCE - APPLICANT: K KING

REPORT (M.T.P.)

Council is referred to Item 19 of the Planning and Development Section in this Business Paper.

An additional condition is recommended to be included.

Recommendation

That the following condition be included at Condition No 10:-

"The provision of a single coat bituminous reseal to Salters Road from the entrance to the subject site to its intersection with Old Sackville Road to the satisfaction of the Manager of Engineering Services."

ITEM 31: (File DA 33/91)

SUBJECT: TOURIST FACILITY CRAFT STUDIO/TEA ROOM -
BOWEN MOUNTAIN - APPLICANT: M HARTLEY

REPORT (M.T.P.)

Council is referred to Item 7 of the Planning and Development Section in this Business Paper.

Council is in receipt of a petition containing ten signatures objecting to this proposal. The grounds of objection are similar to those previously reported.

Recommendation

That the information be received.



HAWKESBURY AGRICULTURAL COLLEGE

● - OBJECTIONS.