

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM 71: RESIDENTIAL FLAT BUILDING - LOT 19 DP4906 6 TOXANA STREET, RICHMOND - APPLICANT: A KRIKETOS

FILE NUMBER: DA236/94/EVD

Owner: A Kriketos
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1,207.20m²
Zone: Residential 2(c)
Advertising: Adjoining owners, 2 submissions received
Date Received: 25 August 1994

Key Issues:

- , Drainage
- , Existing trees
- , Vehicle manoeuvring area

Action:

Approval

REPORT:

Proposal

To construct a 2 storey residential flat building containing 6 x 2 bedroom and 2 x 1 bedroom flats with 8 carports and 4 visitors car spaces.

Site Characteristics

The subject land is a regularly shaped block with frontage to Toxana Street. The site contained a single storey cottage which has now been mostly demolished. There are flats on the adjoining side lots with flats and a dwelling at the rear. There are several mature trees on the site, all of which are intended to be removed.

Statutory Situation

The site is zoned as Residential 2(c) under the Hawkesbury Local Environmental Plan 1989 and a residential flat building is permitted with Council's consent.

Community Response

The receipt of the application was advised to adjoining owners and 2 submissions have been received. The following is a summary of the submissions:-

- run off water problems from site to 4 Toxana Street
- planning control for development using an outdated 1981 code
- site coverage exceeds 35% for a 2 storey building
- reflected noise from new building, as exists from flats at 4 Toxana Street, will make noise levels from aircraft higher (Doppler Effect)
- design should be changed to an acoustic engineers specific to overcome noise effects
- no mention on plan of existing valuable and mature trees whose removal will give a sunless wasteland
- trees used by thousands of regular migrant birds
- clothes drying lines in wrong place
- system for stormwater at 5 Paget Street could flood 3 Paget Street if proposed flats dam overflow waters

Previous Approval

Approval was given by Council on 21 February 1989 for a similar 2 storey development on the site and development consent was issued dated 21 February 1989. This consent has now lapsed.

Planning Assessment

Character

The proposal involves the erection of a 2 storey building with 2 x 2 bedroom and 2 x 1 bedroom flats on the ground floor and 4 x 2 bedroom flats on the first floor. Eight carports are provided in front of the building, 4 partly under the building and 4 in a separate pitched roofed building, 9m from Toxana Street. Four visitors spaces are provided, one of which is covered.

The building is similar to development on adjoining lots and less in height than some existing residential flat buildings in the Richmond area.

Site Coverage

The maximum site coverage for a 2 storey building under Council's code is 35% and the actual residential flat building covers 27.7% of the site. Including the carports, the site coverage increases to 38.6% but these structures are in the main 1 storey in height. The maximum site coverage for a 1 storey building is 40% under the Code. The design as submitted is considered more appropriate and has less impact than a proposal with all the parking under which is still defined as a 2 storey building under the Code, although 3 storeys in height.

Vehicle Manoeuvring

Minor amendments are recommended to the proposal to improve on site vehicle manoeuvring. These changes are as follows:-

- a) extend paving between carports to southern boundary to increase turning area;
- b) deletion of island at front of carports to improve turning movements;
- c) increase the width of access from Toxana Street from 4.5m to 5.0m for 5m into the site to provide adequate 2 way traffic.

Existing Vegetation

The plans submitted do not include the retention of any of the existing vegetation and the applicant has confirmed verbally that all existing trees are to be removed.

Council's Planning Development Control Officer has inspected the existing trees on the site and recommends that the large Cottonwood Poplar (*Populus Deltoides*) at the centre rear of the site and the medium size Camphor Laurel (*Cinnamomum Camphora*) at the front of the land should be retained. Both trees need some light trimming to control both size and shape and could be included in the overall landscaping of the site. The building line to the carports should be reduced from 9m to 5m to give adequate space to retain the rear poplar tree.

Drainage

To ensure that no drainage problems occur to adjoining developments, all surface water and stormwater is proposed to drain to Toxana Street.

RECOMMENDATION:

That this application be approved subject to the following conditions:-

1. Driveway between the carports and visitors spaces to be extended to the southern boundary to improve the turning area for residents and visitors' vehicles.
2. Removal of traffic island on front of garbage storage area to improve turning space from the access driveway to the carports and visitor spaces.
3. Access from Toxana Street to be widened to 5m wide for 5m inside the site to provide for 2 way traffic.
4. Retention of large Cottonwood Poplar at the rear of the site and medium Camphor Laurel towards the front of the site with both trees included in the overall landscaping plan for the site, full details to accompany the building application.
5. The 2 (two) trees referred to in Condition 4 to be trimmed to control shape and size to the requirements of the Divisional Manager of Environment and Development.

6. Building line to front carports to be reduced from 9m to 5m to give ample space to retain the rear Poplar tree.
7. All surface water drainage to be piped to Toxana Street to the requirements of the Divisional Manager of Engineering Services, full details to accompany the building application.
8. Openings in external walls shall be protected in accordance with Part C3 of the Building Code of Australia. Full details to be provided with the building application.
9. Access from Toxana Street to be generally at right angles to the street and the letterboxes then relocated to the southern side of the driveway.
10. A contribution of \$14,920.00 being a contribution for recreational buildings, park improvements and community facilities as a consequence of medium density development (residential flats, villas, townhouses, dual occupancy etc). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
11. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 5m.
12. The provision of conduit/ducts under new driveways to the requirements of Prospect Electricity, in accordance with Prospect Electricity drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Prospect Electricity.
13. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
14. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels. The existing drainage design submitted with the application is not approved by this Development Consent.
15. Submission of a building application, plans and specifications complying with the Building Code of Australia.
16. No excavation or site works shall be commenced prior to the issue of the building permit.
17. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.

18. The driveway shall be constructed of pavers/earth toned coloured concrete or the like.
19. Submission of a schedule of proposed external finishes including sample materials for Council's consideration and approval in conjunction with the submission of a building application.
20. Screen walls are to be provided to screen open yard activities and are to be of an approved design, details of which are to be submitted with the building application.
21. A common television antenna shall be provided for the development.
22. New boundary fences shall be provided at the applicant's expense. Details to be submitted with the building application. Such fencing behind the building line shall be to a height of 1.8m and at least lapped and capped.
23. 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.
24. 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.
25. The subject development, including landscaping, is to be maintained in a clean and tidy manner to Council's satisfaction at all times and any direction given by Council in this regard is to be complied with forthwith.
26. Provision of a clothes drying area which is to be effectively screened from public roads and reserves; details of screen design and material to be submitted with the building application. Clothes drying are to be located away from the retained rear Cottonwood Poplar tree.
27. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021, to the satisfaction of the Divisional Manager Environment and Development. Details prepared by an accredited acoustical consultant to be submitted for approval with the building application.
28. The development shall be carried out in accordance with Plan No's. K1/88/2, K1/88/6, K1/88/3 dated October 1989.
29. Erosion control measures such as hay bales or geotextile silt traps are to be provided during construction to stop silt, rubbish or debris from leaving the property. Details shall be submitted for consideration prior to the works commencing.

ATTACHMENTS:

AT-1 Site Map

FN:ENB01NAX.V02

****** END OF ITEM 71 ******

ITEM 72: FUNCTION AND RECEPTION CENTRE FOR WEDDINGS, PARTIES AND THE LIKE - ESTABLISHMENT - LOT 2 DP554831 1355 KURMOND ROAD KURMOND - APPLICANT: MR F HENRY

FILE NUMBER: DA216/94/EVD

Owner: Mr F Henry
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Area: 6.666ha
Zone: Rural 1(b)
Advertising: Adjoining owners notified with 24 submissions received
Date Received: 15 August 1994

Key Issues:

- , Amenity
- , Traffic
- , Submissions
- , Objectives of the zone

Action:

Refusal

REPORT:

Council is in receipt of an application proposing the establishment of a function/reception centre at the above property. The development is to take place within an existing dwelling and it is also proposed to erect additions and make alterations to the dwelling to more comfortably accommodate the intended use.

Up to 20 persons are to be employed in respect of the activity which is proposed to operate between the hours of 11.00am to 1.00am the following morning, 7 days per week.

In addition to the 20 persons employed, the function centre will accommodate up to 150 guests.

Car parking for 51 vehicles is to be provided.

Statutory Situation

The proposal may be defined as a place of assembly which is a use permissible with consent under HLEP, 1989.

Under Clause 9(3) of HLEP Council must ensure that development is consistent with the objectives of the zone. Particular attention should be given to Objective (d) which reads as follows:-

- (d) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads.*

Submissions

Adjoining owners were notified of the proposal and 24 submissions were received objecting to the development on the following grounds:-

out of character with the rural/residential nature of the area;
increase in noise;
increase in traffic;
reduction in property values;
inadequate parking;
traffic safety;
water supply;
disposal of effluent;
proposed hours of operation;
visual impact; and
inadequate vehicular entrance and exit.

Planning Assessment

The subject property is an irregular shaped allotment with an area of 6.666ha having frontage to Kurmond Road, Kurmond. The site contains an existing one part two storey brick and tile dwelling which is proposed to be extended and altered to enable its use as a function/reception centre. The dwelling is located 16m from the Kurmond Road frontage and in excess of 40m from the closest adjoining property which is to the east.

Siting and Design

The proposed additions are located at the rear of the dwelling when viewed from Kurmond Road. The additions measure approximately 16m x 12m and are elevated at first floor level. The proposed additions are to be finished in brick and tile whilst extensive use of glass allows patrons expansive views to the east.

As the existing dwelling is setback suitable distances from adjoining properties and Kurmond Road, the proposed additions are considered satisfactory.

Traffic and Parking

Council's Parking Development Control Plan requires parking at the rate of 1 space per 10m² of dining area plus 1 space per 2 employees. This development proposes 208m² of such area and 20 employees, thus requiring 31 spaces. A total of 51 spaces have been proposed. The dimensions and manoeuvrability will comply with Council requirements. Cut and fill has already been undertaken on the property to provide vehicular access to the site. As the property is sloping in nature, further cut and fill would be required to extend the parking and accessways. Soil erosion and sedimentation control should be implemented, if the application were to be approved to minimise soil loss.

The access to the site is located so as to permit adequate sight distance in both directions. Kurmond Road in this section has a speed limit of 60 km/h and the RTA guidelines recommend a minimum sight distance of 120m. The proposal complies with this recommendation.

It is considered that the local road network could adequately cope with the expected additional traffic generated by this development.

Services

Water is to be provided by the on-site collection and storage of rainwater. In addition, an approach has been made to the Water Board to extend the reticulated system to serve the site.

Waste water is to be treated to the requirements of Council and the Environment Protection Authority, with the treated water spray irrigated on the site.

Amenity

The subject property and surrounding area has a rural/residential character being developed with dwelling houses and grazing paddocks. It is considered that this proposal will be out of character with the locality adversely affecting the amenity, particularly by way of noise. Noise will emanate from the reception centre itself and patrons leaving the site. The proposed hours of operation until 1.00am in the morning will further reduce amenity currently experienced. The nature of the area is such that no natural barriers to noise exist and, as a consequence even a small amount of noise will carry to adjoining properties and beyond. Furthermore, noise generated by patrons leaving the site will be virtually impossible to police, yet this noise source has the potential to significantly affect amenity.

The applicant was advised by letter that further justification would be required to satisfy concerns about the potential noise impact. The night time background noise level for the site is likely to be very low and the peak noise levels which would be contributed by the proposed development at nearby residential receptors may well exceed the accepted increment of 5dB(L₁₀).

A preliminary acoustic report has been submitted by the applicant's engineer which concludes that the noise generated within the building can be mitigated. In relation to noise external to the building, the consultant recommends the following:-

vehicular egress be located as far as practical to the north of the block;
hours of operation be limited to 10.30pm on Sundays to Thursdays and 11.00pm on Fridays and Saturdays; and
automatic continuous monitoring of the site with a warning light or message to remind drivers to reduce noise.

It is not considered that the suggested hours of operation will adequately maintain the amenity of surrounding residents. Furthermore, concern is raised that the proposed hours will not be able to be complied with given the hours that weddings and parties finish. In addition, the effectiveness of the automatic monitoring is questioned in regards to the drivers willingness to comply with requests.

Objectives of the zone

It is considered that the proposal will adversely affect the rural character of the locality, particularly by way of noise, and as such, the application does not comply with the objectives of the Rural 1(b) zone.

Conclusion

In conclusion, it is considered that this development will adversely affect the amenity of the area and should be refused.

RECOMMENDATION:

That the application be refused for the following reasons:-

1. The development will adversely affect the amenity of the area, particularly by way of noise.
2. The proposal is not in the public interest.
3. The proposal is contrary to the objectives of the zone.
4. The proposed development is out of character with the locality.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V04

****** END OF ITEM 72 ******

ITEM 73: DUAL OCCUPANCY TWO ATTACHED DWELLINGS - LOT 628 DP260381 85 ANDREW THOMPSON DRIVE, CORNER ROBERTS PLACE, MCGRATHS HILL - APPLICANT: J A ANZINI DRAFTING AND BUILDING SERVICES

FILE NUMBER: DA223/94/EVD

Owner: P & V Barbara
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 551m²
Zone: Residential 2(a)
Advertising: To adjoining owners for 14 days, one submission received
Date Received: 17 August 1994, amended plan received 11 October 1994

Key Issues:

- , Privacy and Overlooking
- , Flooding
- , Character and External Appearance

Action:

Approval

REPORT:

Proposal

To erect two attached dwellings to create a dual occupancy with each dwelling containing 3 bedrooms and the building being 2 storeys in height with garages, laundries, bathroom and covered courtyard on the ground floor.

Site Characteristics

The site is flood liable being below the flood height standard of 16.0m AHD for the area. Contour levels submitted on the application shows 13.6m at the street corner and 14.4m in the north western corner. The floor level of first floor would be approximately 17.0m AHD.

Statutory Situation

The site is zoned as Residential 2(a) under Hawkesbury Local Environmental Plan 1989 and the proposal is permitted with Council's consent. The amended design conforms to Council's Development Control Plan Dual Occupancy/Duplex Housing except that:-

the building line is 6.5m to Andrew Thompson Drive instead of 7.5m, the building line to Roberts Place is 4.5m;
the kitchen is the only living room that faces north; and
no landscaping plan has been provided.

The proposal, being located on flood liable land is contrary to Council's policy of not allowing dual occupancies on land subject to flooding and the access to the site is also flood liable.

Community Response

The proposal was advised to adjoining owners and one submission was received. This objection states:-

- a) infringe on the privacy of the adjoining single residential dwellings
- b) create undue noise
- c) diminish property value
- d) unsatisfactory outlook for dwelling/residents on lot 627 (northern side)

Planning AssessmentCharacter and External Appearance

The proposed building is generally larger than single dwellings in the area, however its two storey construction is not unusual in a flood liable area where habitable floor levels have to be elevated.

Privacy and Overlooking

Some overlooking will occur from the proposed first floor dwellings to adjoining sites however the main living areas face Andrew Thompson Drive which restrict overlooking to generally front yards only.

Flooding

The site is flood liable varying in height between 13.6m AHD and 14.4m AHD. The habitable floor level is approximately 17.0m AHD and conforms to Council's current floor height standard for the area.

RECOMMENDATION:

That this application be approved subject to the following conditions:-

1. Ground floor covered courtyards are not to be converted to habitable floor space and rear courtyard windows to be deleted.
2. A contribution of \$1,738 being a contribution for recreational buildings, park improvements and community facilities as a consequence of medium density development (residential flats, villas, townhouses, dual occupancy etc). This contribution shall remain fixed until 30 June 1995, after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
3. Provision of satisfactory vehicular access to the land to the requirements of the Divisional Manager Engineering Operations.
4. Construction of Council's standard residential footway vehicular crossings to suit the accesses to the site with a minimum width of 3m (three) each.
5. Submission of a building application, plans and specifications complying with the Building Code of Australia.
6. Submission of a schedule of proposed external finishes including sample materials for Council's consideration and approval in conjunction with the submission of a building application.
7. Screen walls are to be provided to screen open yard activities and are to be of an approved design, details of which are to be submitted with the building application.
8. 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.
9. 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.
10. The development shall be carried out in accordance with Plan No. 940601A1, dated 21 October 1994.

ATTACHMENTS:

AT-1 Site Map

FN:ENB01NAX.V06

****** END OF ITEM 73 ******

ITEM 74: ADDITIONS TO SERVICE STATION - LOT 2 DP706131 1255 BELLS
LINE OF ROAD KURRAJONG HEIGHTS - APPLICANT: L & G
GRAHAM

FILE NUMBER: DA125/94/EVD

Owner: Ironpass Pty Ltd & Dunromin
Stat. Provisions: SEPP11 - Traffic Generating Development
 Hawkesbury Local Environmental Plan 1989
Area: 1,408m²
Zone: Business General 3(a)
Advertising: Adjoining owners notified with no submissions received
Date Received: 26 May 1994

Key Issues:

- , Visual impact
- , Car repair station
- , over development of the site
- , impact upon heritage item
- , traffic

Action:

Refusal

REPORT:

Council is in receipt of an application proposing additions to the service station which exists on the site. The application comprises the following:-

- new building to be used as a shop
- concrete forecourt area which is elevated in part
- canopy over forecourt area
- car repair station located underneath the forecourt area
- on-site parking
- relocation of existing fuel pumps

At the General Purpose Committee meeting on 30 August 1994 it was recommended that the application be approved with appropriate conditions and be reported to the Ordinary Meeting on 13 September 1994. At the Ordinary Meeting on 13 September 1994 it was resolved that the application be deferred.

Since the General Purpose Committee meeting on 30 August 1993, 48 letters and one petition containing 6 signatures have been received which are either opposed to the proposed development or express a number of concerns. The objections are generally on the basis of heritage, amenity and traffic. The applicant has submitted 100 letters of support.

Amongst the letters of concern or opposition are submissions from the Hawkesbury Historical Society and the Hon. Kevin Rozzoli MP. Kevin Rozzoli MP has signed the following statement:-

- "1. *There is no need for any such development at Kurrajong Heights.*
2. *The policy of Council ought be to enhance the social and domestic heritage of the Hawkesbury - this development fails to do this.*
3. *The future of the Hawkesbury District in terms of the welfare of its residents and for tourism is best achieved by maintaining and enhancing the unique character of its towns, villages and hamlets. This proposed development is directly opposed to this philosophy.*
4. *Kurrajong Heights has a special character that is widely recognised and loved by the wider population of NSW; it is a character emanating from its historic buildings set in a rural dormitory environment.*

For all the above reasons I do not believe Hawkesbury City Council should consent to the Development Application currently before it for determination."

Statutory Situation

This application is permissible with consent under the provisions of HLEP, 1989.

The existing building is identified as a heritage item within Schedule 1 of HLEP. Consequently, consideration must be given to the impact of this proposal on the heritage item.

The application is required to be referred to the Local Traffic Committee under the provisions of SEPP 11. At its meeting, the Traffic Committee resolved the following:-

"No objection subject to official RTA comments."

The following comments have now been received from the RTA.

"I refer to your facsimile message dated 29 September 1994 and the issues of my earlier reply of 26 September 1994.

It is considered essential that the location of the proposed kerb and gutter in relation to the existing carriageway and road reserve of Bells Line of Road be provided so as traffic safety, especially with regard to turning movements can be assessed.

The Authority also believes that the provision of drainage to the development could be a major problem, and costs to the applicant considerable.

If this was a new development and not a redevelopment of an existing site, it would not meet the Authority's guidelines.

With this in mind the Authority cannot fully support this development and Council should be aware when assessing the application of the potential traffic problems that this development could cause."

Planning Comments

The subject property is a corner allotment with an area of 1,408m² having frontage to Bells Line of Road and Douglas Street, Kurrajong Heights. The site currently contains a service station with 3 dispensing bowsters and a heritage item which contains a post office/shop and a dwelling. Entrance to and exit from the site is informally provided off the road shoulder of Bells Line of Road. The site slopes down from the Bells Line of Road frontage towards the rear of the site and has a total drop of approximately 3.5m. The site contains existing mature vegetation.

Siting and Design

The new building is located behind the existing when viewed directly from the front of the site. The canopy projects from the heritage item towards the east whilst on-site parking is principally at the rear of the site adjacent to the new building. The proposed workshop is located underneath the elevated forecourt with the access off Douglas Street.

The development has a reasonable appearance when viewed directly from Bells Line of Road. The proposed new shop has been sited appropriately and designed to complement the heritage item. The canopy has been designed with a pitched roof and is setback approximately 3.5m behind the heritage item to reduce the impact.

The development is considered to have an unsatisfactory appearance when viewed from Douglas Street and further eastward along Bells Line of Road. This is due mainly to the impact of the canopy and the overall height of the development caused by elevating the forecourt area by up to 3.5m above natural ground level. The retaining wall is located on the property boundary with Douglas Street and it is considered that this will detract from the visual amenity currently experienced in the locality. Furthermore, this will result in development which is in excess of 10.5m above natural ground level. This is considered unsatisfactory.

Impact upon heritage item

The proposed development has been designed to complement the heritage significance of the site. Whilst this has been achieved to a certain extent, the elevation of the development with high retaining walls will detract from the appearance and significance of the heritage building. Further, this development will require the removal of existing vegetation which contributes to the heritage significance of the site.

The Church, Post office/shop and Lochiel house are all heritage items and constitute an important grouping. They are important contributory elements to the village character of Kurrajong Heights and the proposed development will detract from that grouping.

Car repair station

Provision has been made for 1 work bay and six car parking spaces underneath the service station forecourt area, with access via Douglas Street. Douglas Street is a narrow unconstructed lane which services only a couple of lots which are developed for residential purposes. A church, which is also a heritage item is located opposite. It is considered inappropriate to orientate the car repair station towards residences as this activity can affect amenity, particularly by way of noise.

Heritage Advisory Committee Comments

The application was considered by the Heritage Advisory Committee at its meeting on 19 October 1994. The Committee considers that the proposed development is inconsistent with the heritage precinct and that the awning is inappropriately placed and designed, given the heritage significance of the shop/post office.

It was suggested that to provide the necessary integrity to the shop/post office, the awning should be detached from the shop/post office and desirably re-orientated so that the narrower elevation faced the road. The committee also considered that the application was an overdevelopment of the site.

Traffic and Parking

Although this application does not propose additional fuel pumps, the upgrading of the service station and the new shop will result in increased patronage, and thus vehicle movements, to the site. Whilst this is undesirable, the impacts are off set marginally as the opportunity arises to provide on-site parking and formalising access to the site with designated entrance and exit driveways.

The sight distance to the proposed egress coming up the hill (from the east) is approximately 70 metres, about half the recommended sight distance in a 60 km/hr zone. This is mitigated by the uphill grade but is still very limited. There is ample sight distance coming down the hill (from the west) but there is no provision for a passing lane around traffic turning right onto the site.

The car repair station has an unsatisfactory impact upon Douglas Street as it will attract vehicles where currently few appear to exist. The provision of parking within the building is unsatisfactory as vehicles will likely be parked in Douglas Street awaiting access to the workshop and when delivered to the site outside the operating hours. Further, the location of masonry walls along the property boundary will restrict sight distances and safety for vehicles leaving the site. Although an attempt has been made to overcome this by splaying the entranceway, it is still considered unsatisfactory. Finally, access off Douglas Street would require the upgrading of the carriageway which will adversely affect its amenity and character.

Conclusion

In conclusion, it is considered that the development has significant impacts and should be refused.

RECOMMENDATION:

Refusal for the following reasons:-

1. The development has an unsatisfactory appearance.
2. The development incurs significant visual impact upon the heritage item on the site.
3. The orientation of a car repair station towards Douglas Street is unsatisfactory.
4. The location of car parking for the car repair station inside the building is unsatisfactory.
5. The proposal is an over development of the site.
6. The attraction of vehicular traffic to Douglas Street will adversely affect the character of Douglas Street.
7. The upgrading of Douglas Street to provide suitable access will adversely affect the character of Douglas Street and could result in the removal of significant vegetation.
8. The development requires the removal of all significant vegetation on the site.
9. The development is incompatible with the grouping of heritage buildings in close proximity to the site.

As the Committee recommended that the application be approved at its meeting on 30 August 1994, the following conditions are submitted in the event that the application is supported:-

1. The development shall be carried out in accordance with Plan No. 1, 2 and 3, dated 1994.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. The full construction of Douglas Street over the frontage of the site to Bells Line of Road including reconstruction of the road shoulder and any necessary drainage together with the construction of the footway area in earth. Care to be taken to avoid the removal of any tree in Douglas Street.
4. Construction of Council's standard heavy duty footways and layback vehicular crossings to suit the access to the site.
5. Construction of concrete kerb and gutter over the frontage of the site to Bells Line of Road including reconstruction of the road shoulder and any necessary drainage all to the requirements of the Roads and Traffic Authority.
6. All vehicles awaiting service are to be stored on site.

7. All work performed shall be confined within the building.
8. No vehicles associated with the car repair station shall be stored or parked within Douglas Street.
9. The 6 (six) car spaces within the workshop are to be kept available for parking purposes at all times. No work is to be performed on vehicles parked in the parking spaces.
10. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.
11. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels.
12. Construction of road and drainage works are not to commence until three (3) copies of the plan or specifications of the proposed works in Douglas Street are submitted to and approved by the Divisional Manager Environment and Development.
13. A design checking and inspection fee of \$250 must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 31 December, 1994.
14. Prior to commencement of works in Bells Line of Road, all requirements of the RTA are to be met including submission of plans, payment of fees and lodgement of bonds.
15. Drainage to the driveway forecourt shall comply with the requirements of the Environment Protection Authority.
16. Submission of a soil erosion and sedimentation control plan with the Building Application.
17. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council. Any such advertising structure erected or displayed without prior approval will be removed and disposed of at the expense of the advertiser.
18. Adequate and suitable solid garbage/trade waste storage facilities shall be provided on the premises. Separate details indicating the location, type and construction of such facilities shall be lodged with Council concurrently with the building application.
19. No excavation or site works shall be commenced prior to the issue of the building permit.

20. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
21. Submission of a schedule of proposed external finishes including sample materials for Council's consideration and approval in conjunction with the submission of a building application. The development is to be finished in materials which complement the heritage significance of the existing general store.
22. Landscaping shall be carried out in accordance with Plan No. 3 dated May 1994. Such landscaping shall be maintained for the life of the development.
23. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
24. Upgrading of the intersection of Douglas Street and Bells Line of Road to Council requirements.
25. The car parking in front of the existing shop between the kerb and the existing shop, is not approved and in this regard a traffic barrier is to be provided denying access from the Bells Line of Road and the adjoining property to the west. Details to be submitted for consideration with the Building Application.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V08

****** END OF ITEM 74 ******

ITEM 75: MUSHROOM GROWING OPERATION - PROPOSED LOT 12 IN LOT 1 DP507936 NO 124 TIZZANA ROAD, EBENEZER - D TOLSON

FILE NUMBER: DA132/94/EVD

Owner: I & L Dunn
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River
Area: 13.62ha
Zone: Environmental Protection (Scenic) 7(d1)
Advertising: Advertised to adjoining owners with 8 submissions received
Date Received: 1 June 1994

Key Issues:

- , Water Quality
- , Visual Impact
- , Traffic
- , Odour
- , Rural Worker's Dwelling
- , Right of Way

Action:

Approval with conditions

REPORT:

Council is in receipt of an application proposing the establishment of a mushroom growing operation on the subject property.

The development is to be completed in four stages involving the following:-

- Stage 1
 - construction of growing rooms 1 - 9
 - establishment of vehicular access and earthworks
 - water storage
 - parking for 15 vehicles
- Stage 2
 - growing rooms 10 - 18
 - additional parking for 5 vehicles
 - erection of a dwelling
 - tunnel peak heat and spawn room building

- Stage 3
- growing rooms 19 - 27
 - additional water storage
 - additional parking for 10 vehicles
 - additions to peak heat and spawn room building
 - erection of a rural workers dwelling
- Stage 4
- growing rooms 28 - 36
 - additional parking for 10 vehicles making total of 40 spaces

A total of 80 persons, 5 permanent and 75 casual will be ultimately employed.

The development will operate normal business hours however on occasions it will be necessary to extend these to pick the mushroom crop, check plant and equipment and transport the crop.

Statutory Situation

The application is permissible, with consent, under the provisions of Hawkesbury Local Environmental Plan, 1989.

Submissions

Eight submissions have been received objecting to the development on the following grounds:-

- out of character with the locality
- pollution of the river
- removal of spent compost
- odour
- traffic
- visual impact
- noise
- loss of vegetation
- fire

Hawkesbury Nepean Catchment Management Trust

The application was referred to the Hawkesbury-Nepean Catchment Management Trust who have recommended that should Council support the proposal, a deferred commencement approval be issued requiring the following information to be submitted:-

1. a soil erosion and sediment control plan;
2. a vegetation and fauna assessment;
3. a landscape plan;

4. a water management plan that addresses water quality and water quantity, including
 - water quantity required for production
 - water management within production process
 - wastewater treatment
 - stormwater management
 - quality of any discharge
5. a waste management plant; including
 - sewage treatment(houses and workers facilities)
 - supply/storage of compost
 - disposal of compost waste
 - on-site domestic waste
 - plant maintenance waste
6. details of site monitoring.

Planning Comments

The subject property is a regular shaped allotment with an area of 14.3ha having frontage to Tizzana Road, Ebenezer and backs onto the Hawkesbury River. The site is currently vacant.

The frontage to Tizzana Road has been cleared and is relatively flat having been levelled in the past to accommodate a football field. Spectator mounds exist along the eastern and western sides. The rear of the lot along the River is flood affected and has been cleared for grazing purposes. The remainder of the site is covered generally with native vegetation.

This development is located towards the Tizzana Road frontage on land previously levelled and cleared.

The Process

Mushroom growing is undertaken indoors to achieve a controlled climate. Other requirements are mushroom compost, spawn and large quantities of water. The mushroom compost is to be obtained from an existing plant at Mulgrave. The peak heat and spawn stages of composting will be initially undertaken off site however will be incorporated into this development after completion of Stage 2. The water is to be obtained from the Hawkesbury River, supplemented with on-site collection of stormwater.

Visual Impact

This development involves the erection of a number of large buildings, containing the peak heat and spawning rooms and growing rooms. In total, the buildings will cover an area measuring approximately 200m and 110m, with a height of 8m. These structures are set back a minimum of 27m from the Tizzana Road frontage, 20m from the northern boundary and 40m from the southern boundary.

The development is quite bulky and could have significant visual impact in this rural locality. It is considered however that the proposed setbacks are sufficient to enable the provision of dense landscaping which will screen the development. In addition to site landscaping, it is proposed to construct a 3.0m high earth embankment along the Tizzana Road frontage which will also be planted with screening vegetation. Consequently, it is considered that suitable works can be carried out to significantly reduce the visual impact of the development to an acceptable level.

This development will not be seen from the river.

Noise

The applicant has provided a report from an acoustical engineer which has examined the impact of noise generated by the development. This report concluded that the development will not generate noise that cannot be mitigated. Suitable conditions can be imposed in this regard.

Traffic and Parking

Details submitted with the application indicate that the development will generate the following traffic per week.

Truck Movements

Stage 1	-	11 loads
Stage 2	-	15 loads
Stage 3	-	26 loads
Stage 4	-	30 loads

In addition, the development will employ the following numbers of people.

	Permanent	Casual	Total
Stage 1	2	28	30
Stage 2	1	9	10
Stage 3	2	18	20
Stage 4	0	20	20
TOTAL	5	75	80

Whilst the number of vehicles using the site is reasonably high, it is considered that Tizzana Road can cope with the additional traffic generated. The number of heavy vehicles using the site is not significant and will not cause adverse impact.

Sight distances at the entrance of the development are satisfactory and comply with Roads & Traffic Authority Guidelines.

Council's Parking DCP does not specify a requirement for this particular activity. This development will provide parking at the rate of 1 space per 2 employees. This is considered satisfactory. Ample area is available on-site to accommodate any parking spillover.

Water Quality

Each mushroom growing room requires 500 litres of water per day. Consequently, with 36 growing rooms, 10,000l per day will be utilised. As mentioned previously, this supply will come predominantly from the Hawkesbury River.

Water used in washing down the growing rooms, tunnels and concrete slabs is directed into drains, passing through solid collection pits, before being discharged into a settlement pit. This allows any remaining solids, dirt and grit to settle out. Water then drains to a dam where it should be used for the irrigation of landscaped areas. No overflow to the Hawkesbury River will occur.

A similar system operates at a mushroom growing operation at Glossodia. Analysis of a sample of water taken from this plant indicates that it will be suitable for irrigation purposes.

Odour

This development proposes no mushroom composting. Mushroom compost is delivered to the site where it is immediately loaded into the growing rooms. Spent mushroom compost is used extensively in the landscaping industry and a condition of approval can require the immediate removal of this material.

In light of the above, the development will not cause an odour problem for the locality.

Rural Workers' Dwelling

Clause 17 of Hawkesbury LEP permits the erection of a rural workers' dwelling on land that can be subdivided in accordance with the LEP. The subject land does not have sufficient area to enable further subdivision.

In support of the application, the applicant has submitted the following:-

"The provision of a rural workers' dwelling with the total development is essential as mushroom growing is a 24 hour a day, 7 day a week operation. While the main activities are conducted in normal business hours, the plant has to be monitored around the clock and therefore a minimum of 2 persons on-site are needed to cover all hours.

Council is therefore requested to approve the owners residence and rural workers' dwelling on the site, similar to other mushroom growing farms in the area."

The rural worker's dwelling is considered to be reasonable under the circumstances of this application in light of the nature and scale of the development.

Right of Way

The subject property is burdened by a right of way providing vehicular access to an adjoining allotment. This application locates buildings over the right of way. A condition can be imposed requiring that the access be relocated clear of any building with the right of way extinguished.

Character of Locality

The subject land and surrounding area is rural in character. Some of the lots are cleared and are used for grazing, whilst others contain native vegetation. A number of market gardens exist to the north of the site.

Conclusion

Whilst the development is relatively large when compared to other development in the locality, it is considered that adequate measures have been implemented to mitigate the expected environmental impacts.

Although a deferred commencement approval is an option available to Council, as recommended in the HNCMT, it is not considered warranted as adequate conditions can be imposed upon the application.

RECOMMENDATION:

That the application be approved subject to the following conditions:-

1. The development shall be carried out in accordance with Plan No. 87594 dated 21 May 1994.
2. All site works shall be carried out in accordance with Plan No. 341 dated 23 April 1994.
3. Submission of a building application, plans and specifications complying with the Building Code of Australia.
4. All access to, and manoeuvring around, the mushroom growing rooms and peak heat spawning rooms, to be constructed with a sealed pavement.
5. Construction of a sealed rural type access to the site.
6. Submission of a sedimentation and erosion control plan for consideration with the building application.
7. No advertising structures to be erected, displayed or affixed on any building or land without the prior approval of Council under Ordinance 55 of the Local Government Act.

8. All solid and liquid wastes arising from the growing rooms and dwelling shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the building application. The washdown water after treatment is to be used for irrigation of landscaped areas and is not to be discharged into the Hawkesbury River.
9. The earthmound along the Tizzana Road frontage shall be provided.
10. 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. Landscaping shall screen the development from Tizzana Road and adjoining properties.
11. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
12. 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.
13. The spillage of light, if any, shall be controlled to the satisfaction of Council.
14. The noise control measures recommended in the report dated 7 October 1994 by James Madden Cooper Atkins Pty Ltd being implemented.
15. All mushroom compost shall, upon receipt at the site, be immediately loaded into the growing rooms.
16. The external storage of mushroom compost is prohibited.
17. All spent mushroom compost shall be immediately removed from the site.
18. All effluent shall be treated with an aerated treatment plant, in accordance with the report from Biocycle dated 26 August 1994. Details to be submitted with the building application.
19. Parking shall be provided at the following rates:
 - Stage 1 - 15 spaces
 - Stage 2 - an additional 5 spaces
 - Stage 3 - an additional 10 spaces
 - Stage 4 - an additional 10 spaces.

Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.

21. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
22. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of the Divisional Manager Environment and Development prior to occupation or use of the building.
23. All trucks shall have their loads suitably covered.
24. The right of way providing access to the adjoining lot shall be extinguished, subject to approval of the benefiting party. Documentary evidence shall be submitted with the Building Application.
25. Substantial stormwater capacity is to be left in wash down catch dam at all times.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V09

****** END OF ITEM 75 ******

ITEM 76: OAKVILLE SCHOOL - LOTS 252 AND 253 DP752050 NO. 159
OAKVILLE ROAD, OAKVILLE - DEPARTMENT OF SCHOOL
EDUCATION

FILE NUMBER: DA273/93/EVD

REPORT:

This application was approved at the Ordinary Meeting of Council dated 8 February 1994, subject to conditions. The provisions of Section 91A of the Environmental Planning & Assessment Act requires the approval of the applicant prior to the imposition of any conditions. The Department agreed to most conditions, however, some remained in dispute. Disputed conditions can only be resolved by the Minister for Planning. The Minister was requested to resolve the following conditions:-

1. The bus layby to be of sufficient length to hold 4 (four) buses.
2. The construction of concrete kerb and gutter, where not already provided, concrete path paving 1.2m (one point two) wide widened to 3m (three) at the bus bay with the remaining footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder, including the bus layby over the frontage of the site in Ogden Road from Oakville Road, to and over the frontage of the new car park entrance together with any works necessary to make this construction effective.
3. The construction of concrete kerb and gutter, the footway area being formed in earth and all necessary drainage together with the full construction of the adjacent road shoulder over the frontage of the site to Oakville Road from Ogden Road for a distance of 100m (one hundred). Alternatively, all pedestrian access from the school directly to Oakville Road is to be eliminated.
4. All buses servicing the site are to use the new bus layby.
5. An additional 7 car parking spaces being provided, making a total of 37.

As part of the Minister for Planning's decision-making process, a mediation meeting is required to be held between the relevant parties. This was held on 20 October 1994 where the following was recommended:-

1. *The bus bay be constructed to a length of approximately 70m.*

This is in accordance with Council's requirement and is therefore satisfactory.

2. *The kerb, gutter and footpath either side of the bus bay be provided as the extension of the bus bay left only minor construction works required.*

This is in accordance with Council's requirement and is therefore satisfactory.

3. *No works be required within Oakville Road and that representations be made to the Local Traffic Committee for "no stopping between 8am - 10am and 2pm - 4pm on school days" in the vicinity of pedestrian access.*

Council's original requirement for kerb & gutter and road shoulder construction was made on the basis that this part of the site would be used for the dropping off and collection of school children. Should 'no stopping' be required at these times, parents will not be able to do this, thus avoiding the need for any work. This situation is satisfactory and should be accepted by Council.

4. *Officers from Council and the Department of School Education liaise with the Principal of the school, the Local Traffic Committee, the Department of Transport, the local bus company and the Police Department to seek cooperation in the use of Ogden Road for all vehicular movements associated with the school.*

This situation is satisfactory and will meet the objectives of Council. This should therefore be accepted.

5. *Car parking be provided for 30 vehicles due to the extent of on-street parking and the possible availability of overflow parking on-site to cater for major events.*

During normal school operation, approximately 18 people would be employed. Therefore, even if every employee drove individually, the car park would only be two thirds full. Consequently, the car park will be adequate in most circumstances. Pressure will only be felt during special events such as fetes, elections and school concerts. Under these circumstances, it is unlikely that even the additional 7 (seven) spaces requested would not make much of a difference to the number of vehicles parked on the street. Consequently, given that the site could be 'opened up' during special events for overflow parking, it is recommended that Council accept the 30 spaces as proposed.

Should Council agree to the above, a modified consent can be issued. Under the terms of the agreements, this must be done by 21 November 1994, otherwise the matter will be referred back to the Minister for his determination.

RECOMMENDATION:

That Council accept the modified conditions as outlined above and issue a modified consent.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V11

****** END OF ITEM 76 ******

ITEM 77: TOURIST FACILITY - LOT 18 DP753784 & PT PORTION 19 PARISH OF HAWKESBURY 79 GREENS ROAD, LOWER PORTLAND - APPLICANT: DAVID HOOKER

FILE NUMBER: DA174/94/EVD

Owner: Padaso Pty Ltd
Stat. Provisions: Hawkesbury LEP, 1989
SREP 20 - Hawkesbury Nepean River
SEPP 11 - Traffic Generating Development
Area: 29.18ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: Adjoining owners notified with nine submissions received
Date Received: 8 July 1994

Key Issues:

- , Flooding
- , Existing Caravan Park
- , Bushfire
- , Visual Amenity
- , Traffic
- , On-site Disposal of Effluent
- , Nature of Occupancy

Action:

Approval with conditions

REPORT:

Council is in receipt of a development application proposing the following development on the subject property:-

- 40 manufactured homes;
- motel comprising 10 units;
- tavern;
- general store/coffee lounge;
- boat storage for 40 boats;
- ancillary facilities including swimming pools, tennis court and car parking; and
- boat shed.

Existing Development

The site currently contains a caravan park which, under normal circumstances, would be licensed to accommodate 46 caravans. Mr Hooker also claims "existing use rights" on four existing cottages located close to the river. The legal status of these cottages would need to be established. All of the caravans are located towards the property's boundary with the Hawkesbury River. The caravan park is not licensed at the present because of the following unresolved problems including:-

- inadequate laundry facilities;
- inadequate amenities and effluent disposal; and
- illegal structures.

In addition, the caravan park is visually unattractive with caravans, awnings and annexes and ancillary sheds which appear to be used for independent toilet and washing facilities.

Statutory Situation

This development would be defined as a tourist facility, which is a use permissible, with consent, under the provisions of Hawkesbury LEP, 1989.

The application was referred to the Local Traffic Committee in accordance with the provisions of SEPP 11 - Traffic Generating Development. The Local Traffic Committee resolved the following:

"no objection to proposal subject to the applicant complying with the following conditions:-

1. Greens Road be upgraded and sealed from end of existing pavement to entrance point to development; and
2. Sight distance, ingress/egress to development be enhanced."

Submissions

Adjoining owners were notified of the proposal and nine submissions were received.

One submission supports the proposal on the basis that the development has the potential for local employment generation.

The remaining submissions object to the development on the following grounds:

- increase in traffic;
- reduction in road safety;
- contrary to the zone;
- degradation of the river;
- disposal of effluent;
- increase in population;

- state of existing caravan park
- noise;
- run-off of stormwater;
- approval would encourage similar developments;
- flooding;
- pressure on services;
- the site should be returned to its natural state; and
- the proposal is an indirect way of obtaining subdivision.

Hawkesbury Nepean Catchment Management Trust

The application was referred to the Trust for their comment. The Trust has advised that it considers the sewerage treatment works required should be accompanied by an environmental impact statement, however, the following comments were offered should the application be considered:

- i) The Trust considers that Council should not approve the development unless the total load of pollutants generated by the development does not increase over the current load that is discharged from the site.
- ii) If Council decides to approve the proposal then the following requirements should be incorporated as conditions:
 - The approval should include a condition that links the development to the separate proposal for the sewage treatment plant. The subject development should only proceed if this separate request to amend the existing approval is granted. This can be achieved via a deferred commencement approval. Furthermore, Council should thoroughly consider granting an approval only if all sewage treatment facilities are located off the plateau. Given the type of soils present on the plateau and the desirability of retaining the natural bushland values in this area a sewage treatment plant is seen to be incompatible. The effluent from the plateau area should be piped to the proposed sewage treatment plant to be located east of Greens Road and north of the site access road.
 - The existing caravans located along the river edge of the site although not part of this proposal should be required to be removed as part of this proposal - not only are they unsightly but they appear to have environmentally unsound waste disposal systems and are subject to flooding. At the very least, there should be a requirement for them to be connected to the proposed sewage treatment plant.
 - The applicant should be required to submit a comprehensive landscape plan with the building applications. This should incorporate endemic species and include proposals to restore river bank vegetation. This plan should also address weed management and indicate how all areas not to be disturbed by the development are to be clearly indicated on the ground to ensure that construction equipment does not stray.

- The applicant should be required to submit a satisfactory erosion and sediment control plan with the building application. The erosion and sediment control plan needs to be subsequently implemented. The plan should focus on erosion controls on the proposed escarpment road.
- The proposed mobile homes are considered to be located too close to the edge of the escarpment and spacing between individual homes for two of the clusterings are considered to be too close (that is lots 1-5 and lots 36-40). In addition, the proposed manager's residence should be relocated to the top of the plateau. Generally all components of the proposal to be located on the plateau should blend in with the landscape when viewed from public places (Greens Road and the River).
- The following from the fauna study should be included as a condition - *"Since there is some possibility of detecting koalas and broad headed snakes during the construction of the access road and other works it is necessary that if either is sighted, that all tree removal and earthworks cease in the vicinity of the sighting until the following day. This will allow the animals to relocate to adjacent unaffected parts of the site. Every effort should be made to avoid destruction of a tree or rock shelf known to have been used by the respective species:."*
- Occupation of manufactured homes should not be on a permanent basis.
- There should be ban on all pets (cats and dogs) to ensure minimal impact on native fauna.
- All solid waste should be removed from the site and be disposed of at a registered waste depot.
- The applicant should be required to lodge with the Council six months after the date of the approval and thereafter yearly, a compliance report indicating how the proposal has complied within the previous period with all conditions of Council as well as of permits of other authorities, particularly the Environment Protection Authority permit for the sewage treatment plant(s).

Planning Comments

The subject property is irregular in shape with an area of 9.2ha. The site has a continuous frontage with the Hawkesbury River and feature river flats, an escarpment and a ridge top plateau. The site is severed by Greens Road.

Proposed Development

As outlined previously, the development involves the following:

- 40 manufactured homes;
- motel comprising 10 units;
- tavern;
- general store/coffee lounge;
- boat storage for 40 boats;
- ancillary facilities including swimming pools, tennis court and car parking; and
- boat shed.

The forty manufactured homes are to be located on the ridge top plateau with access via a 5m-6m wide sealed roadway up the escarpment. The boat storage facility is located part way up the escarpment above Greens Road. All other development is located below Greens Road.

SREP No 20

Sydney Region Environmental Plan No 20 requires that Council consider the impact of this development on the river and its catchment, particularly in relation to water quality, scenic quality, environmental heritage and recreation and tourism. This development will comply with the aims and objectives of this plan.

Visual Impact

The development site has been inspected from Greens Road, the opposite side of the river and also from the river itself.

The manufactured homes estate, being located on top of the escarpment will not cause adverse visual impact due to its remote location. Existing vegetation and topography will screen the development from adjoining properties and the Hawkesbury River. The roadway leading up the escarpment may have an adverse impact however, only when viewed directly. At all other times, this roadway will be screened by existing vegetation. The impact, however, is not considered to be significant and can be mitigated with the selection of the colour of the roadway seal and revegetation of batter slopes.

The proposed boat storage facility is located on the lower level of the escarpment just above Greens Road. This land is sloping and the boat shed takes this into account by stepping down the slope in two sections. This will reduce the amount of cut and fill required to achieve a level site. This portion of the property is well vegetated and existing trees will screen the development.

The development below Greens Road can only be seen from the River and properties on the opposite side of the River. The buildings have a contemporary architectural design with extensive use of colorbond, glazing and bagged and limewash of brickwork. It is considered that the development will have a satisfactory appearance. Furthermore, although the proposal allows for significant portions of the activity to be located in this section of the site, the siting of buildings coupled with topography and vegetation is such that the development cannot be seen in its entirety ie buildings and topography will screen other buildings. Consequently, this will break up the development and will reduce its visual impact.

In all, the proposal is not considered to affect the visual amenity. The proposed buildings have a suitable appearance. Whilst the access up the escarpment has the potential to impact on visual amenity, this impact can be minimised to an acceptable level. Proposed landscaping will benefit the locality.

Traffic and Parking

The subject property is served by Greens Road which at this point is narrow and unsealed and is in this condition for approximately 500m before this site. Should support for the proposal be forthcoming, it is considered that Greens Road should be sealed to the entrance of this property. The proposed access is located around a hairpin bend and sight distances are limited. It is considered, however, that sight distances are satisfactory given the speed of vehicles negotiating the hairpin bend.

The development proposes ample car parking for the motel and associated facilities. Adequate dimensions and manoeuvrability can be provided to all spaces. Although some of the spaces do not adjoin buildings that generate the parking demand, all spaces are located in close proximity to the development.

Adequate car parking can be provided for the manufactured homes. Parking should be provided at the rate required for caravan parks being one space per manufactured home plus one space per ten homes for visitors. This can easily be accommodated.

The local road network can adequately accommodate the expected traffic generated by this development.

Flooding

Hawkesbury LEP requires that all buildings be located no more than 3m below the floor height standard. In addition to this, any habitable room must not be below the floor height standard. The floor height standard in this locality is approximately 8.7m. The proposed manufactured homes and boat storage facility are clearly above flood levels. Survey information submitted with the application demonstrates that the proposed motel units and other associated facilities are located above this level with the exception of the boat shed. In this regard, the boat shed can be relocated to comply with the requirements.

The proposal makes provision for an emergency helipad for evacuation during periods of intense flooding. Access to the helipad is via the roadway up the escarpment and is completely flood free.

Bush Fire

The application is accompanied by a report which examines the bush fire hazard of the site. In essence, this report makes recommendations in relation to fuel management, fire trails, the provision of fire fighting infrastructure and the construction of buildings on the ridge top plateau. This aspect of the development can be conditioned to ensure the threat of fire is minimised.

Amenity

Surrounding properties have been developed for a variety of residential, agricultural and recreational uses. It is not considered that this development will significantly affect the amenity of the locality.

Water Supply & Effluent Disposal

Water is proposed to be provided via an existing bore on the property. This bore provides potable water at a level to supply the development. A storage tank is located on the ridge top plateau to service the manufactured homes.

The disposal of effluent is treated as a separate matter as the application for this component of the development was made as an amendment to DA243/93. Investigations indicate that effluent can be suitably treated on-site with zero effluent discharge to the River.

Nature of Occupancy

Concern has been expressed by the objectors that this development is an indirect way of obtaining that this development is an indirect way of obtaining subdivision in the locality.

No indication has been given that the development will be conventionally subdivided and in fact the applicant has categorically denied that this will occur. Subdivision in the form of a company title could be undertaken, to enable the financing of the development. A condition can be imposed prohibiting the manufactured homes from being the principal place of residence for any occupant thus ensuring that demand for services does not increase.

Existing Caravan Park

The existing caravan park, normally licensed for 46 vans, is presently operating in an unsatisfactory manner. The main areas of concern are that no communal laundry, toilet and shower facilities exist and each caravan site appears to have their own independent facilities. The park is also visually unattractive. An opportunity now exists to have the caravan park component of the site removed. The applicant has indicated a willingness to remove the caravan park on the basis that additional development is supported on the land below Greens Road. A 'concept plan' illustrates an additional ten motel units and a further twenty manufactured homes. All of this development being located below Greens Road.

This concept plan is not a development application so a full assessment was not undertaken and nor can an approval be granted. Should Council support the proposal and the concept of having the caravan park removed, a further application must be made.

Conclusion

In conclusion, it is considered that this development is suitable for approval. Although potential does exist for environmental impact, the impacts can be mitigated or are not significant. The quality of development will improve the level of tourist accommodation currently available in the locality.

RECOMMENDATION:

- A. That the application be approved subject to the following conditions:
1. The development shall be carried out in accordance with Plan No's DA 01/02/03/04/05/06, dated May 1994.
 2. The full construction of Greens Road with a sealed pavement and any necessary drainage from the existing seal to the west to the entrance to the site.
 3. All access roads serving the new development between Greens Road and the river to be constructed with a sealed pavement and any necessary drainage.
 4. The access road to the mobile home development and all access roads fronting mobile home sites to be constructed with a sealed pavement and any necessary drainage.
 5. The access roads around the boat storage area to be constructed with a compacted crushed rock pavement and all necessary drainage. The access road is to be widened as necessary to provide sufficient manoeuvring area for vehicles and boat trailers.
 6. The fire trail to be constructed with an all weather pavement and any necessary drainage.
 7. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and are to be constructed with a sealed pavement, drained and marked. Details to be submitted with the building application.
 8. Construction of works are not to commence until 3 (three) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
 9. A design checking and inspection fee of \$1716.00 (one thousand seven hundred and sixteen) must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June, 1995.

10. Submission of a building application, plans and specifications complying with the Building Code of Australia.
11. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council. Any such advertising structure erected or displayed without prior approval will be removed and disposed of at the expense of the advertiser.
12. All solid and liquid wastes arising from the premises shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the building application.
13. Provision of toilets in accordance with the requirements of the Building Code of Australia.
14. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
15. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of the Divisional Manager Environment and Development prior to occupation or use of the building.
16. No excavation or site works shall be commenced prior to the issue of the building permit.
17. A common television antenna shall be provided for the development.
18. 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.
19. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
20. 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.
21. The subject development, including landscaping, is to be maintained in a clean and tidy manner to Council's satisfaction at all times and any direction given by Council in this regard is to be complied with forthwith.
22. The spillage of light, if any, shall be controlled to the satisfaction of Council.

23. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted to Council.
24. Erosion control measures such as hay bales or geotextile silt traps are to be provided during construction to stop silt, rubbish or debris from leaving the property. Details shall be submitted for consideration prior to the works commencing.
25. All earthworks shall be completed and rehabilitated within 120 (one hundred and twenty) days of commencement.
26. The boat shed being relocated to land located above RL 5.7m AHD.
27. The submission of a soil erosion and sedimentation control plan for consideration with the Building Application.
28. The keeping of any pets including cats and dogs is prohibited. A restriction as to user pursuant to Section 88B shall be entered on the title of the subject property to this effect. Documentary evidence to be submitted prior to occupation of any building.
29. The existing caravan park and the 4 (four) cottages located below Greens Road be removed prior to the occupation of any of the manufactured homes and an agreement entered into to extinguish any existing use rights.
30. The manufactured homes shall not be used as the principal place of residence for any occupant.
31. The sewerage treatment plant approved under DA245/93 being installed prior to the occupation of any building.
32. The use of the land for the processing of sand is to cease and an agreement be entered into to extinguish any existing use rights.
33. The exact location of the 40 (forty) manufactured homes is to be subject to determination of the building application. Prior to such determination, the applicant is to determine by survey the location of the front alignment of the buildings and this alignment will be checked on site by Council Officers. Council reserves the right to require adjustment in the siting of the buildings to ensure adequate screening from the river and public roads.
34. A positive covenant being created over the proposed fire trail to provide access for bush fire vehicles and Hawkesbury City Council to carry out bush fire mitigation works.
35. The fire trail shall be maintained to a standard acceptable to Council's Fire Control Officer.
36. Implementation of all measures outlined in the recommendations of John Travers and Associates report dated May 1994 in relation to bush fire control and mitigation.

37. The canvas hose proposed for the 10 (ten) hose boxes located amongst the manufactured homes being replaced with 25mm PVC hose.
38. The developer shall liaise with Council's Fire Control Officer in relation to perimeter trails, protection zones, water storage areas and the like.
- B. That the applicant be invited to submit an application for motel units and manufactured homes below Greens Road provided the floor level of all development is located above the floor height standard (8.7m) and that it is on land with a level of at least 7.7 (seven point seven). The total number of manufactured homes on the site is not to exceed 40 (forty) and the total number of motel units is not to exceed 20 (twenty). ie either below or above Greens Road.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V15

****** END OF ITEM 77 ******

ITEM 78: SUBDIVISION TO CREATE TWO ALLOTMENTS - LOT 3 DP803879
663 GROSE VALE ROAD, GROSE VALE. APPLICANT: MR A
O'GRADY

FILE NUMBER: SA108/94/EVD

Owner: Grose Vale Properties Pty Ltd
Stat. Provisions: Hawkesbury LEP and State Environmental Planning Policy No. 1
Area: 6.36ha
Zone: Rural 1(c1)
Advertising: Not required
Date Received: 23 September 1994

Key Issues:

Heritage
Non Compliance with HLEP
SEPP1 Objection

Action:

Approval with conditions

REPORT:

The subject property contains 'Wyanbah', a timber residence on the corner of Grose Vale and Grose Wold Roads, Grose Vale. The property is listed in Schedule 1 of Hawkesbury LEP, 1989. The building is in poor condition, needing restoration works to ensure the long term conservation of the building. These works are currently being undertaken.

This application proposes to subdivide the property into 2 allotments with areas of 5.646ha and 0.72ha. The larger lot will be vacant, with the smaller lot containing 'Wyanbah' and its curtilage.

Statutory Situation

The subject property is located within the Rural 1(c1) zone under the provisions of Hawkesbury LEP. Clause 11 2(d) of HLEP requires that allotments have a minimum area of 4ha. The proposed smaller lot is substantially below this requirement. The applicant has submitted an objection to the standard pursuant to SEPP1 claiming that compliance is unnecessary for the following reasons:-

- any approval is subject to the full restoration of the heritage building
- the subdivided land will not impact upon the heritage item
- subdivision will make the project viable

Should Council support the applicant's objection, the concurrence of the Director of Planning is required to approve the proposal due to the extent of variation required to Hawkesbury LEP.

Planning Comments

The subject property is an irregular shaped allotment with a total area of 6.36ha, located on the corner of Grose Vale and Grose Wold Roads.

The proposed subdivision considers the heritage significance of 'Wyanbah' in the following ways:

- maintenance of the building and its curtilage
- provision of a building envelope on the vacant allotment will ensure that development will not affect 'Wyanbah'
- the building envelope will ensure that development will not be viewed from Grose Wold Road, the predominant vista of 'Wyanbah'

Both of the proposed allotments have sufficient area for the disposal of effluent. Furthermore, although irregular in shape, each of the allotments will be usable.

Under the circumstances, it is considered that considerable benefit will be derived from the support of this application, particularly in relation to the restoration of 'Wyanbah'. The likely adverse impacts, in the form of increased traffic and additional demand for facilities, are negligible and do not warrant refusal of the application.

RECOMMENDATION:

It is recommended that:

- A. The SEPP1 objection be supported.
- B. The Director of the Department of Planning be requested to concur with the application.
- C. Upon receiving concurrence, the application be approved, subject to the following conditions:
 - 1. The subdivision shall be in general accordance with the submitted plan number K1/94/8 dated 23 September 1994.
 - 2. The submission of a Subdivider/Developer Certificate (a Certificate under Part 3, Division 2, Section 27 of the Water Board Act, 1987).
 - 3. Submission of a Certificate from Prospect County Council that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.

4. Submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
5. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
6. Payment of a linen release fee of \$180 (one hundred and eighty). This amount is valid until 30 June 1995.
7. Dedication of a splay corner at the intersection of Grose Wold and Grose Vale Roads sufficient to provide a minimum setback from the existing table drain together with any necessary road widening to maintain a similar setback along the road frontages.
8. The creation of easements to drain water over the site of drainage discharge just below the existing gate on the vacant lot from roads 4m wide and 10m long free of cost to Council.
9. The final linen plan of subdivision shall not be released until the works approved under DA129/94 are completed and all conditions have been complied with.
10. A contribution of \$3,275 (three thousand two hundred and seventy five) being the contribution for recreational buildings, park improvements and community facilities as a consequence of the subdivision of land. This amount is valid to 30 June 1995.
11. A detailed survey plan illustrating the location of any heritage item in relation to the newly created boundaries shall be submitted prior to the release of the final linen plan of subdivision.
12. A restriction as to user pursuant to Section 88B of the Conveyancing Act being entered on the title of the proposed vacant lot restricting development to the proposed building envelope and access to the proposed entry.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V20

****** END OF ITEM 78 ******

ITEM 79: ADDITIONS TO SHOPPING CENTRE - LOT 45 DP838321 AND LOT 3 DP77853 29 & 34 ELDON STREET, PITT TOWN - APPLICANT: IRONRACE PTY LTD

FILE NUMBER: DA188/94/EVD

Owner: Ironrace Pty Ltd
Stat. Provisions: Hawkesbury LEP 1989
Area: 2,192m²
Zone: Business General 3(a) and Residential 2(a)
Advertising: Adjoining owners notified with 2 submissions received
Date Received: 20 July 1994

Key Issues:

, Legality
 , Car Parking
 , Amenity

Action:

Approval with conditions

REPORT:

Council is in receipt of a development application proposing additions to the Pitt Town Shopping Village. The development is comprised of 2 new shops and additions to the existing supermarket. An additional 20 car spaces are to be provided within a vacant allotment on the opposite side of Eldon Street from the existing shopping village.

Council, at its Ordinary meeting dated 11 October 1994 resolved the following:-

"that the applicant be invited to submit further plans so as to retain carparking on the site".

In response to Council's resolution, the applicant's architect has submitted the following information:-

"On behalf of the applicant we submit that the request to retain car parking on-site is an unworkable alternative to the provision of additional car parking whilst maintaining the proposed development at the corner of Chatham and Eldon Streets. It is considered that car parking at the Chatham Street end of the development is unworkable because of the following reasons:-

1. *Vehicle parking and shoppers would be in conflict with the existing loading dock facility.*

2. *Any basement car park (beneath shops) would be cost prohibitive, would increase the bulk and scale of the development at Chatham Street and provide a maximum of only 12 (twelve) car parking spaces (entrance and exit ramping required). Because of the down and up ramps new shop floor areas would be substantially diminished resulting in a disproportionate increased cost of car parking to shop floor area.*
3. *A semi rural shopping development requires car parking at ground level.*
4. *The floor level of the basement car parking would be below street level. The inherent in ground moisture is excessive requiring tanking and a stormwater pump out system for stormwater discharge.*

The developers recognise the need for further shoppers car parking at Pitt Town and stand behind the development application as submitted with off site car parking as is the situation in many other Hawkesbury towns.

Should Council reject this proposal we believe two other options exist.

1. *Permit the additional shopping facility without any additional parking requirement.*
2. *Permit the additional shopping facility with a parking contribution levied on the developer. The developer would consider a reasonable contribution of say up to \$4,000.00 per car space ie a contribution of \$80,000.00 (20 car spaces @ \$4,000 each).*

Graham Edds would be pleased to meet and discuss the preferred options with Council."

The proposed alternatives offered by the applicant are not considered satisfactory. The additional floor area proposed will generate a demand for additional parking which should be met by the applicant. Waiving a parking requirement will set an undesirable precedent and will result in an increasing demand for street parking, thus reducing amenity within the area.

The second option of requiring a parking contribution is not supported as no land exists in the Pitt Town area in close proximity to the shopping village in which to spend the contribution. Further, the contribution offered will not cover the cost of providing the parking generated by this development therefore requiring Council to make up any shortfall.

If the committee is not satisfied with this explanation, the application should be recommended for refusal.

Statutory Situation

This application proposes development on land zoned Business General 3(a) for the shop additions, and land zoned Residential 2(a) for the associated car parking. The shops are unquestionably permissible with consent however concern was raised as to the legality of the car parking. As a consequence, legal advice was sought from Council's solicitors, which concluded that the car parking would not be ancillary to the shops and would therefore be defined as a "Commercial Premises", which are prohibited under Hawkesbury LEP. A "Commercial Premises" is defined as:-

"a building or place used as an office, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause"

The car park is clearly not an office so it is considered that the activity would not be defined as commercial premises. Consequently, it is considered the car parking is undefined and is therefore, permissible with consent under the provisions of Hawkesbury LEP, 1989.

Submissions

Two submissions have been received from the residents adjoining the car parking allotment, objecting to the development on the following grounds:-

- adversely affects privacy
- adversely affects security
- reduce property values

Planning Report

The subject property is comprised of a vacant corner allotment and a vacant regular shaped lot.

Siting and Design

The proposed development is oriented towards the corner of Eldon & Chatham Streets. The development is single storey in height and is to be finished in coloured concrete block with colorbond roof. The architectural style and external finishes are compatible with the existing development and is therefore suitable.

The development has no setback to the street frontages however this is satisfactory in a commercial zone.

The car parking is to be landscaped and will have a suitable appearance.

Traffic & Parking

Council's Parking Development Control Plan requires parking at the rate of 4.5 spaces per 100m² of gross floor area. This development proposes 440m² of such area thus requiring 20 spaces. Twenty spaces have been proposed. The dimensions of the spaces and the manoeuvrability complies with the Council's DCP.

The proposed car park is separated from the shopping village by Eldon Street and is to be linked by a pedestrian crossing. The location of parking is considered suitable. It is considered that the proposed development does not warrant the provision of a pedestrian crossing given that Eldon Street does not carry a high volume of traffic. Should however the Council consider a pedestrian crossing warranted, the approval of the Local Traffic Committee would be required.

Amenity

The shops themselves will not adversely affect the amenity of the area. On the contrary, the provision of additional and varying retail facilities will benefit the Pitt Town Village and surrounding community.

The car park however, being surrounded by residential development has the potential to adversely affect the amenity in the vicinity. This could be in the form of additional noise and a reduction in privacy. Privacy will be improved by the provision of 1.8m high fencing around the car park allotment. Fencing at present ranges between 1.2m and 1.8m and will not adequately screen the car park from adjoining residential development. Further, it is considered that the car park should be secured to prevent access outside of normally expected business hours. This will discourage the use of the car park by hotel patrons. In addition, suitable signage will prevent car park users being locked into the parking area. It is envisaged that the fencing securing the car park will be of similar appearance to pool type fencing.

Conclusion

It is considered that the development will provide the Pitt Town community with an improved retail service and therefore will benefit the locality. Although the proposal has the potential to adversely affect the locality, suitable conditions can be imposed to overcome likely concerns. The application is therefore recommended for approval.

RECOMMENDATION:

That the application be approved subject to:-

1. The development shall be carried out in accordance with Plan No. A5/27, dated July 1994.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.

3. Payment of a sewer headworks contribution to Council of \$1,352 (one thousand three hundred and fifty two). This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. Payment shall be made prior to the release of the building approval.
4. The construction of concrete kerb and gutter, brick paving to match that existing in the area including steps, retaining walls and including steps, retaining walls and safety rails and all necessary drainage, together with the full construction of the adjacent road shoulder of the frontage of the site where not already provided together with the construction of any works to make this effective.
5. Construction of Council's standard heavy duty footways and layback vehicular crossings to suit the access to the site.
6. Removal of the existing redundant layback crossings and replacement with concrete kerbs and gutters and the restoration of the footway areas.
7. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations and the Roads and Traffic Authority for Chatham Street.
8. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application.
9. A design checking and inspection fee of \$250 (two hundred and fifty) to Council plus RTA fees as requested must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 31 December, 1994.
10. Council shall be consulted regarding acceptable discharge limits to sewer prior to commencement of any works. Preliminary investigation may be required and results submitted to Council. A Trade Waste Agreement shall be entered into with Council prior to discharge of Trade Waste from the premises. Full details of the proposed waste stream, final treatment processes etc, are to accompany the Trade Waste Application. Details of all control devices are to be submitted for approval with the building application.
11. The construction of a new sewer line in Chatham Street and under shop 1 substantially as shown on the submitted plan. The line is to be concrete encased under the building. Council will pay for the line in Chatham Street from the existing manhole to and including the new manhole. Details of the quotation are to be submitted for approval of the cost prior to commencement of the works.
12. The sewer is to be a minimum of 150mm (one hundred and fifty) up to the connection to the existing house service sewer line.

13. The redundant house service line and the manhole is to be removed and the sewer line capped off.
14. The creation of an easement for sewerage over the existing house service line through the site benefiting Council free of cost to Council.
15. The dedication of a 3m (three) x 3m (three) splay corner at the intersection of Chatham and Eldon Streets free of cost to Council.
16. All sewer from the site to be connected to the proposed manhole in the open yard.
17. No advertising structures are to be erected, displayed or affixed on any building structure or land without the prior approval of Council. Any such advertising structure erected or displayed without prior approval will be removed and disposed of at the expense of the advertiser.
18. Submission of a soil erosion and sedimentation control plan with the Building Application.
19. Compliance with Council's Code for the construction and fitting out of Food Premises.
20. Parking shall be provided for 20 (twenty) vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
21. Access to the car park shall be restricted to the hours of 8.00am to 8.00pm daily.
22. A pool type fence shall be provided a minimum of 1.5m (one point five) in height to deny access to the car park outside of the car park operating hours. Details of fence style and colour shall be submitted for consideration with the Building Application.
23. Signage shall be displayed within the car park advising all users of the restricted hours. Details to be submitted with the Building Application.
24. The car park shall be cleaned at least daily within the hours access is available.
25. 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.
26. New boundary fences shall be provided at the applicant's expense. Details to be submitted with the building application. Such fencing behind the building line shall be to a height of 1.8m reducing to 1.5m (one point five) in front of the building line and at least lapped and capped.
27. The external finishes of the development shall match the existing.

28. Development Consent shall be obtained for the use of each shop prior to occupation taking place.
29. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
30. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
31. Registration of a plan of survey consolidating the site including the car parking into a single allotment. Documentary evidence to be submitted to Council prior to occupation of the building.
32. The submission of a soil erosion and sediment control plan for consideration with the building application.
33. The provision of lighting to illuminate the car parking area from sunset to sunrise. Such lighting shall be of a style so that it does not cause the spillage of light onto adjoining properties. Details to be submitted with the building application.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.V21

****** END OF ITEM 79 ******

ITEM 80: MODIFICATION OF A SEWERAGE TREATMENT PLANT - PT POR 19 PARISH OF HAWKESBURY 79 GREENS ROAD, LOWER PORTLAND - APPLICANT: DAVID HOOKER

FILE NUMBER: DA245/93/EVD

Owner: Padaso Pty Ltd
Stat. Provisions: Hawkesbury LEP, 1989
SREP No 20 - Hawkesbury Nepean River
Area: 29.18ha
Zone: Environmental Protection (scenic) 7 (d)
Advertising: Not Advertised
Date Received:

Key Issues:

, Impact on Water Quality

Action:

Approval with conditions

REPORT:

Council at its Ordinary Meeting held on 14 December 1993, approved an application for a sewerage system on the subject property. This application amends that proposal so that it can accommodate the expected effluent generated by the development proposed by DA174/94, the subject of another report to Council.

Statutory Situation

This development is permissible with consent under the provisions of Hawkesbury LEP, 1989.

SREP No 20 - Hawkesbury Nepean River

The provisions of Sydney Regional Environmental Plan No 20 requires that Council consider the impact of this development on the river, particularly in relation to water quality.

Planning Assessment

This application proposes a sewerage treatment system which will treat effluent to the tertiary level, and disposed of within an artificial wetland system located on the river flats below Greens Road. A consultant's report submitted with the application indicates that this will result in zero effluent discharge off the site.

The sewerage treatment plant will require approval and on going licensing from the Environment Protection Authority.

This application is considered suitable for approval.

RECOMMENDATION:

Approved subject to the following conditions:

1. The development shall be carried out in accordance with Plans and documentation submitted with the application.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.
3. Compliance with any requirements of the Environment Protection Authority.
4. The proposed STP and details of the disposal area(s) and method(s) be submitted to the EPA for approval and licensing. EPA approval is to be granted prior to works commencing. The location and depth of the bore is also to be detailed in the submission to the EPA.
5. The Sewage Treatment Plant(s) be redesigned for the MHE & Residence & Commercial Development & Caravan Park with tertiary treatment of effluent prior to spray irrigation and/or wetland system.
6. A minimum 10 (ten) days wet weather storage be provided on-site. The storage facility is to be impervious and the top of the bank be at or above 9.0m AHD.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NAX.P17

****** END OF ITEM 80 ******

ITEM 81: SIX LOT SUBDIVISION - LOT 141 DP 751658 WHEENY CREEK ROAD, EAST KURRAJONG - APPLICANT: MR A BOW

FILE NUMBER: SA0012/93 PT01/EVD

REPORT:

Mr Bow made application under State Environmental Planning Policy No.1 to subdivide this land into six lots with areas of 4600m², 5000m², 9600m², 1.0ha, 1.7ha and 11.4ha. The primary justification for the subdivision was the existence of dwellings on each of the allotments.

There has been dispute as to whether three of the six dwellings were approved by Council. Council's records provide no evidence of building approval, although Mr. Bow has a carbon copy of a building inspection report by Council officers on one of the dwellings.

At the General Purpose Committee on 30 August 1994 it was recommended that the application be refused because:

1. The proposal does not comply with the provisions of Hawkesbury Local Environmental Plan 1989.
2. The proposal is located within a high bush fire risk area.
3. The soil quality is insufficient to suitably contain an onsite effluent disposal system.
4. Access is unsatisfactory.
5. The proposal is not in the public's interest.

The Committee also recommended that Council require removal of the unauthorised buildings within twelve months.

At the Ordinary meeting of 13 September 1994 it was resolved that the matter be deferred.

Mr Bow has now requested that the subdivision application be withdrawn.

With respect to the legal status of the buildings, all consents referred to the establishment of a passive recreation centre incorporating self-contained holiday cabins. Putting aside any arguments about whether building approval was obtained, either explicitly or tacitly for three of the buildings, it is apparent that the "holiday cabins" are being occupied as reasonably permanent tenancies.

In the circumstances, it is suggested that Mr Bow be reminded that the development approval was for holiday cabins and not long term occupation.

RECOMMENDATION:

- A. The information concerning the withdrawal of the subdivision application be received.
- B. Mr Bow be advised that the approvals which exist for the land are for a passive recreation centre incorporating self-contained holiday cabins. As such, the buildings on the land are not to be used for long term occupation.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NBX.V01

****** END OF ITEM 81 ******

ITEM 82: MUSHROOM COMPOSTERS PTY LIMITED - STATUS OF EXISTING OPERATIONS AT EBENEZER AND THE DEVELOPMENT APPLICATION FOR TINDA CREEK

FILE NUMBER: DA171/94, P1609.110/EVD

REPORT:

At Council's meeting on 11 October 1994 it was requested that a report on these matters be submitted to the next General Purpose Committee. It was also requested that the report include the results of an aerated composting operation being conducted at Prebbleton just south of Christchurch, New Zealand.

Status of Operations at Ebenezer

In 1991 action was commenced against Mushroom Composters Pty Limited in the Land and Environment Court to secure compliance with conditions of development consent regarding the emissions of odour.

On 20 May 1993 the Court found in Council's favour and ordered that the company be restrained from using the premises so as to interfere with the amenity of the neighbourhood in respect of odour, however the Court suspended the order for 12 months until 12 May 1994.

The Chief Judge found that the operations breached the following conditions:-

- A. Condition no. 8 of development consent dated 25/10/78 which required that, *"all operations be carried out in aerobic condition"*.
- B. Condition no. 9 of development consent dated 27/9/85 which required that, *"the development being 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"*.

Also condition no. 11 which required that, *"all operations shall be carried out in aerobic conditions"*.

- C. Condition no.'s 8 & 10 of development consent dated 16/4/87 which were the same as conditions 9 & 11 of the consent dated 27/9/85.

Mushroom Composters sought a stay in the application of the order for a period of 10 months from 1 August 1994 but this was recently dismissed by the Chief Judge.

Given the determination of the Court, Mushroom Composters have advised Council that they have significantly reduced production to 470 tonne per week, which is approximately 55% of the demand on the company. As odour release is directly related to compost volume on site, this measure must reduce odour effects in the vicinity of the yard. This is take effect from 20 October 1994. The Company has also advised that it be will be evaluating two different chemical measures claimed to reduce odour.

Residents in the vicinity of the Ebenezer operation continue to monitor odour and tabulate the results at the end of each month. The most recent report submitted by residents for September 1994 indicated that odour had been present every day in September and it was the resident's perception that the situation seemed to be deteriorating and certainly was not improving.

From a number of questions from concerned residents at Tinda Creek, it would seem that they are also closely monitoring Council's control of the existing Ebenezer operation as an indication of Council's resolve to enforce conditions of consent in respect of mushroom composting.

Mushroom Composters have been on notice of Council's resolve to eliminate odour nuisance to surrounding residents for many years and certainly since 1991 when action was commenced in the Land and Environment Court to secure compliance with conditions of development consent regarding the emissions of odour.

In the circumstances it is recommended that odour emissions from the Ebenezer site be monitored for a period of two months by Council officers. This would involve attending the site both in and outside normal working hours to confirm or otherwise the veracity of resident complaints. Should there be a continuing odour nuisance at the end of this period the facts would then be presented to the Court for a determination.

At the Council meeting on 11 October 1994 reference was made to a publicity campaign by Mushroom Composters conducted in the local papers. It was suggested that some of the information may not be accurate or balanced. By way of comment at this stage it is not considered necessary or desirable to respond to these advertisements. The composting issue is obviously a difficult one and Council's role as a mediator and determining authority will not be assisted by participating in a publicity campaign.

Status of Development Application for Tinda Creek

At the time of drafting this report, the applicant's planning consultant anticipated that an amended development application would be lodged before the General Purpose Committee for exhibition.

The purpose of the amended application is to address the new designated development provisions of the Environmental Planning and Assessment Regulations as well as to detail some changes to the plans.

There have been a number of enquiries from residents in the area about the requirement for an Environmental Impact Statement. For Council's information the following is the relevant extract from the Regulations regarding the requirement for an EIS:-

"Waste management facilities or works" that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that: ...

- (3) *purify, recover, reprocess or process (including by mulching or composting) more than 5,000 tonnes per annum of solid or liquid waste organic materials, including food waste, oil, sludge, pulp, garden refuse, sawdust or wood chips; or*
- (4) *are located:*
 - (a) *in or within 100 metres of a natural waterbody, wetlands, coastal dune fields or an environmentally sensitive area; or*
 - (b) *in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils; or*
 - (c) *within a drinking water catchment; or*
 - (d) *within a catchment of an estuary where the entrance to the sea is intermittently open; or*
 - (e) *on a floodplain; or*
 - (d) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

This designation of waste management facilities or works does not include:

- (a) *development comprising or involving any use of sludge or effluent if:*
 - (i) *the dominant purpose is not waste disposal; and*
 - (ii) *the development is carried out in a location other than one listed in paragraph (4) above; or*
- (b) *development comprising or involving waste management facilities or works specifically listed elsewhere in this Schedule.*

There are a number of relevant definitions in the regulations including:-

"environmentally sensitive area" means:

- (a) *land identified in an environmental planning instrument as an environment protection zone such as for the protection or preservation of habitat, plant communities, escarpments, wetlands or foreshore or land protected or preserved under State Environmental Planning Policy No 14 - Coastal Wetlands or State Environmental Planning Policy No. 26 - Littoral Rainforests; or*
- (b) *land reserved as national parks or historic sites or dedicated as nature reserves or declared as wilderness under the National Parks and Wildlife Act 1974; or*
- (c) *...*
- (d) *land reserved or dedicated within the meaning of the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes; or*

(e) *land declared as wilderness under the Wilderness Act 1987.*

"high watertable" means those areas where the groundwater depth is less than 3 metres below the surface at its highest seasonal level.

"highly permeable soil" means soil profile or layers (within the upper 2 metres of the material to be disturbed or impacted by the development) with a saturated hydraulic conductivity of more than 50 millimetres per hour.

"sludge" includes waste particulate matter (mainly organic) from processes such as sewage treatment plants, intensive livestock industries or agricultural, livestock, wood, paper or food processing industries.

"waste" includes any matter or thing whether solid, gaseous or liquid or a combination of any solids, gases or liquids that is discarded or is refuse from processes or uses (such as domestic, medical, industrial, mining, agricultural or commercial processes or uses).

"waterbody" means:

(a) "a natural waterbody including:

(i)...

(ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed ..."

"environmentally sensitive area":

The distance from an environmentally sensitive area is to be measured as the shortest distance between the boundary of the area and the boundary of the land to which the development application applies.

"waterbody"

The distance from a waterbody is to be measured as the shortest distance between:

(a) the top of the high bank, if present; or

(b) if no high bank is present, then ... the mean water level in non-tidal waters,

and the boundary of the land to which the development application applies.

Council's legal advice in relation to the initial application was that it was designated development and accordingly would require to be supported by an Environmental Impact Statement. This was on the basis that:-

1. The applicant proposes to produce up to 12,000 tonnes of compost each week.
2. 150 tonnes of chicken manure is required to produce 1,200 tonnes of compost.
3. The applicant proposes to compost 52 weeks a year.
4. The maximum tonnage of chicken manure per annum will be 8,000 tonnes. However when the development commences it is proposed that the tonnage will be reduced and accordingly only 6,000 tonnes of chicken manure per annum will be used.

Further the development application was lodged on 7 July 1994 and the new designated development provisions came into effect on 1 July 1994. The new provisions only apply to development lodged after 1 July 1994.

Council's solicitors considered that chicken manure is a waste discarded or is refuse from an agricultural use and therefore falls within the definition of waste. As the volume to be processed was in excess of 5,000 tonnes it was determined that the development was designated.

It is understood that the amended application to be submitted by Mushroom Composters will not be accompanied by an Environmental Impact Statement. They propose to reduce the tonnage of poultry manure to less than 5,000 tonnes and to address each of the locational criteria. Other "waste" raw materials such "cotton hulls" would also need to be considered so that the total "waste" materials did not exceed 5,000 tonnes.

As part of the response to the locational criteria, it is understood that the applicant proposes to subdivide the land to contain the composting operation on one lot with a surrounding lot to be a buffer area. Sub-consultants have apparently been engaged to assess soil characteristics to determine whether the land has highly permeable soils, acid sulphate, sodic or saline soils.

Council's solicitors have been requested to confirm that the approach being taken by Mushroom Composters is legally correct. If this legal advice confirms the legal advice provided to Mushroom Composters then the application will be placed on public exhibition.

A detailed evaluation of the Statement of Environmental Effects and supporting documentation has now been obtained from Gutteridge Haskins and Davey Pty Ltd. The evaluation covers raw materials, water supply, wastewater treatment, fire fighting, environmental monitoring, contingency plans, erosion control, solid waste disposal, air emissions and hydrology. The evaluation has been forwarded to Hassell Pty Ltd, the consultants responsible for the preparation of the development application.

At Council's meeting on 11 October 1994 it was also requested that this report make reference to investigations into the aeration of compost undertaken at a composting facility near Christchurch in New Zealand. It is understood that this facility is not yet operational. However an Inquiry took place into the composting issue and evidence was provided that the odour differences between aerated and conventional composting processes are statistically significant. The applicant's by their own admission state that it will not be possible to eliminate odour totally from either the Ebenezer site or the proposed Tinda Creek facility.

RECOMMENDATION:

1. That Council officers be made available both within and outside working hours over the next two months to verify any odour complaints made against Mushroom Composters from surrounding residents.

At the conclusion of the two month period, any resident documentation of odour together with any Council officer reports be submitted to Council with a view to presenting the information to the Land and Environment Court for an appropriate determination.

2. The information concerning the proposed amended development application for Tinda Creek be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NBX.V13

****** END OF ITEM 82 ******

ITEM 83: DRAFT LEP PROHIBITING BURIAL OF MOTOR VEHICLE TYRES

FILE NUMBER: LEP6/94/EVD

REPORT:

The Department of Planning has now finally provided a Section 65 Certificate to enable the exhibition of the Draft Local Environmental Plan to prohibit the burial of whole motor vehicle tyres.

The Plan aims to prohibit the burial of used motor vehicle tyres in the City of Hawkesbury, but does not prohibit the burial of the remains of tyres that have been shredded or otherwise treated in a manner satisfactory to Council.

The relevant provision is as follows:-

Use of Tyres for Landfill Prohibited

40B (1) A person must not use land to which this lands applies for burying used motor vehicle tyres.

(2) This clause does not prohibit a person from burying the remains of a motor vehicle tyre which has been shredded or otherwise treated in a manner satisfactory to the Council.

The Draft Local Environmental Plan will be placed on public exhibition and following that exhibition will be reported back to Council for final determination and referral to the Minister for gazettal.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NBX.V14

****** END OF ITEM 83 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENTMeeting Date: **1 November 1994**Item: **84**

ITEM 84: PROFESSIONAL CHAMBERS - PSYCHIATRIC GROUP TREATMENT
- LOT 3 DP16852 43 PITT STREET, RICHMOND

FILE NUMBER: DA164/93/EVD

REPORT:

This matter was reported to the Ordinary Meeting on 11 October 1994, where the following was resolved:-

"That the application be deferred until the results of the applicant's parking survey are available with the application being reported to the next General Purpose Committee meeting and the activity being permitted to operate until this time."

A parking survey was undertaken over a period extending almost three weeks. The results of this survey are produced below:-

Day	Date	Patient's cars	Staff cars	Total for day
Tuesday	4/10	4	1	5
Wednesday	5/10	4	3	7
Thursday	6/10	7	3	10
Friday	7/10	5	2	7
Monday	10/10	2	1	3
Tuesday	11/10	3	3	6
Wednesday	12/10	10	3	13
Thursday	13/10	3	1	4
Friday	14/10	2	3	5
Monday	17/10	3	2	5
Tuesday	18/10	5	3	8
Wednesday	19/10	7	3	10
Thursday	20/10	4	1	5

At present, three staff parking spaces are provided on-site. At most times, approximately five vehicles will be parked in the street. This is not considered to be an excessive number. The applicant has indicated a willingness to provide additional parking on-site by 'opening up' a drive through garage which exists on the site. This would enable approximately 7 - 8 vehicles to be parked on site within the driveway.

In relation to noise generated from the site, the applicant has indicated a desire to install a ducted air conditioning system, pending an on-going approval, which will enable the windows of the building to be closed at all times. Furthermore, an offer has been extended to provide double glazing to the one window which faces the property where noise is a problem. This will have the added benefit of ensuring that the privacy of adjoining properties is maintained.

With regard to operating hours, the applicant has advised that the hours stipulated have always been maintained. Exceptions to this may be cleaners who have carried out work beyond the hours, or workmen carrying out minor maintenance on the building.

In light of the above, it is recommended that approval be granted indefinitely to enable the applicant to carry out the works which will ensure the proposal does not interfere with the amenity of the locality.

RECOMMENDATION:

That DA 164/93 be extended indefinitely and the following amendments be made to the Development Consent:

Delete condition 2 and replace it with the following:-

- "2. *All external doors and windows shall be closed at all times the activity is in operation.*"

Add the following additional condition:-

- "8. *Provide parking for at least 7 (seven) vehicles within the driveway. All patients are to be directed to use the driveway when parking is available.*
9. *Double glazing being provided to any window which faces the east.*"

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NBX.V18

****** END OF ITEM 84 ******

ITEM 85: DEVELOPMENT IN THE VINEYARD AREA - PROPOSED
REZONING OF LAND BOUNDED BY PARK ROAD, RAILWAY
ROAD NORTH, LEVEL CROSSING ROAD AND WINDSOR ROAD
TO ALLOW INDUSTRIAL DEVELOPMENT

FILE NUMBER: LEP17/90/EVD

REPORT:

Development in the Vineyard Area

During discussion about a draft local environmental plan for the rezoning of land containing a mushroom composting facility at Mulgrave, concern was expressed that there should be more regular consultation with the residents of Vineyard about urban development proposals.

In response to a public meeting of Vineyard residents held on 19 April 1994, Council made representations to the Water Board and the Department of Planning.

As a consequence of those representations, responses have now been received from both the Board and the Department of Planning.

The Water Board has advised that they would be willing to meet with Council's representatives to discuss Vineyard development issues, provided the Department of Planning was represented at the meeting.

The Department of Planning has advised that the issues raised by residents are to be specifically addressed in the study of the scheduled lands in Vineyard/Riverstone. The technical working party managing the study will be appointing a consultant to undertake much of the work. The Department has suggested that the meeting proposed by Council and residents be convened once the study has commenced so that all relevant issues can be discussed.

The Department of Planning has been requested to convene the meeting and all residents in the Vineyard area have been advised of this. It is proposed that a number of residents participate in the meeting.

Proposed rezoning of land bounded by Park Road, Railway Road North, the railway line, Level Crossing Road and Windsor Road to allow industrial development

A proposal has been received from Falson and Associates on behalf of a significant number of landowners in the area bounded by Park Road, Railway Road North, the railway line, Level Crossing Road and Windsor Road to rezone the land for industrial purposes. This land has a total area of approximately 50 hectares.

It is proposed that the industrial development take place with the existing water supply connections through control over allotment size and that reticulated sewerage be provided via an extension from Park Road. A landscaped buffer would be provided along Level Crossing Road to separate the proposed industrial development from the houses on the opposite side of the road and to maintain their residential amenity.

In support of the proposal, Falson and Associates state:-

"There is a demonstrated shortage within the Hawkesbury Local Government Area of employment land. Current industrial estates are almost fully developed with no new estates currently planned.

Our clients' plan would provide for industrial land in an ideal location and would also allow for a properly planned industrial estate producing allotments of optimum size. The land would be attractive to industrialists because of the frontage to a main arterial road, close proximity to a rail line, close proximity to workforce and its location to a growing Western Sydney market.

The recent decision to approve of the Caltex storage depot in Park Road will result in Park Road/Windsor Road intersection being upgraded which would be commensurate with an entrance to a new industrial estate...

The appropriate course for Council is to resolve to prepare a draft local environmental plan for the area so that the industrial development can be placed within a statutory framework and properly investigated through the statutory process.

On behalf of our clients we would appreciate this matter being dealt with at the earliest opportunity and we would be available, together with the landowners, to meet with Council and its officers to further discuss the above issues".

As indicated in the submission from Falson and Associates, there are a number of matters to be investigated and resolved in the development of the land. Besides the issues of servicing, it is essential that detailed planning be undertaken to determine minimum lot sizes, setbacks from Windsor Road and Level Crossing Road, access from Windsor Road, the location of internal roads, drainage and flooding, Section 94 contribution requirements and landscaping.

Whilst Council does have the power to initiate a draft local environmental plan to rezone the land, it is suggested that this would be premature and not in the interests of Council or the property owners.

From Council's perspective it would be preferable in the first instance for the property owners themselves to attempt to resolve these planning issues when they have an incentive to work as a group. Should the land be rezoned without any of these issues being resolved then there is likely to be considerable conflict with Council or the Court being forced into the position of arbiter.

From the property owner's perspective, it is difficult to communicate the benefits or respond to any concerns without a documented concept plan. This accords with Council's resolution of 8 March 1994 which said that, following further discussions with residents of Vineyard, a report be submitted considering rezoning of part of Vineyard for industrial purposes. Also the consideration of planning issues at an early stage should result in earlier implementation and recoupment of investment.

Accordingly it has been suggested to Falson and Associates that their clients have conceptual plans prepared by architects detailing preferred lot sizes, setbacks, internal roads, floor space ratios etc. These plans could then be considered by Council and placed on public exhibition along with any draft local environmental plan.

Falson and Associates have requested that Council at least provide an expression of support for the concept although preferring a resolution to prepare a draft local environmental plan. An expression of support would enable the property owners to consider further investment in documenting conceptual plans.

RECOMMENDATION:

1. That the information regarding a meeting of Vineyard residents, Council and the Department of Planning about urban development in the Vineyard area and the scheduled lands be received.
2. That Falson and Associates be advised that Council supports in principle the provision of further industrial land in the City and that the proposed rezoning of land bounded by Park Road, Railway Road North, the railway line, Level Crossing Road and Windsor Road, has merit given the existing zoning pattern in the area. Further that Council would be pleased to consider a concept plan for the development of the area and at that stage would consider the preparation of a draft local environmental plan.

ATTACHMENTS:

There are no supporting documents for this report.

FN:ENB01NBX.V22

****** END OF ITEM 85 ******