

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

GENERAL PURPOSE COMMITTEE - ENVIRONMENT**Table of Contents****Meeting Date:** 30 May 1995

Page 2

ITEM	SUBJECT	PAGE
-	SECTION 1 - ENVIRONMENT.	
167:	OPERATION OF A HORSE DRAWN OMNIBUS THROUGH THE STREETS OF WINDSOR INCLUDING OPERATIONS IN THE EVENING AS A RESTAURANT DA0001/95/EVD	4
168:	CATTLE FEEDLOT - LOT 5 DP238298 169 COMMERCIAL ROAD, VINEYARD DA0221/94/EVD	7
169:	ERECTION OF 3 X 3 BEDROOM VILLA HOMES - LOT 2 DP837419 NO. 3A YVONNE PLACE, NORTH RICHMOND - D TURNER DA18/95/EVD	18
170:	ERECTION OF 5 X 3 BEDROOM SINGLE STOREY VILLA HOMES - LOT 48 DP801673 21 ELDON STREET, PITT TOWN DA0073/95/EVD	21
171:	PROPOSED WEDDING RECEPTION/FUNCTION CENTRE, TEA ROOMS AND CRAFT EXHIBITION - LOT 1 DP211614 AND LOT 1 DP540273 NO 11 PAGET STREET, RICHMOND. BRINCKLEY AND SCIBERRAS DA279/93/EVD	27
172:	THREE X THREE BEDROOM VILLAS - LOT 4 DP788232 5 O'DEA PLACE, NORTH RICHMOND DA62/95/EVD	30
173:	PROFESSIONAL CHAMBERS - PSYCHIATRIC GROUP TREATMENT - 43 PITT STREET, RICHMOND - REVIEW OF CONDITIONS OF CONSENT DA0164/93PT01; BA104/95EVD	34
174:	TYRE LANDFILLS DA19/92/EVD	38
175:	MECHANICAL REPAIRS - LOTS 21 AND 22 DP800232 61 MILEHAM STREET, WINDSOR DA437/87/EVD	39

GENERAL PURPOSE COMMITTEE - ENVIRONMENT**Table of Contents****Meeting Date:** 30 May 1995

Page 3

ITEM	SUBJECT	PAGE
176:	"GLENROY" STUD, KURMOND ROAD, FREEMANS REACH - AMENDED PROPOSAL TO DEVELOP 250 RESIDENTIAL LOTS AND A LARGE RESIDUAL LOT TO BE KEPT FOR AGRICULTURAL USE. APPLICANT: MR JOHN LOGAN WITH SUPPORTING ADVICE PROVIDED BY DOUGLAS SANGER PTY LTD, LAWRENCE ROSE, JOHN SEARS, PETER LOWRY AND GLENN FALSON SA0145/93PT01/EVD	42
177:	POULTRY FARM EXTENSIONS - LOT 6 DP215573 NO. 53 WALLACE ROAD, VINEYARD - J XUERE DA117/94/EVD	45
178:	ENERGY EFFICIENCY GC280/004/EVD	47
179:	DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 1 - 4 DP223656 141-145 MARCH STREET, RICHMOND - TO ALLOW GENERAL BUSINESS, HAWKESBURY CITY COUNCIL LEP14/94/EVD	52
180:	HAWKESBURY CITY COUNCIL AND FOSTER -V- MUSHROOM COMPOSTERS PTY LTD - CONTEMPT PROCEEDINGS, EBENEZER P1609/110Pt10/EVD	56
181:	TYRE LANDFILL - LOT 2 DP123962 CNR LEVEL CROSSING ROAD AND RAILWAY ROAD SOUTH, VINEYARD LEP6/94 & DA19/92/EVD	58
182:	INTEGRATED TRANSPORT STRATEGY GP110/005 PT14/EVD	61
183:	DEPARTMENT OF PLANNING -"CITIES FOR THE 21ST CENTURY" GP110/005 PT14/EVD	63

******* END OF TABLE OF CONTENTS *******

ITEM: 167 OPERATION OF A HORSE DRAWN OMNIBUS THROUGH THE
STREETS OF WINDSOR INCLUDING OPERATIONS IN THE
EVENING AS A RESTAURANT

FILE NUMBER: DA0001/95/EVD

Applicant: Chris Wells
Applicants Reps: Not advised
Owner: Public roads and private property
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: Not applicable
Zone: Not applicable
Advertising: No advertising required
Date Received: 3 January 1995

Key Issues:

, Safety, particularly during evening operations.

Action:

Conditional approval.

REPORT:

Proposal

The application is to operate a horse drawn Omnibus through the streets of Windsor. The Omnibus seats approximately 20 people, is painted in heritage colours and would be drawn by two Clydesdale horses.

The Omnibus would operate from Tebbutts Observatory Wednesday through Sunday with expected hours 9.00 am - 5.00 pm. It is also proposed to operate the Omnibus at night as a top class restaurant. The restaurant tours would operate in conjunction with local restaurants such as Patricks, Morros and Radissons with no food being prepared on the vehicle.

The Omnibus would be fitted with appropriate headlights and safety flashing lights for night time operation.

Holding points for the vehicle during the day would be either in the bus bay in Thompson Square or opposite Macquarie Arms in George Street.

The day time historic town tours include three proposed routes in and around Windsor.

The proposed dinner/lunch route involves two alternatives both including a substantial section of Richmond Road.

Included within the business paper is a map of Route 4, which is the lunch/dinner route.

Involved Comment by the Roads and Traffic Authority

The application was referred to the Roads and Traffic Authority for comment. The Authority has advised as follows:

"While the Authority would have no objection to the operation of the omnibus on local roads it cannot support the proposed use of the state road system on both safety and traffic flow grounds and in particular its proposed operation at night.

It is noted that an alternate route is available via Greenway Crescent/Cornwallis Road to connect with Richmond and if access to the Radisson Rum Corp is still required then this access route could be utilised."

Planning Assessment

The issue of traffic safety and, to a lesser extent, traffic flow particularly during night time activities, is the most significant planning issue.

It is proposed that the Omnibus be well lit and for night time activities would operate with continually flashing hazard lights. However, the Omnibus is relatively large and there is, of course, an extreme speed differential with traffic.

In many locations on the proposed Route 4 it would be impossible for the Omnibus to avoid the road carriageway and at these locations there would be an obvious safety risk.

The proposed Route 4 which would be used for night trips comprises a substantial length of state road where the risk is increased by the large volume of traffic compared to a local road.

The proposed development has undoubted tourist benefits and should be supported except where there is an unreasonable safety risk.

In conclusion, it is recommended that Routes 1, 2 and 3 be supported but that Route 4 not be supported and the applicant be advised that any night trips are to be restricted to local roads approved by the Divisional Manager Environment and Development.

RECOMMENDATION:

The application be approved in respect of Routes 1, 2 and 3 with Route 4 not being approved for safety reasons.

This approval is subject to the following conditions:

1. The Omnibus is to be rubber-tyred to prevent damage to road pavements.

2. Where bus stops are used, arrangements are to be made with the relevant bus companies to provide bus access to the bus stops, when required.
3. The operator is to be appropriately insured in the event of any injury to patrons.

ATTACHMENTS:

AT-1 Copy of plans of proposed Route 4.

FN:EN530NAX.V02

****** END OF ITEM 167 ******

ITEM: 168 CATTLE FEEDLOT - LOT 5 DP238298 169 COMMERCIAL ROAD, VINEYARD

FILE NUMBER: DA0221/94/EVD

Applicant: D & E Becroft
Applicants Reps: Not applicable
Owner: D & E Becroft
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 2.807ha
Zone: Rural 1(c)
Advertising: Adjoining owners, advertisement in local paper and sign on site, 5 submissions received
Date Received: 17 August 1994, additional information submitted 7 October 1994

Key Issues:

, Environmental Impact
, Odours and dust
, Water pollution
, Amenity
, Noise

Action:

Refusal

REPORT:

Proposal

The application is to use the subject site as a cattle feed lot for a maximum of 50 cattle at any one time. The applicant states the average number of cattle is 30. The cattle kept are small being weaners (6 - 9 months old) and the cattle are kept for a maximum of 6 - 7 weeks. The majority stay 2 - 3 days being held prior to sale or transported over the mountains to another property.

The property is fenced into 7 paddocks varying in area between 0.5 and 2 acres. The applicant states a neighbour's property is also available when required. The cattle are free ranging on planted or sown kikuyu paddocks.

When grass is short, it is necessary to hand feed the cattle adjacent to the existing shed, see plan attached.

The applicant has given the following measures to combat likely environmental impacts:-

Odour*Design Features*

- *Our nearest neighbour is approximately 30m away from the feeding area.*
- *All feed is kept under cover (feed is stored in a shed, feeding troughs are under cover).*
- *The location is predominantly a rural area. There are no businesses and few residences in close proximity. It is unlikely that the population will increase as the land is of no use for other purposes because of the double power easements.*

Management Practices

- *Feeding area is cleaned regularly. A front-end loader clears out manure from the feeding area every 4 - 5 weeks, or as necessary. The manure is used on local market gardens.*
- *We add MicroAid to all feed. MicroAid is an additive designed to reduce odours from manure.*
- *There have been no complaints to us regarding odour to date.*
- *We do not feed the cattle bread, hence there is no smell of stale bread.*

Conclusion

Impact of odour is minimal

Water Pollution*Design Features*

- *No water runs onto neighbours properties.*
- *A drain exists to minimise storm water running into the feeding area.*
- *We are in the process of enhancing these drains to prevent storm water entering the feeding area. Our plans include trenches to divert storm water around the feeding area, such that it drains away according to natural land contours.*
- *A large dam exists which collects natural water run-off.*

Management Practices

- *The number of cattle kept, and manure being removed regularly from the feeding area, results in minimal cattle waste run off.*
- *We have not constructed a sedimentation dam as we like to rotate the cattle around our paddocks. A sedimentation dam would mean that the cattle are restricted to one area.*
- *In our opinion, a sedimentation dam would not be effective. Expert advice sought was that sedimentation dams are more appropriate for those wanting to keep a lot of cattle locked up in a small area.*

Conclusion

- *Water pollution is minimal.*

Soil Degradation*Design Features*

- *Trees have been planted around fence lines.*
- *Paddocks are normally well grassed, covered in kikuyu.*
- *All vehicles are parked close to the property entrance, near the shed and in an area designated for vehicles and general storage. Cattle and feed deliveries occur in the same area.*

Management Practices

- *Various paddocks are sown to crop (rotated).*
- *Cattle are rotated through the paddocks periodically. Crops are sown or grass (kikuyu) given a chance to re-establish after cattle move out of a paddock.*
- *Cattle are small, making less impact than fully grown cattle.*
- *No vehicles are driven over the property. (Pacific Power inspect the power transmission lines approximately every 3 months; their vehicle follows the fenceline).*

Conclusion

- *Soil degradation is minimal.*

Animal Health and Welfare*Design Features*

- *All cattle have access to an automatic watering system (town water), and to the dam.*
- *Cattle have access to 13 acres (7 acres of our own and 6 acres of our neighbour's). Cattle are rotated into fenced paddocks.*

Management Practices

- *All cattle are drenched and vaccinated upon arrival.*
- *All cattle are well fed. Troughs are filled morning and night with top quality feed.*
- *Experienced in cattle husbandry. We have 25 years experience in feeding cattle (type, frequency of feeds etc).*
- *Call vets in when required.*
- *Place is kept tidy and clean.*
- *We do not feed the cattle bread, hence there are no wrappers blowing around or burning of wrappers.*

Conclusion

- *Cattle are well cared for and are not restricted to a small enclosure.*

Statutory Situation

The site is zoned as Rural 1(c) under Hawkesbury Local Environmental Plan 1989 and the objectives of that zone are:-

- (a) to primarily provide for a rural residential living style; and
- (b) to prevent the establishment of traffic generating development along main and arterial roads.

Feedlots are included in the definition of "livestock intensive industries" in Schedule 3 of Environmental Planning and Assessment Regulation 1994 and feedlots become designated development if they conform to the definition, which is as follows:-

"feedlots" that accommodate in a confinement area and rear or fatten (wholly or substantially) on prepared or manufactured feed, more than 100 head of cattle, 4000 sheep or 400 horses (excluding facilities for drought or similar emergency relief).

As the application is for a maximum of 50 head of cattle, the proposal is not designated development.

State Environmental Planning Policy 30 - Cattle Feedlots and Piggeries (Amendment No. 2) came into effect on 24 April 1994 and requires development consent for 50 or more head of cattle and piggeries of 200 or more pigs or 20 or more breeding sows. SEPP No. 30 originally came into effect on 8 December 1989 and was amended on 20 August 1993.

The Policy requires Council to consider:-

- (a) the adequacy of the information provided in the statement of environmental effects or environmental impact statement accompanying the development application;
- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site;
- (c) the potential for the pollution of surface water and ground water;
- (d) the potential for degradation of soils;
- (e) the measures proposed to mitigate any potential adverse impacts;
- (f) the suitability of the site in the circumstances;
- (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals; and

- (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of cattle feedlots or piggeries published and made available to the consent authority, by the Department of Agriculture and approved by the Director of Planning.

Consultation

Comments on the proposal were requested from Department of Conservation and Land Management, Environmental Protection Authority and NSW Agriculture. The following are their responses.

Department of Conservation and Land Management

The Department has replied as follows:-

The Soil Conservation Act, (1938) and amendments make provision for the conservation of soil and farm water resources and for the mitigation of erosion within New South Wales. Any activity which disturbs the land or causes land degradation can constitute an erosion hazard.

It is essential to minimise on site erosion, and offsite sedimentation of adjacent properties, streams, waterbodies and the like, to minimise the impact of development. The Commissioner has specific powers under Section 15A of the Soil Conservation Act, 1938 where an erosion hazards exists or has the potential to develop.

This Department is the Government agency charged with responsibility to minimise erosion and sedimentation in NSW. To date, this Department has not been consulted by the applicants or representatives.

There are a number of areas in the Environmental Impact Report (EIR) that require comment.

The Crown Lands Service has advised that no crown land is affected by this problem.

Water Pollution

Wherever there is disturbance of the soil or removal of vegetation, the potential exists for soil erosion and hence, water pollution. These disturbed areas can include, but not exclusively, areas around feed troughs, gates, tracks (both vehicular and animal) and the feed area.

The minimisation of this erosion potential is essential, and measures to ensure erosion and sedimentation control must be addressed. (See the section on Erosion and Sediment Control Plans).

While the EIR is correct in that a sedimentation dam may not be feasible for the whole property, there certainly is a role for such a device to trap runoff from the feeding area. The feed area has a high potential for soil erosion and water pollution.

Soil Type and Suitability

The EIR does not indicate the type of suitability of the soil to this development.

The Department has completed a study of the soil landscape of the area. This has been published as Bannerman, S M and Hazleton, P A (1990), "Soil Landscapes of the Penrith 1:100 Sheet. Soil Conservation Service of NSW, Sydney.

The Soil Landscapes have been mapped at a scale of 1:100 000 and have been designed to provide soil and landscape resource information for a wide range of users including agricultural pursuits.

The book and map can be purchased from the Department of Conservation and Land Management at the Penrith Office.

Erosion

An erosion potential exists when vegetation ground cover is less than 75%. The intensive grazing of this proposal has a high potential to reduce ground cover below 75%, particularly in high traffic areas, and in times of unfavourable weather conditions.

Erosion and Sediment Control Program/Farm Plan

Measures to be taken to ensure the control of erosion and sedimentation should be included in the EIR. The details can be summarised in an Erosion and Sediment Control Plan (ESCP) that emphasises the incorporation of the measures into the construction sequence. Please find attached a brochure on Preparing Erosion and Sediment Control Plans.

To enhance the proposals operation, and minimise erosion and sedimentation, the ESCP should be included in a Whole Farm Plan, which examines the total farm operation, including infrastructure. A Whole Farm Plan, when implemented, will assist with minimising erosion and sediment control.

Environment Protection Authority

The Authority has replied as follows:-

"The EPA requires that proponents of cattle feedlots accommodating more than 400 head of cattle seek statutory approval from the EPA prior to the construction of the facilities. However, as the proposal is to accommodate a maximum of 50 cattle at any one time, the proponent is not required to seek statutory approval from the EPA.

Notwithstanding the above, the EPA would be concerned with the potential for the proposal to general water pollution and odours. Council should consider the potential for contaminated runoff from the feedlot and the collection and disposal of the effluent. Consideration should also be given to the generation of dust and odours and whether an adequate buffer zone exists between neighbouring properties and the feedlot.

To assist Council in its consideration of this development application please find enclosed a copy of the EPA's guidelines for cattle feedlots."

The Guidelines deal with:-

- Design Specifications of Effluent Utilisation Systems
- Sedimentation Basins
- Holding Ponds
- Waste Utilisation Areas
- Terminal Ponds
- Environmental Considerations

NSW Agriculture

The NSW Agriculture have replied as follows:-

The property was visited on several occasion by departmental officers. It was found to occupy 2.83ha and to be used for the agistment of cattle rather than for fattening. The property is divided into 7 paddocks sown to kikuyu and a holding/feeding area of some 0.4ha. There is a large existing earth dam into which the property drains naturally.

An average of 30 head of cattle are held on the property with a maximum number of about 50 head at any one time. Most of the cattle are young, of low body weight and are held on the property for only a few days before shipment elsewhere. The cattle therefore produce significantly less solid effluent than cattle in a conventional feedlot.

Following the general principles of feedlot design and management, the Department believes that the holding/feeding area should be made into a hardstand of compressed earth or concrete isolated by drains from the surface water above it. The hardstand area should then be drained separately into a second dam to be located above the main dam. The hardstand should be cleaned regularly and the solid waste removed for disposal on the kikuyu pasture or for sale off-site, as it is at present.

The liquid effluent from the hardstand should be collected in the second dam and used for irrigation of the kikuyu pasture. The Department estimates that the annual stormwater run off from a concrete hardstand of 0.4ha would be about 3.5 megalitres. This would be sufficient to irrigate about 1.4ha of pasture over a 12 month period.

The Department therefore concludes that the property is capable of supporting the current operation sustainably providing these principles are followed.

Council should note that the suggestions made here are in outline only: a more detailed management plan should be drawn up by the proponents following further consultation with the Department or some other agency of their choice. That management plan should address the matters set out in the National Guidelines for Beef Cattle Feedlots in Australia (Standing Committee on Agriculture Report No 47) insofar as they apply to an enterprise of this size.

The Department is confident that improved management would reduce the likelihood of odour very considerably. However, it has no expertise on what levels, if any, are acceptable and Council should seek the expert opinion of the Environment Protection Authority on this issue.

Community Response

The proposal was advised to adjoining owners, a sign placed on the site and an advertisement was placed in the Hawkesbury Gazette. There were five submissions received and a summary of the concerns follows:

- horrible stench smell of cattle for last four years particularly in wet and windy conditions
- noise from cattle at night and from grain auger at night
- unsustainable pressure on local environment, ecological system and social structure
- land size too small
- in excess of 50 head of cattle, closer to 100 head at times
- small holding area becomes quite putrid
- no control of run off, detriment to quality of water courses and Hawkesbury River.

Planning Assessment

Odours & Dust

The proposal has the potential to generate odours particularly in wet periods and at windy times. Residents in the area have advised of odours and it is understandable how these can occur at times.

In dry times and during drought periods the number of cattle kept in the paddocks and enclosed yards could create a dust nuisance to adjoining owners.

Water Pollution

The proposal in view of its intense nature, on a small area of land, is likely to pollute the existing dam and therefore the downstream watercourse and ultimately the Hawkesbury River. No sedimentation traps are proposed and not all the guidelines of the Government Departments and Agencies are being followed in the proposal.

Noise

Adjoining owners advise that at times, the cattle are noisy at night eg young calves separated from their mothers. There does not seem to be any way this type of nuisance can be overcome.

Amenity

The amenity of the neighbourhood could be adversely affected by noise, odours and dust at various times, particularly in adverse weather conditions.

Environmental Impact

Pollution could occur to the surface water, ground water, existing dam and downstream watercourses by run off from the enclosed yards and paddocks. Erosion could also occur to the land at times of extreme weather conditions which also could pollute the natural watercourses. Dust from dry areas and heavily trafficked yards could cause air pollution.

Conclusion

Overall the proposal has the potential to cause air, water and noise pollution in the area and as evident from the objections received, has done so in the past. In these circumstances and in view of the objectives of the zoning the application should be refused.

RECOMMENDATION:

The application be refused for the following reasons:

1. Odours from the proposed cattle feedlot could adversely affect the amenity of residences or other land uses within the vicinity of the site.
2. The proposed development could pollute the surface water, ground water, existing dam and downstream watercourses.
3. The proposed development could generate noise that would interfere with the amenity of neighbouring residents.
4. Dust from the enclosed yards and paddocks could adversely affect the air quality in the area.
5. The proposed development could adversely affect the environment and amenity of the locality by water, air and noise pollution.
6. The site by its location, size and surrounding development is not considered suitable for a cattle feedlot and approval would not be in the public's interest.
7. The proposed development is inconsistent with the objectives of the Rural 1(c) zone.

If Council wishes to approve the application, then the following conditions should be imposed:-

1. Cattle kept on the site as part of the cattle feedlot to be restricted to weaners only (6 - 9 months old) and to be a maximum of 50 head.

2. Holding/feeding area to be made into a hardstand of compressed earth or concrete isolated by drains from the surface water above it, to the requirements of the NSW Agriculture. *This condition must be complied with by 13 June 1996.*
3. The hardstanding area to be drained separately into a second dam, to be located above the main dam, to the requirements of the NSW Agriculture. *This condition must be complied with by 13 June 1996.*
4. The hardstanding area to be cleared regularly and the solid waste removed for disposal onto the kikuyu pasture or off site.
5. The liquid effluent from the hardstanding area to be collected in the proposed dam and used for the irrigation of the kikuyu pasture. *This condition must be complied with by 13 June 1996.*
6. Provision of a detailed management plan to the requirements of the NSW Agriculture with the management plan addressing the matters set out in the National Guidelines for Beef Cattle Feedlots in Australia. *This condition must be complied with by 13 June 1996.*
7. Compliance with the requirements of the Department of Conservation of Land Management - Soil Conservation Service in regard to soil erosion and sedimentation controls. *This condition must be complied with by 13 June 1996.*
8. Compliance with the requirements of the Environment Protection Authority in regard to water, air and noise pollution controls.
9. Submission of a building application, plans and specifications complying with the Building Code of Australia for any alteration and additions to the existing buildings and yards. *This condition must be complied with by 13 June 1996.*
10. 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.
11. All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Divisional Manager Environment and Development.
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. This development consent will lapse on 13 June 1996 which means that the development is to cease on or before 13 June 1996 at which time a new application will need to be submitted for a continuation of the use.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NAX.V08

****** END OF ITEM 168 ******

ITEM: 169 ERECTION OF 3 X 3 BEDROOM VILLA HOMES - LOT 2 DP837419
NO. 3A YVONNE PLACE, NORTH RICHMOND - D TURNER

FILE NUMBER: DA18/95/EVD

Applicant: D Turner
Applicants Reps: Not advised
Owner: D Turner
Stat. Provisions: Hawkesbury LEP 1989
Area: 1243m²
Zone: Residential 2(a)
Advertising: To adjoining owners, 14 days, 4 submissions received
Date Received: 3 February 1995, amended plans received 21 April 1995

Key Issues:

- * Access
- * Privacy
- * Courtyards
- * Design

Action:

Refusal.

REPORT:

Proposal

Application is to erect 3 x 3 bedroom single storey villa homes on the above battleaxe lot at North Richmond. Each dwelling has 2 parking spaces and one visitor parking space is provided.

Site Characteristics

The site is a battleaxe lot with access off the cul de sac end of Yvonne Place and is relatively level with some existing trees. A 6.095m wide drainage easement crosses the site, behind the frontage lot.

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 proposal does not conform to Council's Development Control Plan - Medium Density Housing in the following matters:-

- (a) Driveway access width to garages for Unit 2 and carports for Unit 3 does not conform to Plan.
- (b) Pedestrian access to Unit 1 is through the garages and pedestrian access to Unit 3 is through the carports.
- (c) The living areas of Units 1 and 2 are not orientated to the north.
- (d) The courtyard for Unit 3 is not contained in one useable parcel adjacent to the living areas.
- (e) No limit is shown to the amount of paved areas proposed.
- (f) The access to and from the visitors' space is such that difficulty would be experienced in entering and exiting the site in a forward direction.
- (g) The part of the courtyard between Units 2 and 3, behind the garages of Unit 2, is not desirable in shape or for landscaping.
- (h) Privacy of adjoining residents could be adversely affected by the design and layout proposed.
- (i) The courtyards for Units 2 and 3 will be affected by shadow for most of the day in mid winter.

Community Response

The original application was advised to adjoining owners for 14 days and 4 submissions were received. The amended plans were not readvertised since the new layouts do not differ to any great extent to the original proposal.

A summary of the residents' concerns are:-

- * no villas in the neighbourhood now
- * approval would create a dangerous precedent
- * cul de sac not designed for increased traffic and parking
- * invasion of privacy and additional noise from driveway traffic
- * high dividing boundary fences needed
- * more garbage bins to collect in already difficult street
- * devalue properties
- * no objections to a single dwelling on the land
- * moved to area for quiet and no congestion

Planning Assessment

The proposal does not conform to the Council's DCP - Medium Density Housing in the matters listed previously. The applicant was advised with the original application that the development was considered to be an overdevelopment of the site and amended plans for a lesser development should be submitted. The amended plans still provide for 3 x 3 bedroom villa homes.

RECOMMENDATION:

The application be refused for the following reasons:-

1. The proposal does not conform to the provisions of the Council's Development Control Plan - Medium Density Housing in respect of access, privacy, design, overshadowing, private open space and solar access.
2. The proposed density of the development is generally out of character with development on adjoining lands.
3. The proposed development could adversely affect the amenity of the neighbourhood.
4. The proposed 3 x 3 bedroom villa homes is considered to be an overdevelopment of the site and approval would not be in the public's interest.

ATTACHMENTS:

AT-1 Site plan

FN:EN530NAX.V10

****** END OF ITEM 169 ******

ITEM: 170 ERECTION OF 5 X 3 BEDROOM SINGLE STOREY VILLA HOMES -
LOT 48 DP801673 21 ELDON STREET, PITT TOWN

FILE NUMBER: DA0073/95/EVD

Applicant: Grange Patrick Pty Ltd
Applicants Reps: Not advised
Owner: Estate of Late E A Grono (sold for unpaid rates)
Stat. Provisions: Hawkesbury LEP 1989
Area: 1,665m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners, 4 submissions and 1 petition received
Date Received: 18 April 1995

Key Issues:

- , Council's Development Control Plan
- , Traffic generation
- , Burial ground
- , Precedent
- , Character
- , Privacy

Action:

Approval for 4 units only

REPORT:

Proposal

Application is to erect 5 x 3 bedroom single storey villa homes on the above site at Pitt Town, having frontage to Eldon Street and backing onto an existing park at the rear.

Each dwelling has a double garage and courtyards adjacent of the living areas. One visitors car space is provided in the front set back area.

Site Characteristics

The site is relatively flat with a slight fall to the front. Plans sent to Council some time ago show the site was part of a burial ground but Council does not have any details as to whether there are graves on the site. An objector has reported that headstones existed until the 1930's when they were removed and used for paving.

Statutory Situation

The site is zoned as Residential 2(a) under Hawkesbury LEP 1989 and the proposal is permitted with Council consent.

Clause 25 requires the floor level of the dwellings to be above 15.9m AHD, the floor height standard for the area. From the contour plans submitted on the application, the site varies between 15.8m at the front to 16.2m at the rear.

The proposal conforms to Council's Development Control Plan - Medium Density Housing other than no landscaping plans being provided and the building encroaches on the 10m building line required for main road frontages. The building is set back 8.0m from Eldon Street.

Community Response

The application was advised to adjoining owners and 4 submissions and a petition signed by 6 people were received. A summary of their concerns are given below:-

- precedent for Pitt Town where large lots exist;
- moved to Pitt Town for better living environment, village atmosphere and historic significance;
- proposed buildings close to boundaries will infringe on privacy of neighbours
- out of character with area;
- access onto busiest thoroughfare in Pitt Town, would cause increase accidents and parking problems;
- single dwelling more appropriate and in line with community expectations and aesthetic appearance;
- create a traffic hazard, close to intersection of Chatham and Eldon Streets, road used by a large number of trucks;
- water supply pressure poor, 5 new houses would result in further decline of service;
- part of historic first cemetery in Pitt Town, believe site contains graves;
- devalue properties;
- no similar development in Pitt Town;
- no place for villas in a historic town; and
- problem of noise.

Planning Assessment**Character**

The locality is characterised by single detached dwellings, however, the site is generally larger than surrounding lots and could be subdivided under HLEP 1989 to give two, possibly three residential lots. A dwelling house could then be erected on each resultant lot. A two lot subdivision of the site could give a dual occupancy/duplex on each lot, resulting in four dwellings.

Precedent

The proposal could be viewed as a precedent that could lead to other similar developments in the area, however, the sites exist now and medium density housing is permitted in Pitt Town under the planning controls. Further medium density development in Pitt Town is not necessarily inconsistent with its heritage significance or existing residential amenity.

Traffic Generation

The proposal will obviously generate more traffic movements than a single dwelling, approximately 34 per day with each peak times generating approximately 8 - 10 in the morning and the late afternoon. It is considered the sight distance is adequate for persons entering and exiting the site and for other road users.

Privacy

The proposal is for single storey dwellings of usual cottage design and appearance. The erection of a 1.8m high lapped and capped fence along the side boundaries would assist to preserve the privacy of the adjoining residents.

Burial Ground

From plans in Council's possession and advice from residents in the area, the site was part of a former burial ground, however, it is not known of any graves existing on the site. The land has not been proclaimed as unhealthy building land by the EPA however given its reported use as a cemetery it is considered that the EPA should be requested to inspect the land and any approval be subject to their assessment.

Conclusion

In view of the question of a burial ground on the site a deferred commencement consent is recommended. However, in view of the development not complying with the 10m building line and the unsatisfactory configuration of Unit 5 it is recommended that Unit 5 be deleted and the other buildings be relocated on the site.

RECOMMENDATION:

A "Deferred Commencement" consent be issued for the erection of 4 x 3 bedroom single storey villa homes (Units 1 to 4 inclusive) subject to:-

- A. 1. The applicant satisfying the Environment Protection Authority that the land is not unhealthy building land.

- B. Upon satisfying the requirements of (1) above, development consent be granted subject to the following:-
1. Approval is given for Units 1 - 4 inclusive and Unit 5 is to be deleted.
 2. The open space between the two buildings to be increased to a minimum of 8m (eight) to improve the appearance of the buildings from adjacent and adjoining lots and to increase the private open space available for the residents of the site.
 3. Provision of an additional visitors' parking space and turning area at the rear of the site to ensure on street parking does not occur.
 4. Provision of a 10m building line to Eldon Street.
 5. Payment of a sewer headworks contribution to Council of \$14,200.00. 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.
 6. A contribution of \$7,050.00 (seven thousand and fifty) (4 (four) units) 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.
 7. The construction of concrete kerb and gutter, including layback vehicular crossings, 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 together with any works necessary to make this construction effective.
 8. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m (six).
 9. Construction of road and drainage works are not to commence until three (3) copies of the plan and specifications of the proposed works are submitted to and approved by the Roads and Traffic Authority. Fees and any security or contribution amounts will be set by the Roads and Traffic Authority.
 10. 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.
 11. Submission of a building application, plans and specifications complying with the Building Code of Australia.

12. No excavation or site works shall be commenced prior to the issue of the building permit.
13. A physical barrier being provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
14. 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.
15. Submission of a schedule of proposed external finishes including sample materials for consideration and approval in conjunction with the submission of a building application.
16. 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.
17. 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 to be lapped and capped for both side boundaries. The rear fence, facing onto the rear park, can be weldmesh type, full details to accompanying the building application.
18. All fencing fronting the street shall be a feature fence incorporating masonry piers with decorative infill panels. Details are to be submitted for consideration with the building application.
19. 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.
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 submission of a Certificate from Telecom Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
22. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.

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

ATTACHMENTS:

AT-1 Plan

FN:EN530NAX.V11

****** END OF ITEM 170 ******

ITEM: 171 PROPOSED WEDDING RECEPTION/FUNCTION CENTRE, TEA ROOMS AND CRAFT EXHIBITION - LOT 1 DP211614 AND LOT 1 DP540273 NO 11 PAGET STREET, RICHMOND. BRINCKLEY AND SCIBERRAS

FILE NUMBER: DA279/93/EVD

Owner: D & P Reece
Stat. Provisions: Hawkesbury LEP, 1989
Area: 771m²
Zone: Special Business 3(b)
Advertising: Adjoining owners for fourteen (14) days, no submissions received
Date Received: 17 November, 1993, amended plans submitted 8 September, 1994, additional information submitted 2 March, 1995

Key Issues:

, Traffic Generation
, Parking
, Amenity

Action:

Refusal

REPORT:

This following report was deferred for consideration from Council's meeting of 9 May 1995.

Proposal

The application is to use an existing building with additions, at the rear of the site as a wedding reception/function centre and as a tea room including craft exhibition. The proposal for a tea room with craft exhibition has only been added to the proposal in the last submitted additional information.

The additions proposed to the building for the intended uses are kitchen, amenities, rear covered area, garden court and reception court.

Parking is provided for eight (8) vehicles, however, parking spaces 4, 5 and 6 are stacked and, with other parking spaces occupied, cannot be entered and exited in a forward direction.

The existing dwelling is to be retained at the front of the site and few garden areas remain due to the extent of buildings and sealed surfaces.

A seating arrangement is shown for 82 guests, however, without a dance floor, more than 100 guests would be accommodated.

Employees are stated to be four and time of operations is stated to be "seven (7) days and nights a week depending on times and days needed".

Statutory Situation

The site is zoned as Special Business 3(b) under Hawkesbury LEP, 1989 and with that zone a Wedding Reception/Function, tea room (refreshment room) and craft exhibition (tourist facility) are permitted uses with Council's consent. Shops are prohibited in the 3(b) zone.

There are heritage items adjoining and diagonally opposite and Council is required to consider Clause 28 of Hawkesbury LEP, 1989 regarding the effect that the carrying out of development will have on the heritage significance of an item and its setting.

Council's DCP No 2 Parking Policy requires one space for 40m² of gross floor space in Business Zones for restaurants/catering and reception centres/refreshment rooms and one space per 10m² of dining area plus one space per two employees for those uses in other locations.

The RTA recommended requirements for restaurants is 15 spaces per 100m² gross floor area or one space per three seats, whichever is the greater.

Planning Assessment

Traffic Generation

A wedding reception/function centre, catering for 82 to 100 guests, is likely to generate 30 to 40 vehicles plus employee parking. Employees for 100 guests would need to be up to nine persons for full food and drink service.

Parking

The proposed development shows parking for eight vehicles, however, access at all times is not available to all spaces.

Under the Council's Policy for a Business Zone, four spaces are required. As the site is on the fringe of a business zone and there is no Council public car parking area close by, twelve spaces are required under the Policy for other locations.

Under the RTA requirements, 27-33 spaces are required.

The parking provided on site is clearly insufficient for the traffic generated by the development in view of its location. On street parking will result from the lack of on site parking which could create traffic hazards for other road users.

Amenity

The area surrounding the site, on the western side of Paget Street, contains a mixture of commercial and light industrial uses while opposite the site the majority of the uses are residential. The parking area for rail commuters is further to the west, at the rear of the site.

The lack of on site parking and noise and disturbance from patrons leaving the site at night could adversely affect the amenity of the area, particularly the amenity of the residents opposite the site.

RECOMMENDATION:

The application be refused for the following reasons:

1. Insufficient parking has been provided on site for patron and employee vehicles.
2. The parking area layout on site does not conform to Council's DCP Parking Policy in that access is not available to all spaces at all times due to stacking and the layout does not allow all vehicles to enter and leave the site in a forward direction.
3. The proposed development could adversely affect the existing and future amenity of the area.
4. Due to the lack of on site parking and likely adverse affect on the amenity of the area, approval of the development would not be in the public's interest.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NAX.V13

****** END OF ITEM 171 ******

ITEM: 172 THREE X THREE BEDROOM VILLAS - LOT 4 DP788232 5 O'DEA PLACE, NORTH RICHMOND

FILE NUMBER: DA62/95/EVD

Applicant: Mr C Thomas
Applicants Reps: Not advised
Owner: Mr C Wolff
Stat. Provisions: Hawkesbury Local Environmental Plan 1989, Development Control Plan for Medium Density Housing
Area: 1,029m²
Zone: Residential 2(a)
Advertising: Adjoining owners notified with 6 (six) submissions and a petition containing 16 signatures (see map)
Date Received: 3 April 1995

Key Issues:

- , Submissions received
- , Covenants
- , Development Control Plan for Medium Density Housing

Action:

Approval subject to conditions

REPORT:

Application is made to construct 3 x 3 bedroom villa homes, each containing double garages. Courtyards will be contiguous with each of the living areas. A centrally located driveway, measuring 6m at the street frontage is provided with a visitors space parallel and in front of Unit 1. The style of architecture is modern federation. Units 1 and 3 have a street set back measuring 4.5m. Courtyard fencing and landscaping are proposed along the frontage.

Statutory Situation

The proposal is permissible within the zoning of the land. Other than a minor non compliance with shadow, the proposal complies with Council's DCP for Medium Density Housing.

Clause 34 of Council's planning scheme relates to "Suspension of certain laws etc" and reads:-

34. (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any covenant, agreement or instrument imposing restrictions on the development, to the extent necessary to serve that purpose, shall not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclause (1).

Community Consultation

Letters and a petition have been received from residents within O'Dea Place objecting on the following grounds:

- Covenant restricting only one dwelling to each property
- Not compatible with existing streetscape
- Increased traffic
- Drainage
- Decrease in land values

Planning Assessment

The subject land is considered to be regular in shape having a splayed frontage measuring 48m with a depth of 31m. The rear boundary measures 16m. A sewer main traverses the property with Units 2 and 3 being located over.

The proposal has been designed so as to comply with Council's DCP for Medium Density Housing. This matter would normally be dealt with under delegation, however, is reported due to resident concerns with respect to density requirements. In this instance a covenant exists over the subdivision. Covenants are generally placed on land by developers subdividing the land who want to restrict the activities of purchasers of the subdivided lots in order to preserve the amenity of the land retained, or to preserve its value if the ultimate intention is to sell off all the land.

Notwithstanding that, this proposal is for the erection of 3 dwellings. Council's current and previous planning schemes, HLEP 1989 and HLEP 1984, respectively, allows approvals in certain circumstances, even if they conflict with restrictive covenants prohibiting the erection of more than one dwelling on land (Clause 34 of HLEP 1989 and Clause 52 of HLEP 1984).

The registration of the subdivision creating the allotments within O'Dea Place was made on 6 April 1989. It is considered that purchasers in the subdivision would have known through their legal advice during the conveyancing, that the relevant clause of HLEP 1984 suspended restrictive covenants prohibiting more than one dwelling on each subdivided allotment.

Further grounds of objection have been summarised as follows:-

- **Detracts from existing streetscape.** Existing dwellings located within O'Dea Place are of a single occupancy design with frontages facing the street. The applicant has in designing the development, provided a streetscape that will be in harmony with the existing streetscape. Whilst having a front setback of 4.5m, provision is made by means of landscaping to overcome existing residents' concerns. Streetscape design is a subjective concept and the applicant has provided a design incorporating the State Government's "Green Street" objective which blends with the range of housing styles traditionally available.

- **Increased Traffic.** Access roads are generally designed to cater for a considerable number of vehicles. Even if all land were changed to 100% medium density, the road network would still cope, assuming 10 vehicle trips per day per household, which is far in excess of normal design criteria.

The proposal complies with respect to parking requirements and provides a two way vehicular entrance.

- **Decrease in land values.** There has been nothing submitted to Council which would substantiate devaluation and, in fact, in general terms the valuation of land is increased by its ability to contain dual occupancies and town house developments.

The applicant has provided a design which satisfies the requirements of Council's Medium Density DCP. For reasons outlined above, there is not considered to be anything inherently untoward in the proposal that would lead to its refusal and accordingly should be approved subject to conditions.

RECOMMENDATION:

1. The development shall be carried out generally in accordance with plan "B" referenced 97795 dated 3 April 1995 and where modified by conditions.
2. A contribution of \$4,022 (four thousand and twenty two) 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.
3. Construction of Council's standard residential footway vehicular crossing to suit the access to the site with a minimum width of 6m (six).
4. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
5. 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.
6. Submission of a building application, plans and specifications complying with the Building Code of Australia.
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. The driveway shall be constructed of pavers/earth toned coloured concrete or the like generally in accordance with Condition No. 7.
9. 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.
10. All fencing fronting the street shall be a feature fence such as masonry piers with decorative infill panels. Details are to be submitted for consideration with the building application.
11. 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.
12. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.
13. External building design shall not be duplicated on the three dwellings.
14. The driveway pavement between Units 1 and 3 shall be 4m wide so as to provide adequate passing area.
15. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of the Building Application.

ATTACHMENTS:

AT-1 Site plan

FN:EN530NAX.V17

****** END OF ITEM 172 ******

ITEM: 173 PROFESSIONAL CHAMBERS - PSYCHIATRIC GROUP TREATMENT
- 43 PITT STREET, RICHMOND - REVIEW OF CONDITIONS OF
CONSENT

FILE NUMBER: DA0164/93PT01; BA104/95EVD

REPORT:

At Council's meeting on 14 September 1993 it was resolved to approve a development application for professional chambers for psychiatric group treatment subject to a number of conditions. It was also resolved that the matter be reported back to Council after an operating period of six months.

It was subsequently reported to Council's meeting on 10 May 1994 and Council was advised that the development was causing no adverse impact on the amenity of the locality.

The development consent was also conditioned to the effect that the activity be limited for an initial twelve month period, during which time car parking and concern of the community was to be monitored. This period lapsed in September 1994 and the application was again referred to Council's meeting on 11 October 1994. Following a deferral for further information, at the Council meeting of 8 November 1994 it was resolved that:-

"DA144/93 be extended for a further two years from this date and the following amendments be made to the development consent:

- 1. That all external doors and windows be closed at all times that the activity is in operation.*
- 2. An area be allocated on site for the parking of vehicles to the satisfaction of the Divisional Manager Environment and Development.*
- 3. Double glazing be provided to all windows and closed doors which face the east boundary.*
- 4. St. John of God erect approximately 10 (ten) metres of fencing at the same level of the existing fencing on the eastern boundary.*
- 5. An on site 3 (three) monthly consultative meeting be conducted by an Executive from St. John of God Hospital.*
- 6. No group counselling activities for clients be carried out in the gardens of this property."*

These amendments are additional to the original approval conditions. The original approval conditions were as follows:-

- "1. The development shall be carried out generally in accordance with the plan and supporting information submitted on 7 July 1993.*
- 2. The activity is limited for an initial 12 (twelve) month period, during which time, car parking and concern of the community will be monitored.*
- 3. 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.*
- 4. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.*
- 5. The existing driveway shall be made available for both practitioners and clients at all times.*
- 6. Operating hours shall be limited to 8.30 am to 5.30 pm Mondays to Fridays. Any alteration of these hours will require the approval of the Divisional Manager of Environment and Development.*
- 7. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood, in respect of noise, vibration, smell, dust, waste water, waste products or otherwise."*

There has been continuing concern expressed about non compliance with the conditions of the development consent.

Taking the conditions in order the following comments are made:

Amended Conditions of Consent - 8 November 1994

1. It is apparent that not all of the external doors and windows are closed at all times the activity is in operation.

At an inspection of the property on 22nd April 1995 the lunch room door at the rear of the property was open, apparently being used by tradesmen constructing the pergola. However, since this issue was raised there is no evidence that the single window in the main consultation room has been opened. During other inspections Council officers have observed that all external doors and windows have been closed.

It is suggested that this condition be reworded to provide that all windows and doors to counselling rooms be closed during counselling sessions.

2. There has been considerable discussion about the availability of parking to the development.

The applicant undertook a parking survey in October 1994 which indicated that the total parking demand varied between a minimum of three cars per day and a maximum of thirteen cars per day.

On 5 December 1994 in an exchange of correspondence between St. John of God Hospital and Council it was agreed that car parking for staff be provided on the adjoining property to the south, with five vehicles to be accommodated within the driveway with overflow parking, generally two vehicles, to be parked on the street.

Subsequent parking surveys by Council staff, nine in total, indicate that during the centre's operation there are on average 2-3 vehicles parked in the street.

However, it has been argued that whilst this level of street parking may not be excessive it is not consistent with the agreement between Council and St. John of God dated 5 December 1994.

It is not considered that the operation of the centre is resulting in any excessive level of on street parking and, whilst the current arrangements do not seem to include the use of the adjoining property to the south, it is not considered that the agreement in Council's letter of 5 December 1994 needs to be enforced as a condition of consent.

3. Double glazing has been provided to the window to the counselling room which faces the adjoining property. The other windows and doors which face the eastern boundary comprise a laundry and kitchen. It is not considered that these windows need to be double glazed and, accordingly, the condition should be amended to delete this requirement.
4. The additional fencing requirement has been complied with.
5. There has been criticism that the three monthly consultative meeting has not been conducted within three months. A consultative committee meeting was held on 22 November 1994 and 3 April 1995. It is suggested that this condition be changed to a requirement that meetings be convened at the initiation of either Council or St. John of God hospital.
6. There is no evidence of group counselling activities being carried out in the gardens of the property.

There has also been objection to the erection of a pergola behind the existing garage. The points of objection are that adjoining owners were not notified and that the application was approved without plans/specifications.

The pergola is 5.5 metres x 4.5 metres and is 3 metres in height. Given the minor nature of the structure and its relationship to adjoining boundaries, a decision was made by the building supervisor that notification of adjoining neighbours was not required. Council would appreciate that only a small percentage of building applications are notified to adjoining owners at the discretion of the supervising building supervisor and, in this instance, it was certainly a reasonable decision not to notify.

The application was submitted with plans/specifications which were deemed suitable for assessment.

RECOMMENDATION:

The information in the report be received and that the Divisional Manager Environment and Development amend the conditions of consent as discussed in the report under delegated authority following the submission of a request from St. John of God for an amendment of consent.

ATTACHMENTS:

AT-1 Floor plan

FN:EN530NBX.V01

****** END OF ITEM 173 ******

ITEM: 174 **TYRE LANDFILLS****FILE NUMBER:** DA19/92/EVD

REPORT:

Council will recall that at its Ordinary Meeting held on 31 January 1995, it was advised that problems were being experienced with the Environment Protection Authority (EPA) with regards to the licensing of tyre landfills.

Since this time, discussions have been held with EPA staff who have agreed to liaise with Council staff prior to licensing activities of this nature. This will give the opportunity for Council's staff to take any necessary action.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NBX.V03

****** END OF ITEM 174 ******

ITEM: 175 MECHANICAL REPAIRS - LOTS 21 AND 22 DP800232 61 MILEHAM STREET, WINDSOR

FILE NUMBER: DA437/87/EVD

REPORT:

Council at its Ordinary meeting held on 20 October 1989 approved the use of an existing workshop on the above property for the purpose of mechanical repairs.

A condition was imposed regarding the hours of operation and reads as follows:-

12. *Hours of operation to be restricted to 7am to 5pm, Monday to Saturday inclusive with no work on Sundays.*

Further, a request was received to extend the hours of operation and at Council's Ordinary meeting held on 11 June 1991 the following hours were approved.

<i>Monday to Friday</i>	-	<i>7.00am to 7.00pm</i>
<i>Saturday</i>	-	<i>7.00am to 5.00pm</i>
<i>Sunday</i>	-	<i>No work to be undertaken</i>

Council has now received a letter from Mr G Falson, consultant representing the applicant requesting that permission be granted for Sunday trading. This request has been reproduced in part below:-

- "1. *There are many other industrial uses adjoining and adjacent to the subject land which have no restrictions upon their hours of operation.*
2. *Mr Collins repairs his own cars, as well as this clients' cars, on the premises and it is in our opinion that he is not restricted from repairing his own cars on a Sunday. It is, therefore, difficult for the Council to differentiate between Mr Collins' own cars and that of his clients'.*

Whilst Mr Collins has admitted that he has repaired clients' cars on a Sunday, on occasions, this has been of necessity. It is possibly the case, however, that Council has confused the repair of his private vehicles from that of his clients. In this respect it would be far preferable for there to be no restriction on repairing clients' cars.

3. *Given No. 2 above it would appear that there are more appropriate means for control of the premises. That is, if the complaints that Council may have received have been on the basis of noise, then clearly some restrictions as to noise emissions would be appropriate and, perhaps, some noise attenuation to the premises.*

However, if the complaints that may have been received have been solely on the basis of Mr Collins operating on a Sunday, and therefore not complying with conditions of Council's consent, it is submitted that such is not an appropriate complaint, unless there is a consequent loss of amenity or enjoyment of the complainant's premises.

4. *Since Council consented to the use of the premises by Mr Collins it has rezoned land within the locality (including Mr Collins' premises) to a business zone. This zone specifically allows uses such as car repair stations and it is difficult for Council, on the one hand to support a rezoning to allow a greater array of land uses, and on the other hand to stand in the way of a reasonable extension of trading hours that may be in the commercial zone. In this respect any houses that may be in the commercial zone are, in fact, the non-conforming uses within the zone and therefore the occupants of those houses have a diminished right to residential amenity.*

Mr Collins' use of the premises is of a relatively low-key nature and the viability of his business is being threatened by his inability to provide extended trading hours and hence service to his clients.

We, therefore, believe that the request is reasonable, in the circumstances, particularly given the recent rezoning in the locality and request your further consideration of Sunday trading."

Adjoining owners were notified of the proposal and 2 submissions were received objecting to the extension of hours for the following reasons:-

- noise would interfere with the church services held on the adjoining property
- fumes from the motor vehicles being repaired will effect the Sunday School
- residents should be allowed 1 day without the effects of the business

Planning Comment

The subject property is regular in shape with an area of 2,023m². The site contains a workshop and office. Repairs are made to a variety of motor vehicles including trucks, buses and motor cars.

The site was recently zoned Business Special 3(b) which does permit the type of development carried out on the subject premises. As the site was only recently rezoned, a number of adjoining properties remain used for residential purposes. Consequently, the area is in a state of transition between the old Residential 2(a) zone and the current Business Special 3(b) zone.

Whilst this transition period is in place, it is considered reasonable to prevent Sunday trading so that owners of adjoining residential properties have some respite from the impact of this activity, which includes noise and fumes.

RECOMMENDATION:

The request to conduct Sunday trading not be supported.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NBX.V04

****** END OF ITEM 175 ******

ITEM: 176

"GLENROY" STUD, KURMOND ROAD, FREEMANS REACH -
AMENDED PROPOSAL TO DEVELOP 250 RESIDENTIAL LOTS AND
A LARGE RESIDUAL LOT TO BE KEPT FOR AGRICULTURAL USE.
APPLICANT: MR JOHN LOGAN WITH SUPPORTING ADVICE
PROVIDED BY DOUGLAS SANGER PTY LTD, LAWRENCE ROSE,
JOHN SEARS, PETER LOWRY AND GLENN FALSON

FILE NUMBER: SA0145/93PT01/EVD

REPORT:

Council at its meeting of 11 April 1995 considered a proposal for a subdivision of the land comprising a combination of 150 residential lots and 100 rural residential lots and a large residue lot for agricultural use.

At that meeting it was resolved that the applicant further negotiate on block sizes for the combination of the rural/residential allotments. It is understood that the applicant has spoken to a number of councillors about the resolution and has submitted a revised application for 250 residential lots as a, "discreet and logical extension to the Freemans Reach Village".

The revised application has been submitted in response to indications that there was concern with the rural/residential component of the previous proposal but not with the residential extension of Freemans Reach provided it was of a reasonable scale to the existing village.

The residential proposal closely accords with the objectives of the "Our City Our Future" draft strategy which recommends that consolidation within and on land contiguous with existing towns and villages be preferred to smaller lot subdivision away from existing towns and villages.

The proposed subdivision is of moderate scale and is contiguous with the existing Freemans Reach village.

The amended proposal for 250 residential lots should be contrasted with other recent proposals for rezonings which generally have been for significantly higher lot yields.

Council will recall that "The Legends" proposal comprising land generally bounded by Terrace Road, Wire Lane, Kurmond Road and Brahma Road, North Richmond, was for the following:-

- . 36 hole golf course complex
- . New South Wales golf training academy
- . club house and associated facilities
- . hotel and convention complex
- . resort accommodation
- . 2000 residential allotments of varying sizes
- . 200 dwelling retirement village
- . 250 unit medium density development

- . equestrian centre
- . village shopping centre
- . primary school
- . extensive areas of open space

Recently, Council supported a draft local environmental plan to rezone the Kemsley Downs property at North Richmond for residential purposes. This rezoning, if implemented, could yield 3,000 dwellings.

A further indication of the moderate scale of the proposed development is Council's only remaining urban development program release, Bligh Park North, which has a potential dwelling yield in the vicinity of 700-800.

From the perspective of infrastructure and the urban release program, it is apparent that the State Government's preferred location for urban release is east of the Hawkesbury River. Council recently adopted a Notice of Motion which similarly supported development east of the Hawkesbury River.

The proposed residential subdivision does provide potential for a relatively "environmentally friendly" residential development with ample area being available for nutrient removal of both treated effluent and stormwater runoff. There are a number of infrastructure constraints to development on the western side of the river including the lack of flood free access and the lack of an established main road network.

Given the moderate scale of the amended proposal and its location, which is contiguous to the existing Freemans Reach village, it is recommended that a Draft Local Environmental Plan be prepared for the purposes of undertaking community consultation and the necessary environmental investigations. If these investigations determine that the infrastructure constraints cannot be satisfactorily resolved then Council should not proceed with the rezoning. This opportunity will be available after the period of community consultation.

RECOMMENDATION:

1. A Draft Local Environmental Plan be prepared to rezone the land to permit 250 residential lots generally in accordance with the plan prepared by Douglas Sanger Pty Ltd and dated 5 May 1995 subject to the following conditions:
 - a) The draft plan provide for medium density development with the objective of achieving a dwelling density of 13-15 (thirteen to fifteen) dwellings per hectare. This will mean that the total number of dwellings will exceed 250 (two hundred and fifty). However, the release area will not extend beyond the boundary shown on the plan.
 - b) The draft plan provide that satisfactory arrangements be made with Sydney Water, the Department of Land Management and Water Conservation, the Environment Protection Authority and Council, for the supply of water and disposal of effluent.

- c) The draft plan provide that all dwellings are to be designed and constructed to achieve energy efficiency to the satisfaction of Council.
 - d) The draft plan require the preparation of a waste management strategy which will in part require the retention of all green waste on site as well as other measures to reduce the volume of waste, such as 120 litre waste carts.
 - e) The draft plan require the retention and treatment of stormwater runoff to the standard required by the Hawkesbury Nepean Catchment Management Trust.
- 2. Upon receipt of a Section 65 Certificate from the Department of Planning, the applicant undertake the necessary environmental studies to facilitate public comment during the exhibition period. These studies would need to include consideration of the provision of reticulated water, disposal of treated effluent, disposal of stormwater, provision of open space, access to community facilities such as schools and shops, traffic generation, public transport, archaeology, flora and fauna, AMCORD design principles, landscaping, and waste management.
 - 3. Provision to be made on the title to all of the subdivided lots that there is to be no objection to agricultural uses on the residue lot.
 - 4. The applicant be advised that Council will not support further extension of the residential subdivision onto the residue rural lot.
 - 5. The applicant be requested to negotiate with Council for an upgrading of the sewage treatment plant to facilitate the reticulation of the Freemans Reach village and the elimination of pump out services.
 - 6. The applicant be advised that direct access from lots onto Kurmond Road will not be supported.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NBX.V05

****** END OF ITEM 176 ******

ITEM: 177 POULTRY FARM EXTENSIONS - LOT 6 DP215573 NO. 53
WALLACE ROAD, VINEYARD - J XUEREB

FILE NUMBER: DA117/94/EVD

REPORT:

This matter has been reported a number of times to Council over the last few months. The applicant is requesting the deletion of Conditions 8 and 9 which were imposed upon a consent that approved additions to an existing poultry farm. The conditions read as follows:-

- "8. *Fowl waste collected from the sheds shall be immediately removed from the property.*
9. *The carcass storage area shall be adequately secured to prevent access by scavenging birds and other animals. Details to be submitted with the building application. Dead fowls are to be removed from the property on a daily basis."*

The applicant originally submitted the following details in support of his request:-

"The fowl waste collected from the sheds can only be removed prior to the sale of the fertiliser by the contractor. There is also a limited number of contractors who remove the waste and they will only collect it when they have a sale and a destination for it. The stockpile that I use is on the far side of my farm and it is at least 300m from the closest neighbouring house and accordingly is too far for any valid complaint. I also wish to point out that I have moved the stockpile and carcass area to its present location especially with a view to avoiding any adverse effect on neighbours. I propose to continue burying the dead birds in the stockpile."

Furthermore, the applicant has since submitted the following in support of the request:-

"I can recall that before I purchased the property the previous owner used to store the manure in front of the chicken shed doors adjacent to the roadway. I know this because I used to remove about half the manure that the farm produced and I know that that manure was stored a lot closer to the residential neighbourhood than its present location. The present location is out of sight of all neighbours except one who themselves conduct a poultry farm.

I can also assure you that apart from a slight odour when the manure is loaded onto the truck, there is no odour created by the storage heap. I am not currently allowing the storage heap to build up and I am getting rid of it after each second batch of chickens. The storage heap is comprised of cake litter or crust inside the sheds which is removed after each batch.

I am also maintaining the storage heap on the mushroom factory shed side of my property and I have enclosed it with galvanised iron and making it secure from scavenging birds and animals.

I find that this arrangement is satisfactory and I propose to continue with it. With reference to Council's comments about the contractor I can only say that factors such as the weather and availability of manure often make it difficult to have the manure removed.

When there were problems with the odour it was caused mainly by the supplier having difficulty adjusting the feed ratio to the new strain of chickens and as I have told Stewart Dixon the problem is almost solved and I propose to monitor it closely.

With further reference to the carcass problem, I would like to point out that the mortality rate commences on day one but remains slight for the first five weeks and less than half a bucket of carcasses is collected daily. These are buried in the storage heap where the heat and the other factors act as an accelerant on the breakdown of the carcasses and accordingly little odour is experienced. It is not necessary to remove the carcasses on a daily basis at this stage but I do acknowledge that circumstances could arise after the five (5) week period I wrote about earlier due to heat stress or other abnormal conditions and in that circumstance, I would take appropriate measures to control the problem.

I also note that the poultry farming activity is carried out adjacent to a mushroom farm which, of course, contributes to the commercial and rural nature of the neighbourhood.

As for the application for the poultry farm extensions, I cannot see any adverse effect it would have on the location and environment in the area knowing the farm is managed in the appropriate manner and guidelines of both the chicken industry and Council."

Three submissions were received objecting to the deletion of the conditions.

With respect to Conditions 8 and 9, these are both considered to be reasonable under the circumstances. Compliance with the conditions should be enforced to ensure that the use of the property as a poultry farm can co-exist with properties in the vicinity used for residential purposes. It is considered that the conditions contribute to the protection of the amenity of the area, particularly in relation to odour.

RECOMMENDATION:

Conditions 8 and 9 of DA117/94 be retained.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NBX.V07

****** END OF ITEM 177 ******

ITEM: 178 **ENERGY EFFICIENCY****FILE NUMBER:** GC280/004/EVD

REPORT:

Council at their Ordinary Meeting held on 13 September, 1994 resolved the following:

"that Council be advised of the range of policies and practices that would enable it to meet the particular responsibilities of Local Government under the International Convention on Climatic Change, the principles of which have been adopted by the Federal Government, all State and Territory Governments and the Australian Local Government Association."

Background

During the 1980's, scientific evidence regarding global climatic change led to growing public concern. The most obvious impact of global climatic change is the change in sea level caused by the gradual melting of the polar caps. Less obvious impacts include changes to weather patterns, insect borne diseases and plant communities. Whilst this will impact most significantly upon low lying countries, impact will certainly be felt within Australia. By 1990, a number of international conferences identified the need for immediate global action to address this problem. In response to this, the United Nations General Assembly set up the Intergovernmental Negotiating Committee for a Framework Convention on Climatic Change. Soon after, the United Nations Conference on Environment and Development (known as the Rio "Earth Summit") was held and attracted over 155 signatories to the Convention from countries throughout the world. The ultimate objective of the Convention reads as follows :

"to achieve stabilisation of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climatic system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climatic change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner".

Climatic change is brought about by altering the amount of gases which keep the earth warm and these are commonly known as 'greenhouse gases'. Greenhouse gases include the following:

- Carbon dioxide (created by the burning of fossil fuels such as oil and coal)
- Methane (created by the earth's animal population)
- Chlorofluorocarbons CFCs (released in air conditioning and refrigeration units)
- Nitrous Oxides (released through the burning of plants and fossil fuels)
- Ozone (reduced by the releasing of CFCs)
- Water Vapour (occurring naturally but affected by climatic change)

Although much of the work needed to address the objectives of the Convention has to be done at a Federal and State Government level, it is important to recognise that this Council can take a positive approach to the issue. This can be in many forms, all of which revolve around energy and how much is used and how efficiently it is being used. By using energy more efficiently, less energy will need to be produced, and consequently less quantities of fossil and plant fuels will be processed to meet the energy requirements of the residents of this community.

The benefits of reducing the quantity of energy consumed are not restricted to greenhouse considerations. Other economic advantages will be obtained if careful use is made of non-renewable resources such as petroleum, gas and coal. As the availability of non-renewable resources is reduced, the price of the resource will increase and will inevitably be passed on to the consumer. For instance, in the case of coal, should the supply decline, the price of coal will increase and as this resource is used by power stations to generate electricity, the price of electricity will inevitably increase. The same rationale can be applied to any resource. In addition, investment would need to be made by either the public or private sector as attempts are made to find alternative power sources. Consequently, long-term economic benefits are derived from prolonging the life of non-renewable resources such as coal and petroleum.

The obligations of Local Government have not been spelt out in any of the documents used in the preparation of this report, however any policy which reduces the amount of greenhouse gases produced will be within the spirit and intent of the Convention. The Department of Planning were contacted who advised that guidelines in the form of a Technical Bulletin were available however it was not intended to produce legislation specifically related to this matter. Many publications have been produced by other Councils, State Governments and other bodies in relation to solar efficiency of residential development. Whilst some information has been produced in relation to commercial/industrial development, the majority of the literature is concerned with residential development. The range of policies and guidelines currently available will be summarised within the remainder of this report, along with a comment on the appropriateness or otherwise of the particular policy. The recommendation on the policies will fall into the following two categories:

- preparation of a Development Control Plan which regulates the most important issues and has statutory force under the Environmental Planning and Assessment Act, 1979,
- encouragement, education and promotion including the preparation of a resource library and the distribution free of charge of information.

Residential Development

Subdivision layout

The orientation of residential allotments with respect to solar access is critical as this will dictate how the lots are ultimately developed. It is important to orientate lots so that the maximum benefit can be obtained from solar energy. Whilst it is essential to apply the principles proposed to large-scale subdivisions, such as that which occurred at Bligh Park, the principles will apply equally to smaller subdivisions which may produce fewer than 3 or 4 allotments. The basic rule is to orientate lots so that dwellings can be built with the living areas directed to the north, thus maximising solar access.

This can be achieved by producing allotments which are oriented within 20° anticlockwise and 30° clockwise of either true north, south, east or west, which equates to 200° out of 360° available. In addition, it is desirable to design roads within a subdivision so that streets generally run north-south and east-west, whilst lots should be protected from unfavourable (cold or hot) winds.

It should be noted that the consideration of solar access should not result in the reduction of the number of allotments produced as this will only negate the benefits gained as larger lots add to urban sprawl and the consumption of greenhouse depleting fuels.

The design of the subdivision is critical and does not require additional expenditure from applicants, merely that solar access be considered when a subdivision is being designed. Consequently, it is considered essential to include solar access requirements within a Development Control Plan so that this will have statutory force, and compliance can be enforced when applications for subdivision are assessed.

Vegetation and Landscaping

The location and type of vegetation surrounding residential development will effect the amount of sunlight received. Deciduous trees, for instance, will screen or filter sunlight during summer and let light through during winter when leaves have fallen, unlike evergreen species which provide a permanent canopy. It is important that due consideration be given to this aspect when landscaping is undertaken around residential development. Council does not usually involve itself with landscaping however, preferring to let owners landscape their properties however they desire. An exception to this is townhouse or villa development whereby landscaping plans are required to be considered with the Building Application as a result of a condition imposed on a Development Consent. Consequently, it is recommended that Council not incorporate this matter within the Development Control Plan, but instead provide information, education and guidance to the community who wish to landscape their property taking into account solar access. This will benefit residents within rural areas as well because vegetation can diminish the solar benefits achieved by living in low density rural areas.

Solar Water Heating

Solar water heaters have become more popular recently due to their reliability, more competitive price and improving appearance given that storage tanks can be hidden. The benefits achieved by utilising solar heaters result in a reduction in water heating costs of 60-80% plus a doubling of the life of the hot water system. Care needs to be taken however when siting the solar panels and storage tank to ensure that solar access is maximised and visual impact is minimised. Companies installing this type of system will provide guidance in relation to the maximisation of solar access, however guidelines should be provided in order to minimise the visual impact. Details can also be included to maximise solar access. Whilst it is possible to regulate to enforce the installation of solar water heaters via a DCP, this is not recommended. The cost of installing a system large enough for family purposes (4-5 people) is approximately \$2000-\$2600 plus installation.

Water Usage

Whilst the use of water may appear to be outside the ambit of this report, reticulated water is treated and in many instances heated, thus requiring the use of energy. Consequently, a reduction in the quantity of water consumed will reduce the amount of energy used to both treat and heat water. Many products are available to reduce water flow and include restrictive washers and restrictive shower heads. The installation of devices that reduce water consumption should be required where dwellings are serviced by a reticulated water supply and can be incorporated within the DCP on the grounds that significant benefit is derived and the products themselves are relatively inexpensive. The installation of these items on properties relying on on-site collection and storage has not been required because often the pressure available is not sufficient to enable satisfactory performance of the devices.

Building Construction and Materials

The location, style and construction materials all contribute to the solar efficiency of a dwelling. This obviously encompasses a variety of issues including the type of building materials, orientation of the building, location and amount of glass, external shading (eg pergolas), and amount of ventilation. A system has been designed to evaluate the solar effectiveness of dwellings and this is known as the Five Star Design Rating. In New South Wales, the design rating is given by the State Government's Office of Energy. The assessment of the solar effectiveness of a dwelling is not a simple task as it requires consideration of the aspect of the dwelling, the area of glazing and its orientation, the thermal mass of the building, the quality of insulation, the extent of external shading such as eaves, pergolas and the like, ventilation, direction of winds and any measures to prevent draughts. Consequently, assessment would require an additional 2-3 hours over and above the usual time taken to assess a Building Application. Existing staff would not be able to cope with the additional demand this assessment would place on each Building Application as spare capacity is not available.

Many of the brochures promoting solar efficiency claim that little or no extra cost will be incurred by building to a Five Star Design Rating. Designing for solar efficiency will inevitably lead to an increase in the cost of dwellings as variations in dwellings will be required to fit each site, thus reducing the cost benefits and economies of scale available through mass production of standard homes. The extent of additional expenditure will vary dependent upon the variations required in design but could be up to \$5 000. It should also be noted that most building applications are lodged without any consultation with Council staff as regulations are common throughout the State. As such, any changes made subsequent to the lodgement of an application will result in escalating costs for the building which will be passed on to the ultimate purchaser. Consequently, it is not recommended that Five Star Design Rating be required for all new dwellings however information should be collected to provide resource material for those home builders who wish to design with solar efficiency in mind.

Furthermore, it is recommended that solar assessment be undertaken of building applications received on a random basis to determine whether consideration of solar efficiency is being undertaken by home builders. Should this not be the case after promotion and encouragement is attempted, then further consideration can be given to enforcing the requirements within a DCP.

Insulation

The costs and benefits of insulation will depend upon the location and type of insulation installed, the size of the dwelling, coupled with the construction design and materials. It is recommended that insulation of walls and ceilings be compulsory for all new dwellings and dwelling additions, due to the immediate efficiencies obtained and the impossibility of insulating wall cavities after a dwelling has been erected. Where construction materials have adequate insulating qualities, additional insulation should not be required.

Industrial and Commercial Development

The main sources of energy consumption in all non-residential buildings is in the form of electricity used to drive air-conditioning units, lighting, ventilation and natural gas used in heating. The Federal Government has commissioned the preparation of a Commercial Building Energy Code (CBEC) which will attempt to provide national guidelines for this type of development. At this stage, the preparation of the CBEC guidelines have reached the stage of drafting a Code of Practice which should be available for comment early in 1996. The final Code will be available towards the middle of 1996. It is envisaged that the Code will be voluntary with each Local Government Area given the opportunity to adopt the relevant provisions. The proponents of the Code have placed this Council on its mailing list to provide further information in the future.

RECOMMENDATION:

1. A Development Control Plan be prepared and reported to a further GPC outlining requirements of energy efficient subdivisions, water restrictors and insulation.
2. Information be prepared outlining the type of measures available to improve energy efficiency and reduce the amount of energy used, with the information, where practical being provided free of cost.
3. A random assessment of Building Applications be undertaken to examine whether solar efficiency is being implemented and be further reported to Council in 12 months time.
4. Guidelines be prepared to reduce the visual impact of solar hot water heaters.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NBX.V14

****** END OF ITEM 178 ******

ITEM: 179 DRAFT LOCAL ENVIRONMENTAL PLAN - LOT 1 - 4 DP223656 141-145 MARCH STREET, RICHMOND - TO ALLOW GENERAL BUSINESS, HAWKESBURY CITY COUNCIL

FILE NUMBER: LEP14/94/EVD

REPORT:

Council at its Ordinary Meeting of 11 October 1994 resolved to prepare a local environmental plan to change the zoning of Residential 2(a1) under Hawkesbury LEP 1989 to General Business in respect of Lots 1 - 4 DP223656 Nos. 141-145 March Street, Richmond.

The site currently contains 3 tenanted cottages and rear parking area (lot 4) and the strategy proposed in the rezoning is to allow the redevelopment of the properties for commercial purposes.

Pursuant to Section 62 of the Act, consultation on the proposal was undertaken with the Department of Conservation and Land Management, Environment Protection Authority, Roads and Traffic Authority, Water Board and Prospect Electricity.

Sydney Water have no objection to the proposal however have requested the following clause be included in the plan:-

"Development is not to commence unless satisfactory arrangements have been made by the proponent by obtaining a Section 27 Certificate from the Water Board in relation to the provision, adjustment or amplification of the Board's water and sewerage systems as required."

The EPA and Prospect Electricity have no objections to the proposal.

No responses have been received from the RTA or CALM.

The Department of Planning issued the Section 65 Certificate and the proposal was exhibited from 8 February 1995 to 10 March 1995. Three submissions were received, one states as follows:-

"As an adjoining owner I wish to emphasise my concern for any future development upon the re-zoned land. The integrity of any development must reflect an appreciation of the immediate residents and surrounds.

I wish Hawkesbury City Council to ensure that any development proposed shows careful consideration and sensitivity to the following:

- overall visual appearance
- noise pollution, in particular as it effects immediate local residents
- allowance for adequate parking
- landscaping to provide year-round beautiful gardens

- the heritage and integrity of the local Richmond area
- rubbish disposal, toxic emissions, sewage"

One other submission, signed by two residents states as follows:-

"I wish to object to the proposed rezoning on the grounds that until anybody knows what is proposed to fill the vacated sites, surrounding tenants will have no way of knowing if incoming businesses will be 1) environmentally sound, 2) traffic volume increase, 3) acceptable noise levels, 4) safety level of remaining residents in March Street (already stressed because of current nightclub activities).

With traffic congestion already at an unacceptable level, has any thought been given to redirection of traffic or extra parking that will be required.

For Council to rezone it must have some proposals in hand and I feel that local residents should be made aware what might happen, instead of accepting rezoning and a "trust us" attitude.

We have rights to normal life and conditions and I feel Council should be more explicit as to development than it is being.

What assurances can we have to make sure environmental studies will be carried out before businesses are just put there without regard to local residents.

The area is already environmentally stressed as March Street is a major access road and increased traffic would greatly affect local residents both mentally and physically.

The noise pollution caused by the increase in traffic and the pollution of the air caused by the exhaust emission of cars are already high and this will increase when the other development between East Market and Paget Street comes into fruition."

The third submission states as follows:-

"Grounds for the objection are threefold and are detailed separately below.

Firstly, the proposed change to zoning allows for a traffic generating development to occur and there is currently insufficient parking space in the vicinity of the current Council carpark extended onto Lot 4 in 1993 to allow for a Non-Standing space to improve the very poor safety and vision existing during business hours immediately to the right of the driveway of my property on Windsor Street. Zoning changes to properties with arterial road frontages should achieve an improvement in traffic safety and function, and point xiii No. 45 in the draft plan should not be marked as irrelevant or consistent. Council correspondence reference 2343/R PT03 and 2343/1600 2343R PT04 on the question of the parking space causing the unsafe vision immediately to the right of my driveway clearly says that parking is at "a premium" with "increased demand" for space.

Secondly, the joint fence between my property and Lot 4, is of an insufficient standard and condition to withstand the demands of commercial activity proposed for the area.

While my property is zoned commercial, it contains a heritage listed residence that has never been used for commercial purposes and consequently the fence constructed jointly by the Council fifteen years ago is a domestic one. The fence has no capacity to withstand the abuse that it currently receives from the Council's side at Lot 4 which occurs due the open nature of the site particularly since development of the carpark extension in 1993 and due to an insufficient vegetation barrier or excessive weed control along the boundary. The existing fence was the subject of negotiation including reply to Council expressing willingness to contribute half the cost replacement when the apparent offer by Council was withdrawn in 1994 in line with amendments to the Dividing Fences Act avoiding the liability of Council's for contribution. Documentation of the continued abuse of the fence from the Council's side may correct the current position and ultimately the high cost of continued maintenance will reduce the property valuation.

Thirdly as mentioned, my property is heritage listed and includes stables within about one half of one meter of the boundary with Lot 4. During the construction of the carpark in 1993, the use of earth moving machinery and especially vibration compacters within one metre of the stables appeared to cause damage and deterioration to the fragile lime and shell-grit mortar in the walls of the stables. Sufficient paddocks for the horses housed in the stables included my current property on the ground from my property through to March Street. Clear evidence of this usage can be seen on the plan and at the site in the relic "dog-leg" in the fence existing between the rear lots 2 and 3 which is an identical type and in direct line with the original split-iron-bark fence on the eastern boundary of my property. The rear paddock was always under separate title and was acquired by Council from a previous owner.

Each of the objectors were written to on 26 April 1995 indicating Council's intentions for the site and advising that if there is any future redevelopment of the site, there are a number of design and aesthetic issues that will need to be carefully considered. With any future development for the site, all adjoining property owners and other interested persons will have the opportunity to comment specifically on any such proposal.

If the rezoning proceeds then care will be needed with the design and use of the site in view of the large residential flat building adjoining .

The design and use of such a development will need to consider:-

- visual appearance including from above, a flat roof development with exhaust stacks and air conditioning plant and ducts would not be acceptable
- spillage of light from advertising; car parking and security lighting
- odours from any food preparation areas
- noise from activities and car parking, particularly at night
- restrict access to and from March Street

With the exception of the adjoining flat development and some special uses, the subject land is the only land in the block which does not have a business zoning. Given traffic volumes on March Street the proposed General Business zone is considered more appropriate than the existing Residential zone.

RECOMMENDATION:

1. Section 68 and 69 submissions be prepared for the draft local environmental plan rezoning Lots 1 - 4 DP223656 Nos. 141-145 March Street, Richmond from Residential 2(a) under Hawkesbury LEP 1989 to General Business 3(a).
2. A Clause be included as requested by Sydney Water.
3. The draft plan be forwarded to the Department of Planning for gazettal.
4. The objectors be advised of Council's decision.
5. Any future development application for the site be advised to adjoining owners, the above objectors and any other interested persons.

ATTACHMENTS:

AT-1 Site plan

FN:EN530NBX.V20

****** END OF ITEM 179 ******

ITEM: 180**HAWKESBURY CITY COUNCIL AND FOSTER -V- MUSHROOM COMPOSTERS PTY LTD - CONTEMPT PROCEEDINGS, EBENEZER****FILE NUMBER:** P1609/110Pt10/EVD**REPORT:**

On 18 May 1995 Council's Solicitors advised that Mushroom Composters had indicated that they would be entering a plea of guilty in respect of the contempt charge filed by Council and the contempt charge filed by Peter Foster and Anor. Mushroom Composters' Solicitors have also confirmed that their client does not deny that the contempt is a continuing contempt.

The matter of contempt had been set down for hearing from 22 - 25 May 1995 and Mushroom Composters had, until 18 May 1995, intended to defend the charge.

The matter to be considered by the Court on Monday 22nd May 1995 will only be the question of penalty. Instructions have been provided to Council's Solicitor to support an adjournment for around five weeks to enable the preparation of affidavits. The Solicitor for Mushroom Composters has indicated that he will seek to adduce further evidence on the plea. This evidence would go to mitigation of penalty. Council's Solicitors have now sought instructions on the question of penalty and, in this respect, they advise that Mushroom Composters have obtained financial gain from the contempt.

It is anticipated that the Environmental Defender's Office, who act on behalf of Peter Foster and Anor, will be seeking information to determine the profits and financial gain of the company during the period of contempt. There is an indication from some documents produced on subpoena that the company may have made profits of over \$500,000 during the period in which they have been in contempt of the Court orders. However, this would need to be substantiated by a Chartered Accountant.

The suggestion from Council's Solicitors and the Environmental Defender's Office is that the penalty should be at least the profit made during the period of contempt.

The issue is a difficult one as an insufficient penalty may provide some incentive for the company to continue to breach the Court's orders whilst an excessive penalty could result in insolvency.

In the circumstances, it is considered that the bench mark of the profit made during the period of contempt would be an appropriate penalty subject to any further advice from Council's Solicitors. Unless Council resolves otherwise, this will be the instruction provided to Council's Solicitors.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NCX.V12

****** END OF ITEM 180 ******

ITEM: 181 TYRE LANDFILL - LOT 2 DP123962 CNR LEVEL CROSSING ROAD AND RAILWAY ROAD SOUTH, VINEYARD**FILE NUMBER:** LEP6/94 & DA19/92/EVD**REPORT:**

Council at its Ordinary Meeting on 10 May 1994 considered an application for burial of whole motor vehicle tyres upon Lot 2 DP123962 being on the corner of Level Crossing Road and Railway Road South, Vineyard. The application was refused after a recision motion was lost. The following reasons were given:

- "a. the burial of whole motor vehicle tyres is not supported,
- b. the subject property is significantly flood affected and the proposal does not safeguard against the movement or escape of tyres downstream,
- c. the proposal is not in the public interest."

The applicant has appealed this decision to the Land and Environment Court and the matter is listed for hearing on 6, 7 and 8 June 1995.

Since the determination of this matter by Council, a local environmental plan has been gazetted prohibiting the burial of whole motor vehicle tyres. The amended LEP reads in part, as follows:-

- "(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 Council.*"

An opportunity presents itself to settle the matter as the applicant is prepared to modify his proposal so that it is more environmentally sound. Furthermore, potential applicants need to be aware as to what level of treatment is adequate to satisfy Council so they can proceed with certainty. In this regard, it is necessary to return to the reason behind the amendment to the LEP. This was to minimise environmental harm caused by the upward movement of tyres. In addition, if the fill is not compacted adequately, the ground may become "spongy" or soil might slump and create holes as soil washes down to fill the voids left by air escaping out of the pockets where it can be trapped.

The Environment Protection Authority have been contacted who indicated that it is desirable to cut the tyres into at least 4 pieces to avoid the upward movement of tyres and to minimise voids. Alternatively, the tyre may be cut by removing the two walls of the tyre. This will substantially reduce the strength of the tyre, thus minimising the chance of the tyres expanding back to their original shape, whilst the amount of void space available to trap air pockets is also reduced. Consequently, the possibility of upward movement of tyres is reduced. As such, this method of treating the tyres is also considered satisfactory.

With regard to the need to have a decision as to what Council considers to be "treated in a manner satisfactory to the Council" and also with regard to the urgency as a result of the impending court case, it is considered satisfactory to treat every tyre by the removing of the two outer walls and having the tyre separated into three pieces prior to burial in a land fill operation. This treatment will be considered as the minimum treatment to satisfy Council.

Accordingly, the following conditions have been formulated to present to the court should an agreement be reached between the two parties:-

1. The development shall be carried out in accordance with Plan No. B & C, dated 3 November 1993 and Plan D.
2. Erosion and sedimentation control devices shall be installed and maintained during construction. Details shall be submitted and approved prior to any works commencing.
3. No excavated material, including soil, shall be removed from the site.
4. The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately each section is completed and before moving onto the next section. Details to be submitted for consideration prior to the commencement of any work.
5. The topsoil shall be stripped and stockpiled and used to cover the landfill.
6. The filled area, including batters, shall be grassed to the satisfaction of the Divisional Manager Environment and Development immediately after filling takes place.
7. All works shall be completed within 5 (five) years of commencement.
8. All fill to be adequately compacted by track rolling or similar.
9. The landfill site shall be secured to prevent the depositing of any unauthorised material.
10. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
11. Compliance with any requirements or approvals of the Environment Protection Authority, Department of Conservation and Land Management and Department of Water Resources.
12. The hours of operation shall be confined to 8.00am to 8.00pm daily. No delivery is to take place outside of these hours.
13. As a minimum, all tyres are to be treated by having the two walls removed.
14. The minimum finished surface grade must be 2% in order to allow satisfactory surface run-off and overcome potential ponding or water logging above the finished tyre trenches.

15. The tyres shall be covered with a minimum of 2m (two) of compacted soil material to assist in tyre compaction and retention.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NCX.V15

****** END OF ITEM 181 ******

ITEM: 182 INTEGRATED TRANSPORT STRATEGY**FILE NUMBER:** GP110/005 PT14/EVD**REPORT:**

The Integrated Transport Strategy (ITS) was initially released for public discussion in October 1993. The final document, released in January 1995, takes into account submissions received and new development in the intervening period. As part of the integration of landuse and transport decision making, the ITS was prepared in conjunction with the "Cities for the 21st Century" Strategy and supports the proposals outlined in this document. The strategy incorporates the State Rail Strategic Plan 1994-2016 and the State Road Network Strategy.

Objectives of the Strategy:

- 1). The establishment of a clear vision to guide the development of the transport sector and the integration of landuse and transport decision making.
- 2). The provision of a set of clear strategies and priorities for transport, planning, investment and service delivery.
- 3). The development of a plan of management process to deliver the priorities and develop further initiatives consistent with longer term goals.

Major Infrastructure Projects

The ITS proposes a framework of strategic transport corridors for Sydney which build on the existing system, redress present imbalances and help promote longer term opportunities. The following is a list of major infrastructure projects being undertaken in the next five years:

Merrylands - Harris Park rail link.
New Southern Railway from the CBD to East Hills line via Sydney airport.
New rail link between Parramatta and Hornsby.
M2 Motorway in Sydney's North West.

Implications for Hawkesbury City

The only proposal in the ITS that relates specifically to the City is the improvement of cross-regional bus services. This includes the Penrith-Richmond route and the Windsor-Parramatta route.

Major transport infrastructure works have not been proposed for the Hawkesbury in this Strategy. However, the following list of proposals target Parramatta, Western Sydney and North Western Sydney and may have implications for the Hawkesbury.

North Western Sydney

The Hills Transport Study.

Rouse Hill Public Transport Strategy.
Blacktown-Riverstone rail duplication.
Blacktown Station upgrade and bus-rail interchange. (\$25mill)
Bus priority on Sunnyholt and Windsor roads. (\$20.5mill)
Thornleigh rail station carpark.
M2 motorway
M2 motorway busway (\$100m)
Pennant Hills station bus-rail interchange (\$0.6m)

Western Sydney

Seven Hills rail station carpark (\$4m)
Penrith bus-rail interchange and rail station car parking. (\$3.6m)
Springwood rail station car park (\$1.3m)
St Marys bus-rail interchange (\$1.5m)
Meadowbank wharf and car park (\$2m)
Lidcombe rail turnback (\$5m)
Homebush rail turnback (\$3m)
Katoomba bus-rail interchange (\$1m)

Parramatta

Parramatta Access Study
Parramatta-Sydney Rivercat service (\$20m)
Parramatta and Rydalmere wharves and dredging
Parramatta ferry wharf upgrade (\$4m)
Parramatta Station improvements (\$10m)
Granville-Strathfield rail upgrade (\$44m)
Merrylands-Harris Park rail link (\$60m)
Parramatta bus priority (\$0.3m)

In response to the Strategy, the Western Sydney Regional Organisation of Councils (WSROC) has prepared a submission on behalf of the region with 44 recommendations. This submission does not specifically address the lack of proposals/improvements for the City of Hawkesbury. Council has recently resolved to remind the new Carr Government of their election commitment to upgrade Windsor Road through to Windsor. Therefore, it not considered necessary to forward another submission at this point in time.

RECOMMENDATION:

The information be received

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NCX.V18

**** END OF ITEM 182 ****

ITEM: 183 DEPARTMENT OF PLANNING - "CITIES FOR THE 21ST CENTURY"

FILE NUMBER: GP110/005 PT14/EVD

REPORT:

Cities for the 21st Century was released in January 1995 and provides for planning the future of the Greater Metropolitan Region of Sydney, Newcastle, the Central Coast and Wollongong. The Strategy provides a broad framework which gives direction to the activities and decisions of all spheres of government, responds to the current expectations of the community and complements the operation of the private sector.

Goals of the Strategy

Equity - promoting fairness and equality of opportunity.

Efficiency - making the best use of resources.

Environmental Quality - using integrated environmental management to strive for ecologically sustainable development.

Liability - enhancing the quality of life.

Key Elements of the Strategy

1. **Environment:** Environmental management will play a greater role in the future, following the principles of ecologically sustainable development. Key strategies will focus on air and water quality and on the conservation of flora and fauna.
2. **Housing:** The population the Greater Metropolitan Region will increase by approximately 33,000 per annum to a total of about 5.3 million by the year 2021. As a result, approximately 640,000 new dwellings will be needed in the Region, with 500,00 of these required in Sydney.

With respect to the City of Hawkesbury, the strategy identifies Scheyville-Maraylya and Londonderry as requiring management as long term urban potential areas. In the 1988 Metropolitan Strategy, these areas were identified as areas which would need to be developed in whole or partially to accommodate a population of 4.5 million. Cities for the 21st Century states the following with respect to the 1988 Strategy:

"The compact city and the recognition of the new information now available, particularly on environmental factors, indicates that only opportunities in Warnervale, South Creek Valley-Bringelly and Rouse Hill will now need to be evaluated, at least until the latter years of this Strategy".

Therefore, Scheyville-Maraylya and Londonderry will be managed as long term options, involving some measure of control of land fragmentation.

3. **Employment:** To complement Cities for the 21st Century, an economic development plan is being prepared for the Greater Metropolitan Region. It is anticipated that government investment will be better integrated with landuse planning decisions.

The government will support the central business districts of Central Sydney, Parramatta, Wollongong and Newcastle through the provision of infrastructure and other initiatives. Secondary centres will also be the focus of commercial and retail development. The centres have been identified as North Sydney, St. Leonards, Chatswood, Hornsby, Bankstown, Liverpool, Campbelltown and Penrith.

4. **Open Space:** Open Space management of the public land within the Region will play a key role in conserving ecological values, providing for recreational needs and maintaining the separate regional identities of Sydney, Newcastle, Wollongong and the Central Coast.
5. **Transport:** Several measures will assist in the reduction in car dependency, including the integration of landuse and transport. The integrated transport Strategy has been reported separately.

The Strategy will be implemented through agencies and departments of State Government, working with local government, the community, the private sector and the Commonwealth Government. It remains to be seen the effect of a change in State Government will have on the goals and aims of the Strategy.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN530NCX.V19

**** END OF ITEM 183 ****