

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM: 155 TOURIST FACILITY - LOT 18 DP753784 79 GREENS ROAD, LOWER PORTLAND

FILE NUMBER: DA38/94/CSV

Applicant: Mr David Hooker
Applicants Reps: Not advised
Owner: Padaso Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 28.33ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: Adjoining owners, Baulkham Hills Council and Hawkesbury Nepean Catchment Management Trust notified of the proposal with 29 submissions received.
Date Received: 27 February 1995

Key Issues:

- , Flooding
- , Filling of land
- , Visual impact
- , Removal of existing caravan park
- , Traffic
- , Disposal of effluent
- , Amenity of locality

Action:

Approval with conditions

REPORT:

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

- 40 holiday cottages
- 20 motel units
- boat storage facility for 40 boats
- tavern/restaurant
- general store/coffee lounge
- boat shed
- 1 residence
- restoration of existing stone cottage to be used for conference/function facilities

In addition, the development application involves the removal of the existing caravan park and sand processing plant.

Staging

The development is to be completed in stages. In this regard the applicant has submitted the following information:-

- "a. The first stage would consist of the provision of 25 holiday cottages and the deletion of 25 caravan sites or existing cottages. The second third and fourth stages would consist of the provision of the tavern, 20 motel units and 15 holiday cottages with the deletion of the remaining caravan sites or existing cottages at the completion of any accommodation in those stages.*
- b. The existing sand processing operation would be removed prior to the completion of the first stage.*
- c. An undertaking is given that any reasonable deed of agreement to give effect to a and b above would be entered into if required."*

Existing Development

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

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

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

Statutory Situation

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

The application was referred to the Local Traffic Committee in accordance with the provisions of SEPP11 - Traffic Generating Development.

The Local Traffic Committee resolved on the meeting 21 April 1995 the following:-

"No objection to the subject proposal".

Whilst not part of the resolution, the Committee discussed the provision of a guard rail riverside and it was considered desirable that it should be addressed in the conditions of consent if the proposal should be approved.

Submissions

Adjoining owners were notified of the proposal, 29 submissions were received.

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

- Contrary to zone
- Impact of flooding
- Parking
- Toilet facilities for the tavern
- Effluent disposal
- Impact on existing stone cottage
- Night time illumination
- Over-development of the site
- Impact on the river
- Tavern is inappropriate
- Noise
- Greens Road is inadequate to cater for the development
- Traffic
- Create an undesirable precedent
- Existing caravan park is in poor condition
- Threat of unauthorised development occurring

Planning Comments

The subject property is irregular in shape with an area of 28.33ha. The site has a continuous frontage with the Hawkesbury River and features river flats, an escarpment and a ridge top plateau. The site is severed by Greens Road.

Proposed Development

As outlined previously this development application involves the following:-

- 40 holiday cottages
- 20 motel units
- boat storage facility for 40 boats
- tavern/restaurant
- general store/coffee lounge
- boat shed
- 1 residence
- restoration of existing stone cottage to be used for conference/function facilities

Hawkesbury Catchment Management Trust

The Trust considers that there are two particular issues Council needs to consider during their assessment.

1. Flooding - the current proposal includes locating 25 cottages within an area that is isolated by the larger event floods. The Trust does not consider that the application has adequately addressed this issue particularly as:-
 - * the State Government has recently revised its flood levels; and
 - * the applicant's most recent flooding report addressed a different proposal.
2. Intensity of Development of the Site - the current proposal has a large number of buildings clustered together at a visually prominent position. Given the zoning of the site, the provisions of REP 20 and the findings of the Scenic Quality Study prepared for the Department of Planning, the Trust considers that the visual impact of these buildings needs to be ameliorated.

Should Council decide to approve the proposal it will need to be appropriately conditioned. Conditions should address the following:

1. The Trust urges Council to consider issuing a "deferred commencement" consent which stipulates that:
 - * the applicant is required to obtain a permit from the EPA for the sewage treatment plant. The Trust has this view because it does not consider that Council undertook a rigorous assessment of the development application and the modification application for the sewage treatment plant. In addition, the EPA has recently issued a draft guideline on effluent disposal by irrigation which is relevant and thirdly some of the requirements of the EPA may affect the form in which the total proposal can proceed.
 - * the applicant is required to demonstrate that a supply of water can be provided in the long term. The Trust has some concerns about the potential for contamination of the groundwater by effluent and/or salt.
2. The Trust considers that Council should include conditions relating to the following:-
 - * all solid and putrescible wastes should be removed from the site and disposed of at an approved waste depot;
 - * the existing sand processing operations cease and all associated buildings, equipment etc, removed from the site;
 - * the removal of the existing caravans and cottages prior to occupation of the new cottages;
 - * an erosion and sediment control plan prepared and implemented;

- * submission of a report by a landscape architect which includes plans and which details how the site is to be landscaped and external surface materials chosen and coloured to blend in with the landscape (in this regard, Council should note that the site is recognised as part of a landscape which has national significance - see DOP Scenic Quality Study). This report should outline how weeds are to be managed over the whole site including the riverbank;
- * prohibition of the keeping of pets including cats and dogs;
- * all cottages should not be used as the principal place of residence for any occupant;
- * requirement for the applicant or agent to lodge with the Council six months after the date of the approval and thereafter yearly, a compliance report indicating how the proposal has complied within the previous period with all conditions of Council as well as permits of other authorities.

The Trust considers that Council would need to commit resources to closely monitor the proposal during the construction phase and urges Council to carefully consider the relevant provisions of Sydney Regional Environmental Plan No. 20 - Hawkesbury/Nepean River.

Baulkham Hills Shire Council

Baulkham Hills Shire Council wish to advise that while they raise no specific objection to the proposal, it requests that the following issues receive due consideration during the assessment of the proposal:-

1. Whether the proposal is consistent with the aims and objectives of the zoning of the property under the provisions of Hawkesbury LEP, 1989;
2. Whether the proposal is consistent with the aims and objectives of Sydney REP No.20, having particular regard to water quality, recreation and tourism, economy of the river valley, scenic quality etc;
3. The effluent disposal methods associated with the development, in particular whether these require the submission of an Environmental Impact Statement (ie. are they listed in Schedule 3 of the Environmental Planning and Assessment Regulation 1994) and also any associated impact on water quality in the Hawkesbury River.
4. The impact of flooding on the proposed development, having particular regard to evacuation of tourists, access to and from the site, flood liability etc;
5. The visual impact of the proposed development, when viewed from the Hawkesbury River, in particular whether the development is consistent with the landscape and scenic quality of the area. In this regard, the issues of landscaping and revegetation should be adequately addressed;

6. The proximity of the development to the Hawkesbury River. In particular, it is considered necessary to ensure that all buildings associated with the development are constructed of materials which exhibit low reflective qualities, and have suitable colours and textures. This will help to ensure that the visual impacts on the landscape and scenic quality of the area are acceptable; and
7. The proposed development should be referred to the Department of Water Resources, Public Works Department, CALM, Hawkesbury/Nepean Catchment Management Trust, Environmental Protection Authority and Sydney Water for their comments/requirements. Furthermore, any issues that these organisations raise should be adequately addressed.

The boat storage facility is to be located on the western side of Greens Road on the lower slope of the escarpment. Fifteen of the holiday cottages are located just below Greens Road whilst the remaining development is located around the properties frontage to the Hawkesbury River.

SREP No. 20

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

Visual Impact

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

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

The development below Greens Road will be seen from Greens Road itself, the Hawkesbury River and properties on the opposite side of the river. The buildings have a contemporary architectural design with extensive use of colorbond, glazing and bagged and limewash brickwork. It is considered that the development will have a satisfactory appearance. Although the application proposes a significant portion of the development in one section of the property, the siting of buildings, coupled with topography and existing vegetation is such that the development cannot be seen in its entirety, ie buildings, topography and vegetation will screen other buildings.

It is considered that the development will have a reasonable appearance. The development will certainly improve the current visual impact presently experienced at the property whereby caravans have been added to in an ad-hoc manner with no common theme. This proposal presents a unified appearance throughout the property and is a positive aspect of this development.

Traffic and Parking

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

The development proposes a total of 93 car parking spaces for the entire development. This number of spaces will adequately provide for the parking needs generated by this development.

Adequate dimensions and manoeuvrability can be provided for all of the proposed spaces.

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

Flooding

Hawkesbury LEP 1989 requires that all buildings be located on land that is no greater than 3m below the floor height standard. Furthermore, the floor level of any habitable room must be at least at the level of the floor height standard. In this locality, the floor height standard is RL8.7m AHD. Survey information has been submitted with the application which demonstrates that all development is above the relevant flood requirements.

Concern is raised regarding the velocity of flooding in this locality, particularly with respect to the development occurring on the point. In this regard, a condition has been imposed requiring that a hydraulic study be carried out to determine flow velocities to ensure that the proposed buildings will withstand expected flood events.

The nature of the development is such that the floor levels of the cottages will be elevated by up to 1.0m. This will be satisfactory and will not cause adverse visual impact.

Bush Fire

The subject property is located in an area identified as having a high bush fire risk. The location of the proposed development is such however that the impact of bush fire on this development is minimal.

Amenity

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

Supply of Water

The application proposes to obtain potable water via an existing bore located on-site, pumped to an existing tank, which will gravity feed to the development.

Effluent Disposal

Council has previously approved a tertiary wastewater treatment system that this development will be able to connect to.

Nature of Occupancy

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

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

Existing Caravan Park

The existing caravan park, normally licensed for 46 vans, is presently operating in an unsatisfactory manner. The main areas of concern are that no communal laundry, toilet and shower facilities are available and each caravan site appears to have their own independent facilities. The park is mostly, visually unattractive, as sole caravan owners have developed their sites immediately adjacent to the river with no common theme. This application presents an opportunity to remove the caravan park from the site, replacing it with more permanent development.

Conclusion

In conclusion, it is considered that the development is suitable for approval. The quality of development at the site will certainly improve, increasing the level and quality of tourist accommodation currently available in the locality.

RECOMMENDATION:

The application be approved subject to the following conditions:-

1. The development shall be carried out in accordance with Plan No. DA01/C, DA02/B, DA03/B, DA04/A, DA05/A & DA08/C dated May 1994.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.

3. The sewerage treatment plant approved under DA245/93 being installed prior to the occupation of any building.
4. The holiday cottages shall not be used as the principal place of residence for any occupant.
5. The use of the land for the processing of sand is to cease prior to the occupation or use of any building and an agreement be entered into to extinguish any existing use right.
6. A deed of agreement be entered into requiring that the caravan park be removed from the site in accordance with a schedule approved by the Divisional Manager of Environment and Development prior to the release of a building application for any holiday cottage.
7. The keeping of any pets, including dogs and cats, is prohibited. A restriction as to user pursuant to Section 88B of the Conveyancing Act shall be entered on the title of the subject property to this effect. Documentary evidence to be submitted prior to occupation of any building.
8. The submission of a soil erosion and sedimentation control plan for consideration with the Building Application.
9. 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.
10. All solid and liquid wastes arising from the premises shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the building application.
11. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
12. Provision of toilets in accordance with the requirements of the Building Code of Australia.
13. Exterior surfaces of the proposed structure being painted or treated with a dark toned non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of the Divisional Manager Environment and Development prior to occupation or use of the building.
14. No excavation or site works shall be commenced prior to the issue of the building permit.

15. A common television antenna shall be provided for the development.
16. 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.
17. As far as practicable all trees and shrubs on the site are to be preserved and integrated with the plan of landscaping. No trees over 4m in height shall be removed without the approval of the Divisional Manager Environment and Development. Such approval to be sought subsequent to the pegging of building works.
18. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
19. 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.
20. The subject development, including landscaping, is to be maintained in a clean and tidy manner to Council's satisfaction at all times and any direction given by Council in this regard is to be complied with forthwith.
21. The spillage of light, if any, shall be controlled to the satisfaction of Council.
22. All earthworks shall be completed and rehabilitated within 120 days of commencement.
23. A hydraulic study being carried out to determine flow velocities up to and above the 1 in 100 year flood and all buildings to be designed to withstand the velocity so determined.
24. The filling of land to accommodate the 25 holiday cottages on the point is prohibited.
25. 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.
26. All aisles and road widths adjacent to right angle parking is to be increased to a minimum of 6.7m.
27. Turning circles at the end of all no-through roads being increased to a minimum diameter of 13m.
28. The full construction of Greens Road with sealed pavement and any necessary drainage from the existing seal to the west to 20m past the last holiday cottage in Greens Road.
29. All access roads serving the new development to be constructed with a sealed pavement and any necessary drainage.

30. The access roads around the boat storage area to be constructed with a compacted crushed rock pavement and all necessary drainage. The access road is to be widened as necessary to provide sufficient manoeuvring area for vehicles and boat trailers.
31. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
32. A design checking and inspection fee of \$2,500 must be paid when submitting engineering plans for approval prior to construction. This amount is valid until 30 June 1995.
33. Screening being provided to the satisfaction of the Divisional Manager of Environment and Development to screen the under floor area of the elevated holiday cottages.
34. The operating hours of the tavern being restricted from 10.00am to 10.00pm daily. Any alteration of these hours will require the approval of the Divisional Manager of Environment and Development.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN502NAX.C06

****** END OF ITEM 155 ******

ITEM: 156 THREE LOT INDUSTRIAL SUBDIVISION LOT 8 DP260028 NO 11 BOX AVENUE, WILBERFORCE. GARY WHITE PROPERTY CENTRE

FILE NUMBER: SA30/95/EVD

Applicant: Gary White Property Centre
Applicants Reps:
Owner: Hamlet Homes Pty Ltd
Stat. Provisions: Hawkesbury LEP, 1989
Area: 2,000m²
Zone: General Industrial 4(a)
Advertising: Not required
Date Received: 23 February, 1995, additional information received 4 April, 1995

Key Issues:

, Character
, Access
, Lot sizes
, Services
, Precedent

Action:

Refusal

REPORT:

Proposal

Application is to undertake a three (3) lot industrial subdivision that provides 2 x 475m² lots to Woodlands Road and 1 x 1050m² lot facing Box Avenue.

It is intended that a small factory (260m²) will be erected on each of the two Woodlands Road lots. There is an existing factory on the proposed Lot 3, facing Box Avenue, and it is intended to erect another factory unit at the rear of this factory and then strata title subdivide these two factories. Future development applications will be required for the proposed factories and strata titled subdivision.

A plan is enclosed showing the proposed subdivision and intended future development.

Site Characteristics

The lot has frontage to both Box Avenue and Woodlands Road and the rear of the land, towards Woodlands Road, is not used.

Box Avenue is constructed and sealed and Woodlands Road has only a gravel construction past the site. There is no water main in Woodlands Road past the site.

Previous Approval

On 19 November, 1993, approval was given for a two lot subdivision, however, due to the gravel construction of Woodlands Road, one of the conditions required a 6m wide right of carriageway and access handle over the Box Avenue lot to give access to the rear, Woodlands Road, lot.

Statutory Situation

The site is zoned as General Industrial 4(a) under Hawkesbury LEP, 1989, and there is no minimum area for industrial subdivision in the plan.

Planning Assessment

Character

The lot sizes proposed for the two Woodlands Road lots, 475m² each, are out of character with existing lot sizes in the industrial area and restrict the factory design that can be accommodated on each lot.

The plan of subdivision submitted by the applicant indicates the best possible outcome for the future development of the land. There is no guarantee that this will be achieved as the application is simply for the subdivision of the land.

Access

Access to these two lots that front Woodlands Road is over a gravelled section of Woodlands Road which acts as a "buffer" between the industrial area and the rural area, with little traffic use. The approval of the proposal would likely lead to other similar subdivision of the adjoining lots, increasing the traffic along Woodlands Road.

The applicant was written to by letter 23 March, 1995 advising that the proposed subdivision was not satisfactory as it creates lots with only frontage to Woodlands Road which is not on industrial access road in this location.

The applicant has responded as follows:

"Regarding our discussion, I cannot see any logical or legal reason as to why access should be denied from Woodlands Road, as other allotments only have frontage to Woodlands Road.

Also contributions have already been taken by Hawkesbury City Council in the form of roadworks to allow for the improvement of Woodlands Road from properties serviced by two road frontages."

Services

The Water Board advised with the previous two lot subdivision that "the Board does not favour an extension of the main in Woodlands Road to serve lot 2.

This opinion is likely to apply to the present proposal, having two lots fronting Woodlands Road.

RECOMMENDATION:

The application be refused for the following reasons:

1. The proposed subdivision in relation to the two Woodlands Road lots is out of character with other lots in the Wilberforce industrial area.
2. The proposed lot sizes for the two Woodlands Road lots leave little scope for attached industrial buildings on the lots.
3. Access to the two Woodlands Road lots is over a gravel constructed road which is not an industrial access road in this location.
4. There is no water main in Woodlands Road to serve the proposed lots 1 and 2.
5. Approval of the subdivision could create a precedent to other similar applications along Woodlands Road which will change the current rural road status of this section of Woodlands Road.
6. Because of lot sizes proposed, factory design limitations, access, lack of services and likely precedent approval would not be in the public's interest.

ATTACHMENTS:**AT-1 Plan**

FN:EN502NAX.V01

****** END OF ITEM 156 ******

ITEM: 157 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:

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 within 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:EN502NAX.V02

****** END OF ITEM 157 ******

ITEM: 158 CATTLE FEEDLOT - LOT 5 DP238298 169 COMMERCIAL ROAD, VINEYARD

FILE NUMBER: DA0221/94/EVD

Applicant: D & E Becroft
Applicants Reps: Not advised
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.

ATTACHMENTS:

AT-1 Plan 1

AT-2 Plan 2

FN:EN502NAX.V04

****** END OF ITEM 158 ******

ITEM: 159 REQUEST TO MODIFY DEVELOPMENT CONSENT. LOT 1 DP 741427 AND DP 80529, 304 PITT TOWN BOTTOMS ROAD, PITT TOWN - CHARLES KINGSFORD SMITH MODEL AIRCRAFT CLUB INC.

FILE NUMBER: DA76/93/EVD

Applicant: Charles Kingsford Smith Model Aircraft Club Inc.
Applicants Reps: Not advised
Owner: Charles Kingsford Smith Model Aircraft Club Inc. and Sydney Model Airfield Pty Ltd
Stat. Provisions: HLEP 1989
Area: 16.719 ha
Zone: Environmental Protection (scenic) 7(d1)
Advertising: Adjoining owners were notified with one submission received
Date Received: 16 February 1995

Key Issues:

, Variation of conditions of consent

Action:

Change to conditions of consent

REPORT:

The Sydney Model Airfield Pty Ltd has been operating on the subject property since 1973 and sought to extend this facility in 1993. On the 8th June 1993, Council approved the extension of a Recreational Facility on the subject property with 10 conditions.

Council is now in receipt of an application to modify the development consent applying to the land. There are two conditions that the applicant has requested be modified. These modifications relate to the hours of operation and the number of model planes permissible in the air at any one time.

Statutory Situation

The initial proposal was approved as a recreational facility which is a use permissible with consent under the provisions contained in the HLEP, 1989. The modification of Development Consent is permissible under Section 102 of the Environmental Planning Act, 1979.

Community Consultation

The adjoining owners to the site were notified and one objection was received. The objection is reproduced as follows:

"Council clearly has the authority to impose time limits on model aircraft activities. Council, therefore, presumably also has the power to impose noise level limits on model aircraft. Reasonable noise level limits would be of much greater benefit to local residents than time limits.

I ask Council to impose such noise level limits"

In response to the above, the model aircraft field has been in operation in excess of twenty years. Since the Development Application for a recreation facility was approved in 1993, no complaints regarding noise have been received by Council.

Planning Assessment

The subject property is irregular in shape with an area of 16.719 ha. Consent was granted in 1993 for the extension of the facility which had been operating since 1973. This application proposes to modify two of the conditions of consent issued in 1993.

Condition 6:

"The total number of powered planes, including remote and line controlled shall not exceed 6."

This condition refers to the club having no more than 6 model aircraft in the air at any one time. The applicant interprets that this condition means that the club can only own 6 model aircraft.

A change to this condition will no effect on the operation of the facility and will only clarify the condition for the applicant.

Condition 9:

"The operation will be limited to 9.00am to 5.00pm"

The applicant proposes to extend the hours of operation during Daylight Savings months to 9.00am to 7.00pm on Saturday and Sunday. This would allow members of the club to fly in the cooler hours during Summer.

The applicant has also requested that there be no restrictions on the hours of operation for electric powered and non-powered models. The electric powered models are relatively quiet when the motors are in use. The motors are used for approximately 10-20 seconds to enable the glider to reach a suitable height to glide and are then switched off. There is no noise until the gliders motor is turned back on for approximately 5-10 seconds to allow the glider to again reach a suitable height to glide.

With respect to non-powered models, no noise can be heard as they are launched via a large rubber band and guided down to the ground by remote control. When they are too low to the ground, they are landed by the operator and re-launched. Both the non-powered and electric model aircraft can only fly during daylight hours. The effect of not having any restrictions on electric powered and non-powered aircraft will be minimal.

RECOMMENDATION:

The development consent be modified in the following manner:-

1. Condition 6 be replaced with the following:

"The total number of motor powered planes, including remote and line controlled, in the air at any one time, shall not exceed 6."

2. Condition 9 be replaced with the following:

"The hours of operation be limited to 9.00am to 5.00pm during weekdays and 9.00am to 7.00pm on Saturdays and Sundays during Daylight Saving months. This restriction shall not apply to non-powered models or to electric powered models."

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN502NAX.V11

****** END OF ITEM 159 ******

ITEM: 160 STAGED EXTENSIONS AND ALTERATIONS, INCORPORATING A MASTER PLAN, TO THE EXISTING RICHMOND EX-SERVICEMAN'S CLUB - LOT 13 DP4906, LOT B DP368301 LOTS 1-5 DP237356 6-8 EAST MARKET STREET AND LOT 1 DP624012 CORNER FRANCIS STREET AND BENSONS LANE, RICHMOND

FILE NUMBER: DA24/95/EVD

Applicant: Paynter Dixon (NSW) P/L
Applicants Reps: Not advised
Owner: Richmond Ex-Serviceman's Club Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989; SEPP No. 11 (Traffic Generating Developments)
Area: 9,200m² (land bounded by Toxana, Francis and East Market Streets)
Zone: 6-8 East Market Street - Residential 2(c); Corner Francis Street and Bensons Lane - part Residential 2(a) and Part Environmental Protection 7(d1)
Advertising: Advertised with no submissions
Date Received: 13 February 1995

Key Issues:

- , Traffic/parking
- , Approvals under Delegation

Action:

That Stage 1 be approved subject to conditions and that further stages of the Master Plan be determined under delegation of authority.

REPORT:

Application is made to redevelop the existing Richmond Ex-Serviceman's Club on a staged basis. Stage 1 is intended primarily to upgrade and refurbish the existing club. The extension will increase the public floor area to 2,466m², an increase of 545m² (28%). Further to this, Stage 1 has been amended to relocate the existing two bowling greens to the existing northern carpark, retaining 45 vehicle spaces. Parking spaces will be relocated to replace the 'greens'. A clubhouse amenities building is also proposed, adjacent to the new 'greens'.

The Master Plan concept has been prepared to illustrate the ultimate club expansion. In this respect, the total public floor area of the club will be approximately 4,134m². The Master Plan also makes provisions for a two level 44 room motel in the north-western corner of the site bounded by Francis and East Market Streets and a 20 lane bowling alley which fronts East Market Street. Added to this, is the provision of a lower ground level providing over 150 car parking spaces accessed off Francis Street.

A 'Traffic and Parking Assessment' report has been prepared and forms part of this application. This was prepared and submitted prior to the amendments to Stage 1.

Statutory Situation

The existing Richmond Ex-Serviceman's Club and proposed extensions are defined as being a "club" which has the following definition:-

"club" means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of such buildings is the premises of a club registered under the Registered Clubs Act, 1976;

Due to the increase in floor space requiring additional car parking spaces, the proposal has been referred to the Local Traffic Committee under the guidelines of State Environmental Planning Policy No. 11 - Traffic Generating Developments.

Under the provision of Council's planning scheme Clause 28 - Development in vicinity of heritage items and Clause 37 - Aircraft Noise, applies. These are discussed within the report.

Planning Comments

Site Characteristics

The Club contains two sites which are proposed to be developed - north and south of Francis Street. The site north of Francis Street contains the existing carpark providing 132 spaces. South of Francis Street contains the Club itself with parking for 67 vehicles located adjacent to Toxana Street. East Market Street fronts the western side of the club. Towards the rear, commercial related developments exist. Land to the north of Francis Street is flood affected being below the 'floor height standard' of 16.9m (AHD).

Drainage easements are located over the northern site.

The Club is surrounded by a mix of residential, commercial and rural land uses and overlooks the Richmond Lowlands. A combination of trees and shrubs surround the northern car park.

Heritage Item No. 33, identified as a dwelling, is set back approximately 20m north of Francis Street, directly opposite East Market Street. Surrounding the dwelling is vegetation comprising trees and shrubs.

Stage 1

The alterations and additions for Stage 1 (amended) include:-

- | | | |
|--------------------|---|-----------------------------------|
| Lower Ground Floor | - | extension of Toxana Function Room |
| Ground Floor | - | expansion of Poker Machine Lounge |
| | - | bistro extension |

- | | |
|-------------|--|
| First Floor | <ul style="list-style-type: none">- relocation of bowling greens- provision of 138 car parking spaces- future auditorium (to lock-up stage only) |
|-------------|--|

Other than the revised layout adjacent to Toxana Street and the provision of parking in front of the existing club facilities, no additional parking is proposed. In fact, 16 spaces will be lost as a result of the revised layout.

With respect to the bowling greens a clubhouse providing locker room facilities is proposed with the retention of 45 carparking spaces. Minor cut and fill will be carried out to establish the two 'greens' and has been designed not to extend past the existing parking spaces which extends 120m north from Francis Street.

Extensions incorporating lounge and future auditorium will have a setback measuring 26m from Francis Street and a height above ground level measuring approximately 12m, giving an overall height not exceeding 30.0m (AHD). Materials used include metal cladding for roof with pre-cast concrete panels for the walls. Glazed windows are also to be used.

With respect to the heritage item located opposite East Market Street, it is considered that Stage 1 works will not interfere with visual amenity. A distance of 120m separates the extensions and the heritage item and is separated by Francis Street (see attached map).

The Club is also affected by the RAAF flight path. Located within the 35 ANEF contour band, building materials are used to comply with Australian Standard AS2021. Details will be provided at the Building Application stage which the applicant is prepared to undertake.

Traffic/Parking

The Traffic and Parking Assessment report on behalf of the Richmond Ex-Serviceman's Club has been prepared to assess the traffic and parking implications of the Club's expansion proposals.

The matter has been referred to the Local Traffic Committee under the provisions of SEPP No. 11 - Traffic Generating Development. No objections are raised to the amended proposal subject to the installation of pedestrian refuge to access the two Club sites.

Currently, the Club is served by 199 off-street carparking spaces which includes 132 spaces north of the Club site which are underutilised and it is considered that by relocating the spaces to replace the bowling greens, less street parking would occur. The Traffic and Parking report suggests that as the floor space for Stage 1 is of a minor increase (28%), the Club does not anticipate a substantial increase in patronage requiring parking.

As the Club ultimately expands, as shown within the Master Plan, sufficient space is available at its northern site, adjacent to the bowling greens, for future parking spaces. These will be considered when separate applications are received for the motel, bowling alley and future fit out of the auditorium.

A further report to the Local Traffic Committee may be required when subsequent stages are submitted for further consideration.

Drainage

An existing pipeline north of Francis Street is located on land owned by the Club and is under capacity. Whilst the Club is outside the Stage 1 contribution area, it is considered that on site detention be provided notwithstanding that the downstream end of the drainage system enters the floodplain. Conditions can be imposed to overcome this.

The Master Plan - the ultimate expansion

The Master Plan reflects the ultimate development potential of the Club site which involves:-

- retention of the Club function room on the Lower Ground Floor, further expansion of the Club floor area and facilities on the Ground floor, and completion of the Club Auditorium on the First floor
- development of a motel with 44 rooms in the north-western corner of the Club site
- development of a bowling alley (20 lanes) on the East Market Street frontage of the site
- off-street parking provision for 217 vehicles comprising two levels on the club site adjacent to Toxana Street and spaces associated with the bowling greens. Vehicular access for the carparks on the existing Club site is via combined entry/exit driveways connecting with the ground floor level (off Toxana Street) and the lower ground level (off Francis Street)
- A porte cochere running between Francis and East Market Streets in the north-western corner of the site which provides pick-up set-down facilities for both the Club and Motel reception. Entry to the porte cochere is off Francis Street with exit to East Market Street.

As the Master Plan only illustrates the potential development, the Club is not prepared to develop this stage at the present time. It is therefore considered that Council approve Stage 1 whilst considering the Master Plan so that the various stages can be determined under Delegated Authority.

RECOMMENDATION:

1. Amended Stage 1 be carried out generally in accordance with plans referenced DA2, DA3, DA4, DA5 dated 10 February 1995 and DA13 dated April 1995 and where modified by conditions.
2. Submission of a building application, plans and specifications complying with the Building Code of Australia.

3. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6.0m.
4. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
5. Construction of road and drainage or sewer works are not to commence until three (3) copies of the plan or specifications of the proposed works are submitted to and approved by the Divisional Manager Engineering Operations.
6. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1 : 100 year storm at predevelopment levels.
7. 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.
8. All solid and liquid wastes arising from the premises shall be collected, stored and disposed of to Council's satisfaction. Separate details of the proposed waste collection, storage and disposal method/system shall be lodged with Council concurrently with the building application.
9. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.
10. No excavation or site works shall be commenced prior to the issue of the building permit.
11. Parking shall be provided for 187 vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
12. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
13. A physical barrier being provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
14. A common television antenna shall be provided for the development.

15. All land not required to be sealed is to be landscaped in accordance with a plan of landscaping which is to be submitted for Council's consideration and approval concurrently with the building application.
16. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
17. All loading and unloading in relation to the use shall take place wholly within the property, and these loading areas shall be kept clear for loading/unloading at all times.
18. 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.
19. The spillage of light, if any, shall be controlled to the satisfaction of Council.
20. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021, to the satisfaction of the Divisional Manager Environment and Development. Details prepared by an accredited acoustical consultant to be submitted for approval with the building application.
21. Erosion control measures such as geotextile silt traps are to be provided during construction to stop silt, rubbish or debris from leaving the property. Details shall be submitted for consideration prior to the works commencing.
22. All fill to be adequately compacted by track rolling or similar.
23. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 prior to the release of building plans.
24. Submission of detailed plans indicating the extent and volumes of excavated material to be removed generally in accordance with Condition No. 1. Details to be submitted with the Building Application.
25. Exterior surfaces of the proposed structure being painted or treated with a non-reflective material in such a manner so as to cause the structure to blend with the landscape of the site and its surroundings. Such painting or treatment to be completed to the satisfaction of the Divisional Manager Environment and Development prior to occupation or use of the building.
26. Disabled access shall be provided so as to comply with the Building Code of Australia.
27. The roof of the Auditorium shall not exceed 30m in height relative to the Australian Height Datum, generally in accordance with plans referenced DA5.
28. The Auditorium shall not be 'fitted-out' for future use unless satisfactory arrangements have been made for the availability of parking to the satisfaction of the Divisional Manager of Environment and Development.

29. The installation of pedestrian refuge to suit the access point to the Club's southern side of Francis Street and that access point being west of the revised driveway to the car park.
30. Future stages identified in the Master Plan referenced DA6 - DA11 inclusive be determined under Delegated Authority under separate applications.
31. The provision of conduit/ducts under new driveways to the requirements of Prospect Electricity, in accordance with Prospect Electricity drawing 049759H dated 14 July 1987. Conduit and ducting material is available from Prospect Electricity.
32. Design and construction of site drainage shall be carried out in accordance with Council's Guidelines for Stormwater Drainage Requirements for Commercial, Industrial and Medium Density Developments. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges up to the 1:100 year storm at predevelopment levels.
33. Consideration of comments by Council's architectural adviser on the external appearance of the building prior to the submission of building plans.

ATTACHMENTS:**AT-1** Aerial Photo**AT-2** Plan

FN:EN502NAX.V13

****** END OF ITEM 160 ******

ITEM: 161 DEVELOPMENT CONTROL PLAN FOR KURRAJONG HEIGHTS VILLAGE

FILE NUMBER: DA125/94 PTS 1 & 2 DCP/95/EVD

REPORT:

Council at its Ordinary Meeting 8 November, 1995, resolved that:

"A Development Control Plan for Kurrajong Heights be put in place."

Council is advised that a draft development control plan has now been prepared for Kurrajong Heights in accordance with Part 3 (Development Control Plans) of the Environmental Planning & Assessment Regulation, 1994. A copy of the draft development control plan is attached for perusal.

The draft development control plan has been based on "Kurrajong Heights: A conservation study of the village centre" thesis prepared by Mr G Edds for Master of Built Environment (Building Conservation) Degree in 1988.

The draft development control plan has been prepared to conserve the inherent character and significance of the Village and provide an appropriate framework for new development. Objectives and guidelines of the draft plan will ensure that new development does not compromise or detract from village character or significance.

RECOMMENDATION:

The draft development control plan for Kurrajong Heights Village be placed on exhibition for at least twenty eight (28) days in accordance with Part 3 of the Environmental Planning & Assessment Regulations.

ATTACHMENTS:

AT-1 Draft Development Control Plan for Councillors' perusal.

FN:EN502NBX.V03

**** END OF ITEM 161 ****

ITEM: 162 LOCAL AIR QUALITY MANAGEMENT - REGIONAL ORGANISATIONS OF COUNCIL**FILE NUMBER:** GE020/016 PT05/EVD

REPORT:

A Local Air Quality Management Manual has been produced by the five Regional Organisations of Council arising out of the Air Quality Forum in February 1994.

The manual has been produced as a practical guide for local government to improve air quality in the Sydney region.

Local Government has a significant impact on the air quality of the Sydney region and can also have a significant role to play in improving it. By integrating activities such as planning and building control, provision of social, environmental and economic infrastructure and the formation of planning and environmental policies and regulations under the umbrella of a Local Air Quality Management Plan (LAQMP) *"Council can approach air quality management in a comprehensive manner with logical integrity, focus, measurable output and the ability to evaluate effectiveness."*

The Manual provides a practical guide to the development of a LAMP and details the steps, items of consideration, policy development, strategies and actions for the implementation of the LAMP and evaluation measures. The process is ongoing as the simpler air quality issues are finalised and the more difficult or new issues are considered.

The air quality of the Sydney basin local government boundaries and the full benefits of LAQMPs are dependent on the adoption of complementary plans throughout the region. It is necessary then that the LAQMPs developed in each area are consistent and that the formulation of a regional policy is achieved via a Regional Air Quality Management Plan

RECOMMENDATION:

1. Council establish a LAMP Steering Committee and Project Team; and
2. Council participate in the development of a Regional Air Quality Management Plan.

ATTACHMENTS:**AT-1** Appendix 1

FN:EN502NBX.V07

****** END OF ITEM 162 ******

ITEM: 163 DRAFT LOCAL ENVIRONMENTAL PLAN TO PERMIT A 20 LOT
SUBDIVISION OF LOT 7 DP979541 JOHNSTON STREET, PITT
TOWN - I JOHNSTON AND G TIMMERMAN

FILE NUMBER: DA0360/92 PT09; LEP011/91 PT02/EVD

REPORT:

Council at its meeting on 14 December 1993 resolved to:-

"Prepare a draft local environmental plan to delete clause 40 from Hawkesbury Local Environmental Plan 1989 and to permit residential subdivision of the site into 20 (twenty) lots with a residual lot not being capable of further subdivision until services are available".

This resolution followed two lengthy and expensive development applications for the extraction of sand under the provisions of Regional Environmental Plan No. 9 (Extractive Industry), both applications being refused following appeals to the Land and Environment Court. The Johnston and Timmerman property was the subject of both appeals.

Clause 40 of Hawkesbury Local Environmental Plan provides as follows:-

"Extractive Industry

40. Nothing in this plan prohibits a person, with the consent of Council, from carrying out an extractive industry on certain land at Pitt Town identified for that purpose under Sydney Regional Environmental Plan No. 9 - Extractive Industry."

The deletion of Clause 40 only confirms advice from the Department of Planning and the Department of Mineral Resources that Pitt Town will be removed from the provisions of this REP.

Since Council's resolution inquiries have been made with the Department of Planning and Sydney Water regarding the subdivision of the 20 lots.

The Department of Planning has advised that the Director will not require a local environmental study provided that the draft plan satisfactorily addresses a number of issues. The Department has also advised that it will not issue a Section 65 certificate to exhibit the draft plan unless the issues of water supply and sewerage for the proposed subdivision have been satisfactorily addressed.

Sydney Water recently advised that it would provide bulk water to the subdivision on a number of conditions including that the 600 lot bulk water allocation for Bligh Park North be reduced to 580 lots until such time as a Developer Servicing Plan is in place for the Richmond/Windsor Supply Zone at which time the situation will be reviewed.

Council was advised at the General Purpose Committee meeting on 28 March 1995 that it should not attempt to satisfy the numerous competing demands for bulk water until the Bligh Park North area has had a reasonable opportunity to proceed.

Given the advice of the Department of Planning, Sydney Water and Council's obligation to Bligh Park North it would seem unlikely that a 20 lot residential subdivision of the land can proceed.

There is a possibility that the subdivision can proceed without reticulated water and sewerage provided the lots are of sufficient size to adequately dispose of effluent. The minimum area would need to be determined by geotechnical assessment together with a specification for on-site treatment. It is likely that a lot size of around 0.5ha would be adequate.

If the subdivision is to proceed with lot sizes of 0.5ha, a development control plan should be adopted which facilitates the further subdivision of the lots into fully serviced residential lots at some future time when services are available. The development control plan would identify the future subdivision boundaries and ensure that improvements did not encroach on future subdivision boundaries. In this way the 0.5ha subdivision should not result in unnecessary wasteful fragmentation of the land.

A further issue with Council's resolution is the linking of the removal of Clause 40 of Hawkesbury Local Environmental Plan 1989 with the subdivision in the single draft local environmental plan. If the proposed subdivision is to proceed it is recommended that the resolution be implemented by separate local environmental plans dealing with the removal of clause 40 and the subdivision.

RECOMMENDATION:

1. A draft local environmental plan be prepared to permit a 20 lot subdivision of Lot 7 DP979541. Further that the 20 lots are to have areas of between 450m² minimum and 1 hectare maximum.
2. In the event that the subdivision proceeds without the provision of reticulated sewerage, then a development control plan is to be prepared to facilitate a future resubdivision into residential lots.
3. A draft local environmental plan be prepared to delete clause 40 from Hawkesbury Local Environmental Plan 1989.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN502NBX.V08

**** END OF ITEM 163 ****

ITEM: 164**BLAXLAND RIDGE SEPTIC TANK EFFLUENT PONDS****FILE NUMBER:**

GE020/028/PT05/EVD

REPORT:

A report was submitted to Council on 13 December 1994 advising of recent developments regarding the ponds.

The Environment Protection Authority has required the preparation of a Pollution Reduction Program which consists of:-

- 1) increased waste water quality monitoring at time of irrigation,
- 2) an assessment of the environmental impact caused by the discharge of waste water, which was due on 12 April 1995, and
- 3) a report on alternatives to disposal of septic tank effluent, which is due on 12 July 1995.

The assessment of environmental impacts has been completed and forwarded to the Environment Protection Authority. This assessment has four components;

- 1) report body, conclusions and recommendations,
- 2) water quality,
- 3) impact on native vegetation in the irrigation area,
- 4) weed growth.

A. WATER QUALITY

During July to September 1994, water samples were taken on seven occasions from four sites within Turnbull's Creek, which is the receiving waters downstream of the irrigation area. This component analysed the water quality data for confidence and compliance with water quality standards and assessed the impact on the aquatic ecosystem.

Data from previous studies of waste water from the ponds was also used. The report refers to sites:-

- 1) Outlet of the ponds,
- 2) Bottom of Hill, Turnbull's Creek, immediately below the ponds,
- 3) Half way, on private property approximately 2.2 kilometres downstream from site 2,

- 4) Johns pump, on private property approximately 2.8 kilometres downstream from site 2, and 2.4 kilometres upstream of the confluence with the Colo River,
- 5) Main road, approximately 5.0 kilometres downstream of site 2 and 200 metres upstream of the confluence with the Colo River.

During the period of the water sampling program, the Sydney Basin (and other parts of the State) were experiencing an extremely dry period, which included drought declarations and reticulated water use restrictions. Because of these conditions, the results obtained are likely to represent a worst case scenario, and lesser concentrations may be obtained under normal rainfall conditions. There is analytical evidence that even under these dry conditions that groundwater inflows to Turnbolls Creek were occurring.

Conclusions

- 1) Waste water discharged from the ponds has negligible impact on the nutrient concentrations in either the Colo or Hawkesbury Rivers.
- 2) The variation in the ion composition of the creek water from site 2 (Bottom of Hill) to sites 3 and 4 (Halfway and John's Pump) suggests groundwater inflow. This is supported by low pH at sites 3 and 4.
- 3) The Environment Protection Authority's Acceptable Limits for Effluent Quality are achieved within Turnbull's Creek several kilometres upstream of the confluence of the Colo River, except for suspended solids which are highest at sites 3 and 4, possibly due to ions in the groundwater and other catchment activity.
- 4) Australian and New Zealand Environment and Conservation Council criteria for Protection of an Aquatic Ecosystem were exceeded at various locations for ammonia, pH, iron and aluminium. The results for copper are distorted as most samples were below detection limits.
- 5) Faecal coliform levels at sites 2, 3, 4 and 5 were to a level suitable for recreational body contact.

B. NATIVE VEGETATION

In 1992, work was carried out to determine the relationship between soil depth, available phosphorus in the soils, slope and weed and canopy covers in one section of the irrigation area. This study found that die back in the native vegetation had occurred only with the irrigation area and that there is a distinct and rapid growth of native species outside the irrigation areas. The die back is attributable to elevated concentrations of phosphorus in the soils.

This work was updated for the impact assessment and it was found that there has been a minor increase in weed cover and decrease in canopy cover between 1992 and 1995.

Conclusions

- 1) The death of native vegetation in the irrigation area is due to elevated concentrations of phosphorus in the waste water.
- 2) There is evidence that the death of vegetation has no other cause than elevated phosphorous.
- 3) The canopy cover has decreased, and weed cover increased in the irrigation area between 1992 and 1995.

C. WEED GROWTH

The five sites used in the water quality component, plus an additional control site not subject to waste water discharge, were used to determine weed growth and invasion.

At each site the species of weeds were identified, however quantity was not determined. The number of weed species found at each site were, control - nil; site 1 - four; site 2 - nine; site 3 - five; site 4 - six and site 5 - eleven.

Conclusions

- 1) Of the 22 weeds identified at the 5 survey sites, 12 species were found at either the ponds or bottom of hill sites, only 3 of these 12 species were contiguous with the sites downstream.
- 2) Sites 3, 4 and 5 have been subject to removal of native vegetation, agricultural uses and/or grazing and are thus disturbed.
- 3) The discharge of waste water from the ponds has caused weed invasion at sites 1 and 2.

Discussion

The results of the three assessments indicate that the environment is being impacted due to the release of waste water. In nearly all instances, these impacts are either minimal, rapidly attenuated or restricted to a clearly defined area.

The continued development of land from which effluent must be removed by tanker, will accentuate the impacts. On average each domestic premises generates 78 kilolitres of effluent per annum, whilst the volume from non-domestic premises varies considerably from 20 kilolitres to 3750 kilolitres per annum.

Landowners may have an expectation of a right to develop their land within the existing Local Environmental Plan, either with or without development consent. The Environmental Planning and Assessment Act provides that certain matters must be considered when assessing a development application, including consideration of "the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, whether harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm."

In cases when development consent is not required the Local Government (Approvals) Regulation 1993, provides that when determining an application for approval to erect a building the Council must consider whether the site is suitable for the satisfactory disposal of effluent from a septic tank or another means of disposing of human waste.

The impacts on the environment having now been accurately identified, it is considered that the volume of effluent for disposal, at least until alternative facilities are provided, should be controlled by restricting the type of development that may occur, when there is a reliance on tanker removal services.

The next report on alternatives to disposal of effluent will address a number of options including, a higher level of treatment at the existing Blaxland Ridge facility, disposal at a Sydney Water waste water treatment plant; use of the effluent for agriculture and construction of new treatment and disposal facilities.

Council at its meeting on 11 April 1995 considered the long term provision of reticulated sewerage to several villages. However the need to either upgrade the existing disposal facility or provide a new facility will require short term expenditure which although unknown at this time, will impact on the annual sullage charge. In addition to this expenditure, the existing irrigation area should be rehabilitated and weed invasion controlled in conjunction with downstream landowners. The sullage charge for this year is \$635.71 and next years estimates without allowing for the above expenditure, provide for an increase to \$747.48 which is almost solely due to increased contractor's charges.

Several downstream landowners have been kept informed of developments in respect of the ponds operation, the water quality monitoring and the two studies required by the Environment Protection Authority. Representations have been received from a Solicitor acting for one landowner seeking compensation and remedial action in relation to an alleged change in water quality and infestation of weeds on their property. The findings of the impacts assessment indicates causes other than the ponds.

An ongoing monitoring program has been proposed to the Environment Protection Authority to establish water quality information in Turnbull's Creek under varying flow conditions.

RECOMMENDATION:

1. Should the ponds be decommissioned or their operation be altered, a qualified Bush Regenerator be engaged to report on rehabilitation of the vegetation in the irrigation areas.

2. Options be prepared for a program to restrict the further spatial spread of weeds in the short term.
3. Should the ponds be decommissioned or their operation be altered, a qualified Bush Regenerator be engaged to report on rehabilitation of weed affected areas. Further that downstream landowners be consulted and their involvement in future control be discussed.
4. Options for financing the rehabilitation works in 1 and 3 be considered and if necessary a financial reserve be established.
5. Sydney Water be requested that reticulated water not be extended to any premises that relies on tanker removal of septic tank effluent.
6. Only the following developments be approved in respect of unsewered land that will rely on tanker removal of septic tank effluent:
 - a) single dwelling houses
 - b) light industry and single shops which do not require a water supply greater than that which can be delivered via a normal domestic connection without on-site storage; OR which are not connected to a reticulated water supply.
7. Subdivision of unsewered land that will rely on tanker removal of septic tank effluent be prohibited.
8. Recommendations 6 and 7 be reassessed when alternative disposal facilities are available.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN502NBX.V09

****** END OF ITEM 164 ******

ITEM: 165 REZONING APPLICATION FROM LIGHT INDUSTRIAL 4(B) TO
RESIDENTIAL 2(A) - PART LOT 1 DP831345 CORNER DRUMMOND
AND MILEHAM STREETS, SOUTH WINDSOR

FILE NUMBER: LEP11/94/EVD

REPORT:

Council is in receipt of an application to rezone part lot 1 from Light Industrial 4(b) to Residential 2(a) to allow a residential subdivision of the land into approximately 50 lots. The balance of lot 1 will retain its 4(b) zoning. Plans are included showing the current zonings and lot layout. The site is currently vacant containing only scattered vegetation.

Planning Assessment

The subject site is situated on the corner of Mileham and Drummond Streets in South Windsor and has an approximate area of 3.1ha. Despite its current Light Industrial zoning, the site is physically suited to residential development, being flat with sparse tree cover and access to all physical services. Abundant residential support facilities are located in the immediate area. The site is located adjacent to existing residential development and could logically be incorporated into the South Windsor urban area as an extension to the adjoining 2(a) zoning.

Although the site is zoned as Light Industrial 4(a), the assessment presented on behalf of the applicant states that there is no demand for light industrial land in South Windsor.

The proposed development offers an opportunity to develop the site in an economic manner and facilitate residential land supply without significantly impacting on industrial land supply. It would allow residential development and existing industrial uses to interface in an appropriate manner without affecting the industrial use of adjoining sites.

The key to ensuring residential amenity would be installation of improved noise attenuation measures within the Airlite Factory so that appropriate background residential noise levels are achieved on the residential site. This would obviate the need to specially treat the proposed dwellings. It would also ensure appropriate levels of amenity in outdoor spaces and within the new estate generally.

It is recommended that Council proceed with the draft local environmental and request the Director of Planning to issue the Section 65 Certificate to allow the proposal to be advertised.

A report has been submitted by Connell Wagner Pty Ltd with specialist input by:

- Hirst Consulting Services (Industrial Land Supply)
- EDAW Landscape Architects (Landscape Concepts; Urban Design)
- Day Design Pty Ltd (Acoustic Engineering)
- A V Jennings (Site Planning, Housing Issues)

History of the site

Prior to its acquisition by Airlite Windows, the land was owned by the New South Wales Government and identified as a future TAFE site. The land was zoned under Hawkesbury Local Environmental Plan 1989 as a Special Uses 5(a) Technical College designation and maintained this zoning until 1989.

At its meeting of 12 December 1989, Council resolved to rezone the land from Special Uses to Light Industrial. Council did so at the request of the Property Services Group of the New South Wales Government as the site was no longer required as a TAFE site and was classified surplus public land. Prior to this action, the site could have been used for residential purposes, notwithstanding the zoning, by virtue of State Environmental Planning Policy No. 8 - Surplus Public Land. Although the rezoning proceeded and became Amendment No. 5 to Hawkesbury LEP 1989, Council's report on the matter indicated concern about the impact of industrial uses opposite a residential area. The report indicated the following:

"However, as the land is opposite a residential area, it is considered that any industrial development of the land should follow from a Development Control Plan which will set appropriate guidelines for landscaping, buildings styles and possibly hours of operation, etc."

At its meeting of 12 November 1991 Council deferred consideration of a request for further rezoning by Airlite Windows who had purchased the land from the Property Services Group. The request was for a mixture of zoning, including Light Industrial 4(b) and Residential 2(a) and was initiated as a result of consistently unsuccessful attempts by Airlite to sell the site under its current zoning. It would appear that the site is generally unattractive because of its location adjacent to residential development and because the Light Industrial zoning does not allow the full range of uses that are permitted elsewhere in the South Windsor Industrial area.

Council deferred consideration of the request pending submission of additional information. In September 1994, McKinlay Morgan and Associates, on behalf of Airlite Windows, requested that Council prepare a draft LEP to rezone the land from its current Light Industry 4(b) status to Residential 2(a). The request was accompanied by a planning report prepared by Falson and Associates, Town Planning, Development and Environmental Consultants. Following consideration of the request by its Planning Department, McKinlay Morgan was advised on 1 November 1994 that *"while there is no objection to the rezoning of the site to allow residential purposes as such, concern is expressed as to the amenity likely to be experienced by future residents"*.

More recently, the building company, A V Jennings Limited, contracted to purchase the site from Airlite Windows, conditional upon rezoning. As a consequence, the rezoning proposal can now be addressed more specifically than previous requests as A V Jennings would be responsible for all processes ranging through land subdivision to housing construction.

Noise Assessment

The noise assessment from Day Design Pty Ltd has recommended certain works for the Airlite Windows factory in respect of the sawdust exhaust fan silencer, acoustic enclosure over plant room and sealing of openings in factory walls and has stated if these works are undertaken, *"the level of noise impinging on the proposed residential development site from Airlite Windows factory can be controlled to acceptable noise level requirements..."*.

These are however, other industrial noise sources that could affect the proposed residential development ie. from industrial zonings to the north and east.

Industrial Land Supply

The following is quoted from the "Industrial Land Study" by Hirst Consulting Services Pty Ltd:-

"Demand for employment or industrial land in the Sydney Region has remained at a reasonably low level since 1990, with the current stock of vacant zoned employment land generally equivalent to 12 years supply across the Sydney Region.

The statutory take-up rate for employment land has been affected in the last year by a few large development approvals in the more established areas of the city, reducing the relative contribution of the outer regions in terms of total demand. Nevertheless, the outer western region has been one of the strongest areas for take-up of employment land, particularly the local government areas of Blacktown, Fairfield and Penrith.

The take-up rate of employment land in Hawkesbury is minor when compared with Penrith and Blacktown, reflecting the area's relative isolation from the major cross regional transport links and limited regional accessibility.

The City of Hawkesbury has 9 - 11 years' supply of vacant industrial land. The Employment Lands Development Program has concluded in its most recent (1994) publication that no new areas are required to be added to this Program this year. The supply rate of 9 - 11 years in Hawkesbury remains beyond the five year horizon adopted by the Employment Lands Development Program.

The South Windsor area has ample supplies of land to satisfy anticipated future demand (compared with the average take-up rate between 1990 and 1993, South Windsor has sufficient vacant land to satisfy more than 30 years' demand).

There is evidence of increasing market interest in the Mulgrave area. Compared with South Windsor, Mulgrave is considered to be better located to road links, with a relatively greater proportion of vacant lots, larger in size, and located further away from sensitive adjoining land uses. These issues are considered to adversely affect demand for sites in the South Windsor area.

In terms of industrial development potential, the subject site at the corner of Mileham Street and Drummond Street in South Windsor is considered to be adversely affected by its location immediately adjacent to the established residential area of South Windsor. The proximity of residential uses would almost certainly affect the amount and intensity of industrial development that the site could yield. Further, the 4(b) Light Industrial zoning further constrains the types of activities that are permissible on the land.

Attempts in recent years to sell the subject land under its current zoning have proved unsuccessful. In view of the supply/take-up relationships observed in this report, it is in our view that this situation will continue.

The site is located close to established residential areas, open space and community facilities. It is considered that its development for residential purposes, appropriately designed and set out with regard to adjacent land uses is the best solution for the site.

The site is 3.13ha. The conversion of this land from 4(b) Light Industrial to a Residential zone will have no significant impact upon the supply of industrial land in the City of Hawkesbury, now or in the future.

Draft Development Controls

The Report accompanying the application has recommended the inclusion of the following:-

"The following development controls are proposed to ensure that the site is developed in manner that maximises residential amenity without compromising the use of adjoining industrial sites.

Noise Control

No residential development shall be permitted within Lot ??? (the site) unless the following planning objectives have been met in respect of noise:

<i>Time</i>	<i>Background Noise (L₉₀)</i>	<i>Upper Level Noise (L₁₀)</i>
<i>Daytime 7am - 10pm</i>	<i>50dBA</i>	<i>55dBA</i>
<i>Night 10pm - 7am</i>	<i>40dBA</i>	<i>45dBA</i>

Compliance with these objectives may be achieved by one or more of the following methods:

(i) *In respect of Airlite Windows factory:*

- *installation of sawdust exhaust fan silencer;*
- *acoustic enclosure over plant room;*
- *seal openings to factory wall;*
- *erection of high level fencing along residential/industrial boundary;*

(ii) *In respect of other factories:*

- *erection of high level fencing along residential/industrial boundaries.*

Landscaping Control

A landscape concept plan shall be submitted to Council as part of any development application. The plan shall detail:

- *the location of existing mature trees on the site, indicating trees that are proposed to be retained;*
- *a 3.5m wide landscaped buffer strip along the side and rear boundaries of the site;*
- *a planting schedule for the site in general;*
- *internal road, driveway and paving treatments;*
- *fencing details in respect of sites that back onto industrial lands.*

RECOMMENDATION:

1. Council support the preparation of a draft local environmental plan to zone part of Lot 1 DP831345 corner of Mileham and Drummond Streets, South Windsor, containing an area of 3.133ha, from Light Industrial 4(b) to Residential 2(a).
2. The Director of Planning be requested to issue the Section 65 Certificate to allow the proposal to be exhibited.
3. Consultation be undertaken with relevant government authorities and agencies pursuant to Section 62 of the Act.

ATTACHMENTS:

AT-1 Plan

AT-2 Plan

FN:EN502NBX.V12

**** END OF ITEM 165 ****