

GENERAL PURPOSE COMMITTEE

SECTION 1 ENVIRONMENT

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ITEM: 1 ERECTION OF A DWELLING-HOUSE - LOT 2 DP214168 NO. 39
WHITMORE ROAD, MARAYLYA

FILE NUMBER: DA65/96/EVD

Applicant: F James
Applicants Reps: Falson & Associates
Owner: J James
Stat. Provisions: Hawkesbury LEP 1989 and SEPP No. 1
Area: 2.094ha
Zone: Rural 1(c)
Advertising: Not Advertised
Date Received: 3 April 1996

Key Issues:

, Clause 25 HLEP 1989
, Flooding
, Site Levels

Action:

Refusal

REPORT:

Proposal

The application proposes to erect a pole house with loft, 3 storeys in height, on the above flood prone lot at Maraylya. The survey plan submitted with the application shows the raised pad for the dwelling as having levels of 12.2m and 12.16m at the front and 12.18m and 12.14m at the rear. The minimum ground level height under Hawkesbury LEP 1989 is 12.3m AHD and this level must have been the level at the appointed date, 6 April 1984.

Background

A site inspection by a Council officer on 1 March 1996, showed that the building pad had been formed, in part or whole, about that time by using what appeared earth from a newly constructed dam. It is not known the site height prior to the earth works or on the appointed day.

The applicant has sighted other approvals on adjacent lots that do not conform to current flood heights and stated that if a dwelling is refused on Lot 2, it will render the site useless and inconsistent with other approvals. There is an existing shed on the site, approved by BA970/93 as a farm shed.

In regard to adjacent sites, the dwelling on Lot 1 to the north was approved by BA1504/87 and at that time the site height had to be above the 1 in 10 year flood frequency level 11.2m AHD.

In regard to Lot 3 to the south, the elevated dwelling was approved by BA519/93 and a survey plan submitted with the application showed a pad height of 12.32m AHD, that complied with Hawkesbury LEP 1989.

SEPP 1 Submission

The following SEPP No. 1 objection has been made on behalf of the applicant:-

"An objection is raised to the provision of Clause 25(2) and Clause 25(4) of Hawkesbury Local Environmental Plan 1989. The restrictions within these clauses in respect of Mr James' application are considered unreasonable and unnecessary for the following reasons:-

- 1. The primary objective of the applicable Rural 1(c) zone is to provide for a rural/residential living style. The development of this land by the construction of a dwelling house is totally consistent with this zone objective, and the dwelling in the location and of the style proposed is consistent with other residential development within the locality.*
- 2. The site is the last allotment of land in Whitmore Road not developed by the erection of a dwelling house. Therefore, approval by Council would not create any adverse precedent and, in fact, would make proper economic use of the land, which we understand to be one of the primary objectives of the Environmental Planning and Assessment Act 1979.*
- 3. The site of the proposed dwelling is on an elevated platform which was filled many years ago and, we understand, prior to the "appointed day" defined within Clause 25. A search of Council's periodic aerial photographs in the locality should confirm this fact. The filling of the land many years ago should not be confused with recent top dressing and grassing of the site in early December 1995.*
- 4. Other dwelling houses within the locality are of an elevated construction similar to what is proposed by Mr James. Mr James' dwelling therefore will be totally consistent with existing neighbourhood amenity.*
- 5. Whilst the land is flood liable the site in times of flood is able to be egressed in a continually rising route to flood free land. That is, both Whitmore Road and Pitt Town Dural Road are able to be utilised in times of major flooding, to vacate the site. Therefore, there is no danger of the subject land and dwelling house being flood isolated and consequently no danger to inhabitants, nor to rescue personnel.*

6. *Clause 9 of Council's Local Environmental Plan provides that dwelling houses do not require development consent. This fact, plus the primary objective of the 1(c) zone would indicate that there is a very strong right of Mr James to build a dwelling house.*

CONCLUSION

Whilst we understand the restrictions in respect of development of flood liable land, we submit that in the circumstances of this case it would be appropriate for Council to approve of the erection of a dwelling as it would not adversely compromise its planning standards and would be in the public interest as being consistent with other development in the locality."

The SEPP 1 submission does not adequately address the underlying objectives to the standard. Supporting this proposal would set a significant precedent that could lead to a proliferation of dwellings on rural flood prone land. The standard is considered necessary and reasonable to protect life and property and the amenity of the area.

Statutory Situation

The site is zoned as Rural 1(c) under Hawkesbury LEP 1989 and Clause 25 of the Plan states as follows:-

Development of flood liable land

25. (1) In this clause

"appointed day" means 6 April 1984;

"floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel which constitute the main flow path for floodwaters.

- (2) Except as provided by subclause (5), a building shall not be erected on any land lying, as at the appointed day, at a level lower than 3 metres below the floor height standard for the area in which the building is to be located.
- (3) The floor level of any habitable room in a building erected on any land to which this clause applies shall be at a level not less than the floor height standard for the area in which the building is to be located.
- (4) In respect of an application to erect a building on any land to which this clause applies, the height of the floor level of any habitable room in the building shall not exceed 3 metres above the existing ground level.
- (5) Notwithstanding subclauses (2) and (3), a residential building in existence as at the appointed day may, with the consent of the Council, be extended, altered, added to or replaced provided the floor level of any habitable room in the building does not exceed 3 metres above the existing ground level.

- (6) The Council shall, in the assessment of a development application, consider the flood liability of access to land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.

The application does not comply with subclause (2) as the land needs to be at 12.3m AHD on the appointed day, 6 April 1984. As the dwelling floor level is shown as being 3.0m above the site level, it would be at 15.14m and not 15.3m as required by subclause (3). An increase of foundation height of more than 3.0m would then conflict with subclause (4).

Assessment

The application does not conform to Clause 25(2) and (3) of Hawkesbury LEP 1989, in so much as the site level now does not conform to the minimum height standard for flood liable land and the habitable floor level of the dwelling does not comply with the floor height standard for the area.

RECOMMENDATION:

That:-

- A. The variation under State Environmental Planning Policy No. 1 - Development Standards be not supported as it would compromise the underlying objectives of the standard, the objectives of the zone and HLEP 1989, itself.
- B. The application be refused for the following reasons:-
1. The site does not conform to Clause 25(2) of Hawkesbury Local Environmental Plan 1989.
 2. The habitable flood level of the first floor of the dwelling does not conform to the floor height standard for the area.
 3. Approval of the application could set a precedent for similar applications on rural flood liable land in the City area.
 4. The erection of a dwelling on the land, and the precedents it would set would place undue pressure on the State Emergency Service during times of flood.
 5. Approval of the development would not be in the public's interest.

ATTACHMENTS:

AT-1 Plan.

FN:EN730NAX.V01

****** END OF ITEM 1 ******

ITEM: 2 WOOLWORTHS SUPERMARKET AND ASSOCIATED CAR PARKING FOR 221 CAR SPACES PROPOSAL - LOTS 1 AND 2 DP630616 GEORGE AND MACQUARIE STREETS, SOUTH WINDSOR

FILE NUMBER: DA96/96/EVD

Applicant: Woolworths
Applicants Reps: Scott Carver Pty Ltd
Owner: Beneswa Pty Ltd, BP Australia Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan, 1989
Area: 9,589 m²
Zone: Residential 2(a)
Advertising: 14 days to adjoining owners
Date Received: 14 May 1996

Key Issues:

- , Existing use rights
- , Zone objectives
- , Vehicle access
- , Drainage
- , Residential amenity
- , Economic considerations
- , Inadequate landscape opportunities
- , Impact on adjoining residential properties

Action:

Refuse development application.

REPORT:

Proposal

The development application proposes a Woolworths Supermarket, to be known as South Windsor Marketplace, on the old sawmill site (Lots 1 & 2 DP630616) on the corner of George and Macquarie Streets, South Windsor.

The application was submitted by Scott Carver Pty Ltd on behalf of Woolworths, with architectural plans and Statement of Environmental Effects by Scott Carver Pty Ltd; Traffic and Parking Report by Colston Budd Hunt and Twiney; Economic Report by Jebb Holland and Dimasi; Stormwater and Drainage Report by Costin Structural Pty Ltd; Water and Sewer Report by Brian O'Mara and Mechanical Ventilation Report.

The proposed development consists of:-

- total floorspace of 3,572m²;
- external appearance of single level on Macquarie Street (western elevation) and one/two storey (eastern elevation) both above basement car park;
- car parking for 186 customer spaces and 35 staff spaces, making a total of 221 spaces, including 10 disabled spaces;
- separate entry and exit for delivery trucks, including loading dock; and
- new traffic arrangements, including signalised intersection for the basement car park at Macquarie Street.

See Attachment 1 - Locality Plan
2 - Site Plan
3 - Elevation Plan

History

- 21.4.94 Land and Environment Court approves the redevelopment of the site for 24 hour service station and convenience store.
- 11.12.95 A rezoning application and development application is lodged for the development of the site and some adjoining parcels for a supermarket and retail centre, incorporating service station, car wash and McDonalds.
- 12.3.96 Council resolves to refuse the rezoning and development application, with sixteen (16) reasons for refusal.

Statutory Considerations

(i) Hawkesbury Local Environmental Plan, 1989

The subject site is zoned Residential 2(a) and a supermarket, subject of the application, is a retail use and such is a prohibited use in the landuse table for the zone.

The objectives of the Residential 2(a) zone are as follows:-

Zone 2(a)

- (a) To provide for housing and associated facilities in locations of high amenity and accessibility;
- (b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and

- (c) To ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.

Under the Special Provisions of the LEP, the following provisions apply to this development:-

- 18.(1) The Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.

Clause 22(1) of the plan states in relation to development adjoining main or arterial roads:-

- 22.(1) If land to which this plan applies has frontage to a main or arterial road, a building shall be set back from the nearest alignment of the road at such distance as may be determined by the Council having regard to -

- (a) the nature, scale and function of the building;
- (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road;
- (c) the minimisation of distractions to drivers using the road; and
- (d) any possible need to alter the road alignment in the future.

(ii) Development Control Plan No. 2 Parking

Under Council's Car Parking Development Control Plan, the requirement for supermarkets is 1 space per 30m² of gross floor area. On this basis, the development would require 120 car spaces and they are proposing a total of 221 spaces. Using the Roads and Traffic Authority's - Traffic Generating Guidelines, the car parking rate for supermarkets is 6.1 spaces per 100m² of gross leasable floor area. As such, using the RTS guidelines, 218 spaces are required.

Accordingly, the proposed development is considered to have sufficient car parking spaces to meet the requirements.

(iii) Existing Use Rights

The Environment Planning & Assessment Act and Regulations makes provisions for "existing use" of a land and certain rights to continue that use; change to another use and the enlargement or expansion or intensification of an existing use. The Regulations also allow that uses may be changed at the same time as they are altered, extended, enlarged or rebuilt.

The application is over Lots 1 and 2 DP630616 which contain an existing sawmill and timber yard operation.

The existing use rights allow Council to consider an application, subject to taking into consideration the requirement of the aims, objectives and Section 90 matters for consideration of the Act.

Submissions

The development application was advertised and adjoining owners advised of the application, together with the Windsor and District Chamber of Commerce which made a submission with respect to the previous application.

In response, six (6) submissions were received from:-

- 1 resident.
- Big County Development Pty Ltd (owners of land at the corner of Ham and Stewart Streets, South Windsor).
- A T Cocks and Partners Pty Ltd on behalf of Kininngton Pty Ltd (owners of Coles Supermarket, Windsor).
- Planning Workshop Australia on behalf of Franklins Pty Ltd.
- Greater Western Sydney Regional Chamber of Commerce and Industry Inc.
- Windsor and District Chamber of Commerce.

The following is a summary of the main matters raised in each submission:-

- (i) The effect of the proposed development by reason of noise, pollution and effects on privacy of adjoining residents.
- (ii) Suggest a high brick or cement block fence to maintain privacy.
- (iii) The subject site is inappropriately zoned to accommodate the proposed development.
- (iv) A major supermarket, with all the associated detrimental amenity and land use impacts, is contrary to the Residential 2(a) zone objective and incompatible with the intent of the zone.
- (v) The development of a significant and large retail land use on the site contradicts the objectives of sound and proper town planning.
- (vi) The site is inappropriately located to accommodate the proposed supermarket due to it being physically separated from the town centre and surrounded by residential development.
- (vii) Approval of the application would be premature in light of the need for an independent, thorough assessment of the desired commercial centres in the Hawkesbury Local Government Area.
- (viii) Challenging the legality of the application to rely on "existing use rights" to change and intensify activities contrary to the intent of planning legislation.
- (ix) The applicant has failed to adequately assess the impact of the proposed development on the role of the designated centres within the Hawkesbury Local Government Area.

- (x) The applicant has failed to address the metropolitan and regional strategies for retail and transport policies having regard to the proposed development.
- (xi) There is currently an adequate amount of suitably zoned sites for the proposed development in the Windsor area.
- (xii) Concern that the stand alone supermarket can only harm the viability of existing commercial areas. It would be much better for Council to encourage Woolworths to build in the CBD. Woolworths may find this option commercially attractive, yet it is more likely to ensure the survival and progress of Windsor.

Environmental Assessment

(i) Environmental Assessment

The applicant's submission on existing use rights states:-

".. the timber yard constitutes an existing non-conforming use. It is proposed to redevelop the site for the purposes of another non-conforming use ie erecting a supermarket facility".

Following a request for additional information on this issue, the applicant further clarified the justification for enlargement, expansion of the existing use as:-

- "- the supermarket is appropriate for the site, given its locational context;*
- residential development is inappropriate for the site due to high voltage and power lines; and*
- reference to the Land & Environment Court's decision on the change of use to a service station as appropriate with reservations permitting residential development."*

To permit an activity of a sawmill with less than 100m² floor area to change to a supermarket of 3,572m², represents an enlargement of some 3,500%, and it is queried whether this was the intention of the Environmental Planning and Assessment Act.

The justifications given by the applicant are without substantive basis for the following reasons:-

- this site is considered to be an inappropriate location for a supermarket as there are other sites in Windsor and South Windsor which are either adjacent to existing shops or zoned for business purposes;
- the high voltage powerlines do not affect this site;
- the reference to the service station approved by the Court is a lesser impact development than this application on the residential area. The Court's reference to reservations concerning residential development is in relation to the service station and not this supermarket application.

There arises the notation of highest and best use of land within the reservations of the zoning of the land. The planning principles in NSW are based on zoning "like" land uses.

This notation is reflected in the objects of the Environmental Protection & Assessment Act as:-

"5. *The objects of this Act are -*

(a) *to encourage -*

(i) *the proper management, development and conservation of natural and man made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*

(ii) *the promotion and coordination of the orderly and economic use and development of land."*

The change of use application has little regard to the basic objectives of the Act in that such a supermarket, as proposed, should be in an appropriately zoned area for business activities. The principles as set out are to properly manage the economic welfare of the community and to coordinate economic use and development of an area. This is usually and commonly carried out through zoning of land.

The principle of "existing use" is more of a privilege than a right (reference: Court of Appeal in Harris - v - Hawkesbury City Council, 1989). The privilege is referred to allow the continuance of the non-conforming use rather than a right to develop a land use "adnauseam".

The rights of existing uses have been examined by the Courts in numerous cases, with Stein J explaining:-

".. the Courts have been cognisant of the need to balance the private rights of owners to enjoy substantive existing uses with the public rights of authorities to achieve reasonable town planning objectives".

(Reference: Strathfield - v - Aust. Centre for Languages Pty Ltd, 1991).

It is contended that the supermarket application is not justified on the basis of the existing use rights provisions of the Act.

(ii) Section 90 Matters

The following matters for consideration of an application are addressed:-

- Local Environmental Plan (Section 90(1)(a)).

The site is zoned Residential 2(a) and shops as a supermarket are prohibited in the zone. The proposed development is considered contrary to the zone objectives.

- DCP 2 Car Parking.

The proposed development complies with the required car parking and disabled provision rate under Council's DCP.

- State Environmental Planning Policy No. 11 - Traffic Generating Developments.

The development application has been referred to the Regional Traffic Advisory Committee in accordance with this policy.

The Committee raised no objections to the proposal subject to Council's consideration of certain traffic requirements which are discussed later.

- Landscape and Scenic Quality (Section 90(1)(c)).

The proposed development will have an impact on the landscape and scenic quality of the residential area. The existing saw mill is low key in nature and contains small structures on the southern part of the site.

The site adjoins medium density townhouses to the north and east and the proposed commercial development will have an impact on their landscape and scenic quality. The proposed development has provided minimal opportunity for landscape screening adjoining the residential developments. No landscape concept plan was submitted with the application.

- Social and Economic Effect of the Development on the Locality (Section 90(1)(d)).

The economic impact of the development has been a major issue in the submissions received by Council, particularly from the Chambers of Commerce.

The previous application contained significant information on economic impact and Council previously engaged Leyshon Consulting to examine a number of alternative sites. The applicant has used information from the previous application with additional information, as requested, supplemented by Jebb Holland Dimasi.

The applicant was requested to examine the level of impact on existing and planned retail centres within the Hawkesbury City local government area.

The Consultant for the applicant has supplied additional information which is summarised as follows:-

- *The existing traders within Hawkesbury on average would essentially be capable of maintaining their current turnover levels following the addition of a Woolworths supermarket at South Windsor.*
- *The extent of impact will vary depending on the competitive relevance of each of the existing facilities within the trade area.*

- *It would be expected that the impact on existing supermarkets in the Primary sector (ie. Coles and Franklins in Windsor Town Centre, Clancys at Bligh Park and Riteway at South Windsor) which will be served by the proposed Woolworths will be greater than the likely impact on other centres in the secondary sector.*
- *The proposed Woolworths supermarket is estimated to draw from the primary sector \$11.9 million (out of \$21.5 million).*
- *The estimated impact, taking into account forecast growth, is 7.6% average impact in the primary sector.*
- *The impact is considered relatively modest and will be able to be easily absorbed."*

The Consultant has stated that the average impact is estimated to be 7.6%. This means that the impact on nearby centres could be significantly higher. The consultant has not fully examined or explained the economic effect of the proposed development, particularly on individual centres or sites that are zoned for business activity. The impacts on local convenience has not been examined and may well be dramatic. The submission by the Chamber of Commerce and an owner of other zoned sites state that further attention should be paid to existing zoned sites. Concern is expressed that the stand alone supermarket "out-of-the-town" can harm the viability of existing commercial areas.

The demand for an additional supermarket on land that is not zoned for business purposes is questioned, particularly as the residential development of Bligh Park North (approximately 700 lots) is not proceeding at this stage.

Woolworths position is that, whilst acknowledging there are at least two sites adjacent to existing shopping centres (Hollands Paddock and opposite the South Windsor Shopping Centre), the cost of developing those sites cannot be justified from the returns provided by a "stand alone" supermarket. It is possible that these sites (or other more appropriate sites) could be developed with some specialty shops providing the necessary additional economic return.

Council must balance the need or otherwise for a new stand alone supermarket against the likely detrimental impact it would have on the economic viability of the existing shopping centres. There is also the potential for an approval to act as a precedent for other traders such as Franklins and Coles to seek low cost "stand alone" locations on main roads thus further degrading the area's retail hierarchy.

The impacts of "stand alone" centres are not limited to the potential loss of trade for the existing retailers (and shop owners) in Windsor and South Windsor (primarily) but also include a potential loss of value of community infrastructure such as off street parking and main street beautification, as well as social impacts through the fragmentation of public transport nodes.

The conclusion on economic development is similar to that drawn with the previous application that an "out-of-town" supermarket should not be supported at this stage.

- Character, Siting, Bulk, Scale, Height and External Appearance (Section 90(1)(e)).

The proposed supermarket building is referred to as single storey, however, with the basement car parking level. The building is some 8 metres above ground level on Macquarie Street and 8-9 metres on the eastern elevation.

The building can hardly be described as single storey and is more representative of a two storey building.

The design is hardly residential in character. The building is a large box typical of supermarkets in commercial areas. While some architectural relief is made to the west elevation of Macquarie Street frontage, no such treatment is made to the adjoining residential area. The building is imposing on the adjoining medium density townhouses.

As indicated no opportunity exists for landscaping to improve the appearance of the development from the adjoining residential area.

- Size and Shape of the Building (Section 90(1)(f)).

The building is commercial in appearance and does not provide a residential character. The proposed building and loading area are significantly more imposing than the existing saw mill and the service station approved by the Court.

- Relationship to Development on Adjoining Land or Land in the Locality (Section 90(1)(h)).

As mentioned the proposed development is considered to have an impact on the adjoining residential developments. The building has been positioned to the northern part of the site which has a significant impact on the adjoining townhouses. The existing saw mill building and activities is positioned on the southern portion of the site and as such the proposed development is intruding onto more residential properties.

- Means of Access (Section 90(1)(i)).

The application proposes a signalised intersection for the entrance to the basement customer car park and for the intersection of Macquarie and George Streets. Separate access is proposed for truck loading access and staff car parking.

The application was considered by the Regional Traffic Advisory Committee on 26 June 1996, and the Committee raised no objection to the proposal subject to the imposition of the following conditions:-

"1. The provision of parking on site should be to Council's satisfaction.

2. *Roadworks in Macquarie Street should provide for two through lanes in both directions, a right turn lane northbound into the development and a left turn lane southbound into the development. The existing left slip lane northbound into George Street should be controlled. Right turn movements from Macquarie Street southbound into George Street should be banned. A left turn slip lane of minimum length 30 metres should be provided into the staff parking area/loading dock facility. Two lane approaches to the traffic control signals should be provided in both George Street and when exiting the development.*
3. *A central median will be required in George/Macquarie Streets along the full frontage of the site. All work required in Macquarie/George Streets including road works and installation of traffic signals is to be carried out at no cost to the Roads and Traffic Authority (RTA). It should be noted that a plan checking fee and lodgement of a performance bond will be required prior to the release of the final approved construction plans by the RTA. A maintenance component will also be required for the installation of the traffic control signals.*
4. *All turning areas in the staff carpark area to be able to accommodate the largest truck likely to be using the loading dock.*
5. *All driveway widths and ramp grades to Council's satisfaction."*

- Traffic Generation (Section 90(1)(j)).

The traffic generated by the development is considered satisfactory having regard to the main road frontage and the traffic volumes that utilise Macquarie Street. The proposed intersection to serve the development via traffic controls also serves to improve the intersection of George and Macquarie Streets.

- Public Transport (Section 90(1)(k)).

The only form of public transport to serve the site is buses along the main road. The site is located at least 1½km south of Windsor Railway Station and it is considered that few shoppers would use this service.

- Utility Services (Section 90(1)(l)).

Water and sewer services are available, although Council has recently been advised by Sydney Water of 1,000 limited water connections available for the Hawkesbury local government area.

Council adopted a policy on 25 June 1996, for a priority of water allocation based on existing zoned areas prior to rezoning additional areas. Council's priority is to include service allocation of water based on development permissible within existing zones.

An examination of the preliminary drainage concept has indicated that part of the site will drain along Macquarie Street, George Street to Woods Road, while the rear part of the site and basement car park will need to drain to Woods Road via residential properties. The applicant has not provided evidence of proof of drainage rights via an easement over the residential properties.

- Adequate Provision for Landscaping (Section 90(1)(m)).

As mentioned the proposal makes inadequate provision for landscaping along the northern and eastern boundaries to adequately screen the development from adjoining residential properties.

Although there is sufficient area within the front setback to enable landscaping to take place along Macquarie Street.

- Existing and Future Amenity of Neighbourhood (Section 90(1)(o)).

The proposed development will have an adverse impact on the amenity of the residential area. The residential area will be adversely affected by lighting, fumes from vehicles, noise from air conditioning plant, refrigeration motors, delivery trucks and other vehicles associated with the supermarket.

There will be a loss of amenity for adjoining residents due to the large number of people visiting the site over extended shopping hours.

- Public Interest (Section 90(1)(r)).

There were 6 (six) submissions to Council's notification to adjoining owners and the Chamber of Commerce.

The submissions recommend refusal of the application.

Conclusion

The development application for a proposed supermarket on the basis of change of use of an existing use from a saw mill is considered excessive under the existing use provisions of the Act.

The planning principle established throughout the Environmental Planning and Assessment Act is to establish development based on permissible activities within land use zones.

The development will have a substantial impact on existing supermarkets on the locality. Concern is expressed that an "out-of-town" supermarket will have significant impact on the Windsor Town Centre.

The proposal does meet some of the concerns of the previous development proposal with respect to traffic and access arrangements. However, the design and inadequate provision of opportunity for landscaping to the north and eastern elevations must have a significant visual impact on the adjoining medium density townhouses sites. The design is a large commercial building within a residential area which has an adverse impact on adjoining residential properties.

Accordingly, it is considered that the application cannot be supported and is recommended for refusal.

RECOMMENDATION:

- A. The development application for the proposed Woolworths supermarket be refused for the following reasons:-
1. The proposed development is prohibited in the Residential 2(a) zoning of the land.
 2. The proposed development is contrary to the zone objectives of the Residential 2(a) zone under HLEP 1989.
 3. The proposal is a significant enlargement, expansion and intensification of an existing use activity and is considered contrary to the objectives of the EP & A Act and Regulations.
 4. The proposed development represents a commercial development in a residential area which would normally require rezoning.
 5. The proposed supermarket is considered to have an adverse economic impact on existing and planned retail supermarkets within the Hawkesbury City local government area.
 6. Insufficient justification has been given as to why the supermarket should not be located within or next to a business zone, eg. Windsor Town Centre.
 7. The proposed development makes inadequate provision for landscaping to adequately screen the development from the north and eastern elevations to the adjoining residential properties.
 8. The proposed development is out of character with the residential area as the building is a large commercial building with no architectural relief to the adjoining residential properties.
 9. The proposed development will have an adverse impact on the adjoining residential area by reason of noise and associated activities particularly at night interfering with the amenity of adjoining properties.

10. Disposal of stormwater discharge through residential properties to Woods Road from the site is not available.
11. Due to the likely adverse impacts the proposed development is not in the public's interest.
12. The approval of an "out-of-town" supermarket will have an adverse economic and social impact on the existing Windsor and South Windsor Shopping Centres.

ATTACHMENTS:

AT-1 Locality Plan.

AT-2 Site Plan.

AT-3 Elevation Plan.

FN:EN730NAX.V15

****** END OF ITEM 2 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: **30 July 1996**

Item: **3**

ITEM: 3 TENNIS COURT LIGHTING PROPOSAL - PART PORTION 123
PARISH KURRAJONG "GOLDFINDERS", OLD BELLS LINE OF
ROAD, KURRAJONG (ADJACENT TO BRIDGE OVER LITTLE
WHEENY CREEK)

FILE NUMBER: BA0277/96 PT01/EVD

Applicant: Christopher Hallam
Applicants Reps: None advised
Owner: Mr C and Mrs S Hallam
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 6576m²
Zone: Rural 1(b)
Advertising: Adjoining owners notified with 1 objection
Date Received: 18 March 1996

Key Issues:

- , Impact on the view of the adjoining owner
- , Noise

Action:

Approval subject to conditions

REPORT:

This application was reported to the General Purpose Committee of Council on 25 June 1996 and was deferred at Council's meeting on 9 July 1996.

Proposal

The application is to erect tennis court lights on an existing tennis court.

The application proposes to erect six lights atop poles with a height of seven metres. The tennis court has been in existence since 1993. No building permit was issued for the tennis court but Mr Hallam has made a diary note of a meeting with Mr Berzins of Council on 24 March 1993 and advice from Mr Berzins to the effect that no building approval was required. There is also a record of a tree preservation order approval to remove miscellaneous underscrub, privet and black wattle for the provision of a tennis court and recreational space.

The applicant has submitted lux diagrams from Eye Lighting Industries Pty Ltd based on 400 watt metal halide lamps.

The applicant has submitted the following information on the lux diagrams:

"The Horizontal Maintained Lux diagram indicates the horizontal light pattern that would fall on a ground plane level with the Buckett dwelling. This indicates that the outer minimum light contour would not protrude beyond the boundary of the property.

The Vertical Maintained Lux diagram is more of an indication of light dispersal on a vertical surface. The lux levels in this diagram can be compared with the relevant Australian Standard, AS4282 (Int) - 1995. This Standard recommends maximum values of light for various situations. Table 2.1 of this Standard sets out recommended maximum figures for 'Illuminance in the vertical plane'. For Residential areas with dark surrounds - as distinct to light surrounds - it recommends a 10 lux limit in 'pre-curfew' hours, with this limit applying 'at relevant boundaries of nearby residential properties in a vertical plane parallel to the relevant boundary, to a height commensurate with the height of the potentially affected dwellings.'

The approximate location of the creek property boundary is plotted on this diagram. It indicates that the light on the level of the Buckett dwelling - this being approximately 3.6 metres above the level of the tennis court surface - would be no more than 5 lux, that is, less than half of the 10 lux limit.

For 'curfewed' hours, the Standard recommends a maximum of 1 lux 'in the plane of the windows of habitable rooms of dwellings on nearby residential properties.' This curfewed hour limit for the residential/dark surround situation is 1 lux. As indicated on the diagram, the calculated 2 lux contour just touches the edge of the Buckett dwelling. In practice this 2 lux would be reduced to a least 1 lux due to filtration from the trees. The Eye Lighting specialist considered that the filtration effect of the existing trees would be at least 50%, so the 2 lux would reduce to 1 lux just outside the edge of the dwelling. The actual light level along the main side of the dwelling would thus be less than 1 lux.

The Standard describes the 'curfewed hours' as being between 11pm and 6am, unless otherwise specified by the controlling authority. In the subject case, Council has specified the start of the curfew period as being 10.30pm, an earlier time than 11pm. Thus, the applicable reference should be to the light level in pre-curfew hours. As indicated above, the light level on the property boundary would be no more than half the limit in this Standard. Even if the curfewed hours were used, the light level on the dwelling would still meet the Standard, that is, if the lights were on at 12.00 midnight, the Standard would say that the situation was acceptable.

It is clear from this information that the proposed lighting design meets the required Standard comfortably. I trust that this information provides sufficient information for the Director Environment and Development ..."

Planning Assessment

As a result of the notification of adjoining property owners, two submissions were received. One submission raised no objection to the installation of the lighting, subject to lights out by 11.30pm, no renting out of the court, provision of adequate toilet facilities and all vehicles to be parked wholly within the property. A second detailed submission was received from another adjoining property owner including a report by a planning consultant, Falson and Associates, supporting the objection.

Since the submission of the report by Falson and Associates, which was reported to the General Purpose Committee on 25 June 1996, further correspondence has been received from the adjoining property owner. The position of the adjoining property is now understood to be that whilst still objecting to the lighting of the tennis court, he would be satisfied providing Council accepts a number of conditions which were reported in a supplementary report to Council's meeting on 9 July 1996.

The conditions sought by Mr Buckett are as follows:

1. The tennis court lights be used for not more than three designated nights per week until 10.30pm (subject to change of night by agreement).

This proposed condition is not accepted by the applicant.

2. The use of the court is to be limited to private use, i.e., no hiring of the court to the general public.

This condition is accepted by the applicant.

3. A tallowood screen be planted from Mr Hallam's shed along the length of the tennis court fence. In the interim, Mr Buckett requests that a temporary form of screen be attached to the tennis court fence while the vegetative screen is growing. He has supplied quotations for awnings to be attached to the tennis court fence being canvas, shade cloth or hessian, with the estimated cost varying between \$3,400 and \$5,280.

The second part of this condition is not accepted by the applicant.

These conditions sought by Mr Buckett were commented on in a supplementary report to Council's meeting on 9 July 1996.

In relation to the restriction on the usage of the court to three designated nights per week, this condition would mean that the tennis court lights can only be used three nights per week rather than up to seven nights per week up to 9.30pm, and three nights per week after 9.30pm and no later than 10.00pm, which was the recommendation of the General Purpose Committee. This condition is unreasonable in that it would restrict any night time usage, however short, to three nights per week.

The proposed vegetative screen will have no effect on the lux for many years as a consequence of the level differences between the Hallam property and the Buckett dwelling. However, Mr Hallam does not object in principle to such a condition.

Given the lux diagrams which have been supplied, it is not considered reasonable to impose a temporary form of screening attached to the tennis court fence, as suggested by Mr Buckett.

There are a number of relevant factors to consider in the assessment of the application, including the proposed domestic use of the tennis court, the distance of the closest pole facing the adjoining dwelling being approximately 65 metres and the lux diagrams which have been submitted which indicate compliance with relevant standards. With this information, the application can be approved with some certainty that it will not interfere with the amenity of the locality.

Reference was made to an application considered in 1989 for the construction of a flood-lit tennis court at Fairfield House in Fairfield Avenue at Windsor. In that instance, the proposed tennis court was located on the property boundary 1.3 metres from an adjoining dwelling. An objection was lodged by the adjoining property owner on a number of grounds including noise, stray tennis balls, loss of amenity and illumination. In that instance, Council approved the application subject to two conditions being the lighting of the court to be by directional beam and not flood lighting and also that the court lights be turned off by 10.00 pm.

RECOMMENDATION:

That the application to erect tennis court lighting on the existing tennis court be approved subject to the following conditions:

1. The tennis court lights may be used up to 7 (seven) nights per week until 9.30 pm but may only be used after 9.30 pm on not more than 3 (three) nights per week and on those 3 (three) nights they are to be extinguished no later than 10.30 pm.
2. The use of the court is to be limited to private use, i.e., no hiring of the court to the general public.
3. The lights and reflectors are not to be capable of direct viewing from the adjoining residents or Old Bells Line of Road.
4. A planting screen of appropriate species, pot size and spacing to be determined by the Director Environment and Development, be planted between the tennis court and the creek from the shed to past the opposite end of the tennis court.

ATTACHMENTS:

AT-1 Copy of lux diagrams

FN:EN730NAX.V17

****** END OF ITEM 3 ******

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

Meeting Date: **30 July 1996**

Item: **4**

ITEM: 4 OUTDOOR ADVENTURE EDUCATION PROPOSAL - LOT 2
DP581458 NO. 333 WHEELBARROW RIDGE ROAD, COLO HEIGHTS

FILE NUMBER: DA76/96/EVD

Applicant: Mr R Klein
Applicants Reps: None Advised
Owner: Mr R Klein
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 60.31ha
Zone: Rural 1(a)
Advertising: Adjoining owners notified. Expressions of support received from 7 individuals and groups whilst objections have been received from 5 nearby property owners.
Date Received: 16 April 1996

Key Issues:

- , Effluent Disposal.
- , Noise.
- , Traffic Impacts and Dust.

Action:

Approval subject to conditions

REPORT:

Proposal

The applicant proposes to conduct "outdoor adventure education courses" involving the leading of small groups of approximately 10 - 15 people through a sequence of games and activities.

The groups participating in the adventure education courses generally fall into the following categories:-

- Federal Government sponsored programs for unemployed;
- sponsored programs for the disadvantaged;
- programs for the Department of Education;
- local government programs for community groups and mobile resource units; and
- scouting, church and Catholic College groups.

Occasionally a large group of college students or scouts may visit the site involving between 20 and 50 people. The applicant estimates that visitation by such large groups occurs perhaps four times per year.

A number of these activities have apparently occurred over the last two years. The applicant was requested to submit a development application for this use as a consequence of a verbal complaint received in March 1996.

Part of the adventure education, for some groups, involves camping outdoors or in one of the existing rural sheds on the property.

The applicant advises that most groups only stay a single night but there have been occasions when groups such as scouts have stayed for two or three nights.

The applicant has described the commercial nature of the activity as follows:-

" *non-competitive business;*

pricing structure designed to reflect the needs and ability to pay of the groups;

paid for professional services only. No payment for camping or overnight stays;

bookings necessary. Not available to passers by or off-the-street customers;

enquiries mainly by word of mouth;

provide specialist service to meet the individual needs of groups, within the bounds of our program. These needs would include courses to promote such things as:-

- *self esteem;*
- *cooperation;*
- *personal, group and social development;*
- *trust; and*
- *team building,*

currently operate as a sole trader, providing outdoor ropes adventures;

a suitable business name has not yet been thought of;

have full insurance cover for the activities provided;

have no employees, Jenny and I conduct these courses working hand in hand with the youth workers, teachers and leaders that bring the groups. The education activities include the use of:

- *non-traditional, non-competitive games;*
- *lateral thinking exercises;*
- *trust sequences;*

- low ropes course;
- high ropes course;
- night awareness activities associated with groups staying overnight."

Public Submissions

Expressions of support have been received from seven different people representing property owners in the area and users of the facility. As an example, Mission Employment Mt Druitt, which is part of the Sydney City Mission has written as follows:-

"Mission Employment Mt Druitt is an employment training centre specifically funded for unemployed people that currently uses the facilities provided by Bojen Adventures of Colo Heights. Working with unemployed people, one of the biggest challenges we face is to build their self-esteem and confidence, this involves many hours of teaching life skills such as self-esteem, conflict management, trust, communication, assertiveness, team work, problem solving, goal setting and time management.

Current adult learning theory indicates that adults learn best "by doing" in order to impart the skills mentioned above we have found that a ropes course or adventure learning centre is the most effective means of doing so. During the early stages of our training course it is important to develop trust and a spirit of cooperation within the group, the activities available at the ropes course enable us to fast track this process. Apart from being fun the activities are designed to challenge peoples comfort zones and their thinking, so that at the end of the day they come away with a new approach to problems and relating to others.

The advantage of a ropes course for our organisation is that one day we are able to take a group of 15 people through various team building and problem solving activities that would normally take a couple of weeks in the training room.

We wish Bob and Jenny every success in their business and look forward to a continued involvement."

The five correspondents objecting to the application are nearby residents and their objections include the following issues:-

high bush fire risk, camping will increase risk, fires lit in total fire ban times;

no fencing, trespassing on adjoining properties likely;

already operating, like living next door to a sporting complex;

moved to area for quiet lifestyle;

noise from activities and participants;

adversely affect water quality in the area;

adversely affect services, road access, garbage;

zoning not appropriate as generally not suitable for agriculture;

precedent for further tourist development in the area;

inaccuracies in the DA, adjoining landuses not correct;

increase in traffic on unsealed rural road;

have had offensive trail bike noise in the past;

occasionally very large gatherings of four wheel drive vehicles on the site;

existing Council recreational facilities are under utilised;

deleterious effect on adjoining and nearby landowners and community infrastructure;

insufficient natural screening of development;

supervision of participants is minimal;

effluent disposal systems are inadequate;

native fauna will be endangered from site activities;

adversely effect lifestyle of adjoining owners;

duplication with existing rehabilitation and self-esteem programs already conducted in the Hawkesbury; and

the development approval would allow any future purchaser legal precedent to continue or make further application for extension or modification.

Existence of an association between the Council and the applicant in that the applicant and his wife are members of the Committee that administers the local hall and camping ground for the Council. In addition the Colo Wilderness Mobile Resources Unit, a body funded by Council is a proposed beneficiary of the development. In these circumstances delegated authority should not be used.

There has been a number of complaints about camping activities being undertaken prior to Council's consideration of this development application. There was a complaint in relation to camping activities on the Queen's Birthday long weekend and attendance by staff early on the Monday of the long weekend (10 June 1996) revealed that there were approximately 20 people on site. Mr Klein advised that those in attendance were friends and relatives and that no fees or money were obtained. There were also complaints about fireworks and the lack of notice to adjoining residents and concerns that horses and other stock may have been unduly frightened.

Planning Assessment**Effluent Disposal**

The application sets out the general parameters of the proposed adventure education activities (10 - 15 people in a maximum of two groups per week), however, the potential for larger groups on an infrequent basis is acknowledged in the application (20 - 50 persons). The application also refers to groups in excess of 200 people on several occasions.

In determining an appropriate level of on site amenities, it is important to fix a general maximum with any additional occupancy to be subject to a higher level of amenities, perhaps on a temporary basis. There is no particular standard for the provision of ablutions to activities such as those proposed in the development application. The Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995, provides requirements for caravan parks and camping grounds and also primitive camping grounds.

The relevant provisions for ablutions in caravan parks and camping grounds for a maximum of twenty five sites are five water closets, one urinal, four showers and four hand basins. For primitive camping grounds there are no requirements for ablutions but merely some basic standards including the maximum number of tents is not to exceed two for each hectare of the camping ground, tents must be at least 3m apart, the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval and that unoccupied tents are not to be allowed to remain in the camping ground for more than 24 hours.

Compared to these provisions, the applicant has available two toilets and one shower. Two pit toilets have been dug around the site closer to the camping area.

The existing WC's and shower are provided in sheds relatively close to the existing dwelling in Wheelbarrow Ridge Road and some distance from the nominated camp sites.

The use of pit toilets is not supported where there will be some camping on a permanent basis. Given the varying standards provided in the Caravan Park and Camping Ground Regulations, it is recommended that a standard close to the requirements for caravan parks or camping grounds for between one and twenty five sites be required. Accordingly, the following additional facilities should be required:-

two additional toilets closer to the designated camping area to be either drained to a septic tank and absorption area or alternatively two composting toilets be constructed. Handbasins should also be provided for each toilet. It will, therefore, be necessary to provide a water supply to these toilets; and

two additional showers and handbasins to be provided on site.

In order to provide control over the total number of people who may visit the site, given the available amenities, it is considered reasonable that an upper limit of 25 persons be fixed. Should the applicant wish to allow larger groups on site, it is considered reasonable that separate approval be obtained and depending upon the total number, additional temporary amenities would be required.

Traffic Generation

With normal group sizes of between 10 - 15 people for the proposed two groups per week (four out of seven days) the development would generate minimal traffic and assuming worse case use by cars with few or no buses, an additional fifty movements per week. The proposed general upper limit on the number of persons camping on the site will assist in restricting traffic generation to a relatively small additional volume.

Noise

The principle sources of noise will be from the people engaged in the adventure courses. This is likely to be animated. However, the number of participants will in normal circumstances not exceed 15 in number.

The adventure education activities will also generally occur at locations removed from adjoining residences (in excess of 200m and usually at greater distances). Whilst the background noise environment is likely to be low, it is not considered that noise from a group of 15 at such distances would be an unreasonable impact.

Any consent should be conditioned to prohibit the use of motor bikes as part of the education curriculum.

Other Issues

Numerous other concerns have been raised in the letters of objection including concerns about security and the potential for trespass.

Whilst such issues are important, it cannot be established that the proposed development will alter the existing level of risk. The development application states that in addition to the property owners, supervision is provided by coordinators and team leaders who attend with their client groups.

Subject to a general restriction on the maximum number of persons camping on the site overnight and the provision of appropriate amenities, it is recommended that the application be approved subject to conditions.

RECOMMENDATION:

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

1. The development being limited to that described in the application and the additional information and plans submitted with the letter dated 14 June 1996.
2. The maximum number of people onsite (excluding residents) being limited to 25 persons without further approval of Council.
3. Two additional toilets are to be provided close to the proposed camping area to be either drained to a septic tank and absorption area or alternatively two composting toilets be constructed. Hand basins are to be provided for each toilet. These toilets are to be installed prior to any camping (not including use of the shed bunkhouse). Full details to be submitted with building and septic tank applications.
4. Two additional showers and hand basins are to be provided onsite prior to any camping (not including the use of the shed bunkhouse). Full details are to be submitted with a building application.
5. The development is not to involve the employment of any person other than the residents of the property.
6. The use of trail bikes as part of adventure education courses is prohibited.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NAX.V18

******* END OF ITEM 4 *******

ITEM: 5 SUBDIVISION TO CREATE THREE ALLOTMENTS WITH BUILDING ENTITLEMENTS PLUS A FOURTH COMMUNITY LOT - LOT 18, DP 30468 NO.26 CLIFF ROAD, FREEMANS REACH - APPLICANT FALSON AND ASSOCIATES; OWNER J & G TAYLOR

FILE NUMBER: SA0106/95 PT01/EVD

REPORT:

At Council's Ordinary meeting of 13 February 1996 it was resolved that the application for a community title subdivision of Lot 18 DP30468 Cliff Road Freemans Reach, to create three buildings lots and one community lot, be supported under State Environmental Planning Policy No.1, with appropriate conditions.

The matter was referred to the Department of Urban Affair and Planning for the concurrence of the Director General who has now written as follows:

"... The Director-General has decided not to grant consent to vary the development standard contained within clause 11(2)(b) of Hawkesbury Local Environmental Plan, 1989 for the following reasons:

- . the potential impacts to water quality resulting from the onsite disposal of wastewater;*
- . the regional scenic significance of the site and the intrusion on the visual quality that will result with the proposal;*
- . the precedent that the proposal will set for future subdivision proposals within this locality as well as Environmental Protection (Scenic) zones generally. The proposal has no unique or distinct features which will set it apart from other subdivision proposals.*
- . it is inconsistent with some of the objectives of the Environmental Protection (Scenic) zone;*
- . the lot is already undersized so that any further subdivision and development will result in an overdevelopment of the site. "*

RECOMMENDATION:

That the information concerning subdivision of Lot 18 DP 309468 Cliff Road, Freemans Reach, be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V02

****** END OF ITEM 5 ******

ITEM: 6 RECLASSIFICATION OF COMMUNITY LAND AND REZONING TO
OPEN SPACE 6(C) (PRIVATE RECREATION) - LOT 1 DP582018
CORNER RIFLE RANGE ROAD AND GEORGE STREET, WINDSOR

FILE NUMBER: 10/96/EVD

REPORT:

Council at its Ordinary meeting of 9 April 1996, resolved to prepare a draft local environmental plan to reclassify the above land from Community Land to Operational Land to enable the land to be sold to the Windsor Leagues Club Limited.

Currently the land is zoned Open Space 6(a) (Existing Recreation) under the provisions of Hawkesbury Local Environmental Plan 1989. Correspondence has recently been received from the Department of Urban Affairs and Planning advising Council that the land may be more appropriately zoned Open Space 6(c) (Private Recreation) as the land will be passing out of public ownership and into private ownership.

The Department, therefore, suggests that the land should not only be reclassified from Community Land to Operational Land, but should also be rezoned from 6(a) (Open Space) (Existing Recreation) to 6(c) (Open Space) (Private Recreation). The rezoning and the reclassification can be dealt with under the one local environmental plan.

Council should be aware that when reclassifying land, the Local Government Act 1993, requires that a Public Hearing be held under Section 68 of the Environmental Planning and Assessment Act 1979, if requested by a member of the public.

RECOMMENDATION:

That Council resolve to:-

1. Prepare a Local Environmental Plan to rezone Lot 1 DP582018 Rifle Range Road, Windsor, from 6(a) (Open Space) (Existing Recreation) to 6(c) (Open Space) (Private Recreation).
2. That the Local Environmental Plan referred to in 1. above incorporate the reclassification of the subject land from Community Land to Operational Land.
3. If no submissions are received objecting to the plan, the plan be referred to the Department of Urban Affairs and Planning in accordance with Section 68 of the Act.
4. The Director Environment and Development be given delegated authority to proceed in this matter should no objections be received.
5. Windsor Leagues Club be advised of Council's resolution.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V03

****** END OF ITEM 6 ******

ITEM: 7 DRAFT LOCAL ENVIRONMENTAL PLAN 24/95 - AMENDMENT NO. 68 - DEVELOPMENT CONSENT FOR DAM CONSTRUCTION

FILE NUMBER: LEP24/95/EVD

REPORT:

Council at its Special Meeting for the "Our City Our Future" Strategy on 7 November 1995, resolved to prepare a draft Local Environmental Plan to require development consent for the construction of dams.

Pursuant to Section 62 the draft plan was referred to Sydney Water, Department of Land and Water Conservation, NSW Agriculture, Hawkesbury Nepean Catchment Management Trust and the Environment Protection Authority.

The Hawkesbury Nepean Catchment Management Trust, the Department of Land and Water Conservation and Sydney Water had no objection to the draft plan and generally supported best management practice for dam construction. Further comments from the above authorities suggested that guidelines be prepared for dam construction which incorporate aspects such as:-

the impact on surface and ground water flow;

the impact on flora and fauna; and

sediment and erosion controls.

In response to these comments, a Development Control Plan is currently being prepared to give detailed controls and guidance for the construction of dams. The plan aims to provide requirements for dam construction to ensure that construction does not adversely affect existing ecosystems; cause adverse visual impact or adversely affect downstream properties. The Development Control Plan for Dam Construction will be reported to Council for consideration when completed.

No replies have been received from the Environment Protection Authority and NSW Agriculture.

The Section 65 Certificate was issued by the Department of Urban Affairs and Planning on 19 April 1996, and the draft plan was exhibited from Wednesday 8 May 1996, to Friday 7 June 1996. No submissions have been received.

RECOMMENDATION:

That the draft plan be forwarded to the Department of Urban Affairs and Planning requesting the Minister to gazette the plan.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V05

****** END OF ITEM 7 ******

ITEM: 8 TELSTRA MOBILE PHONE BASE STATION PROPOSAL AT THE EXISTING WATER TOWER OFF OLD PITT TOWN ROAD, SCHEYVILLE

FILE NUMBER: P1936/142/EVD

REPORT:

Correspondence has been received from Hirst Consulting Services Pty Ltd on behalf of Telstra advising Council of the proposed erection of a mobile phone base station at the existing water tank off Pitt Town Road, Scheyville.

Under the Telecommunications National Code, Telstra is not required to submit development or building applications for activities associated with its telecommunications network as these are exempt activities under the Telecommunications Act.

Description of Proposal

The proposal involves the erection of eighteen panel-type antennae around the top edge of the existing 34m high water tank and the location of a transportable equipment hut adjacent to the tank.

Hirst Consulting Services Pty Ltd state:-

"Telstra proposes to mount the antennas on top of the tank in order to avoid potential conflict with other services equipment associated with the water tower. Telstra considers the design of this proposal is unlikely to generate any impacts in the immediate area, and that it will be consistent with the existing use of the site for services infrastructure. In addition, because of the location of the site, Telstra considers this proposal is unlikely to generate any significant impacts in the broader locality."

Notification

Adjoining owners/occupiers were notified of the proposal. No objections were received.

Planning Assessment

The water tank is located approximately 600m from the nearest dwelling and is mainly visible at a distance from Midson Road and Scheyville Road.

The tank is 34m high with a trigonometrical station (approximately 2m high) and a metal post and rail barrier fence (approximately 1m high) on top of the tank. The proposed antennae are approximately 4m high. Hence, the overall increase in the height of the tower will be 2-3m.

It is, therefore, considered that the proposal will not significantly alter the appearance of the structure or detrimentally effect the amenity of the surrounding area.

RECOMMENDATION:

That Hirst Consulting Services Pty Ltd be advised that Council does not object to the proposed Telstra mobile phone base station at the existing water tank off Old Pitt Town Road, Scheyville.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V07

****** END OF ITEM 8 ******

ITEM: 9 TELSTRA MOBILE PHONE BASE STATION PROPOSAL AT 26 FAIREY ROAD, SOUTH WINDSOR

FILE NUMBER: P606/15/EVD

REPORT:

Correspondence has been received from Hirst Consulting Services Pty Ltd on behalf of Telstra advising Council of a proposed mobile phone base station at 21 Fairey Road, South Windsor.

Under the Telecommunications National Code, Telstra is not required to submit development or building applications for activities associated with its telecommunications network as these are exempt activities under the Telecommunications Act.

The purpose of the letter is to formally advise Council of the proposal and invite comments from Council.

Description of Proposal

The proposal involves the erection of a 30m slim-line pole with eighteen panel-type antennae on top of the pole. A transportable equipment hut is to be located adjacent to the pole. The pole and hut is to be surrounded by a standard cyclone mesh security fence.

Hirst Consulting Services Pty Ltd state:-

"Telstra has chosen this site on the edge of the Windsor town in order to improve the effectiveness of the mobile phone networks in the area whilst establishing the facility in a locality where its impact is likely to be minimal. Telstra considers this proposed pole and equipment hut at 26 Fairey Road is unlikely to represent a significant impact in the local area."

Notification

Adjoining owners/occupiers were notified of the proposal. No objections were received.

Planning Assessment

The proposed mobile phone base station is located within an Industrial General 4(a) zone and is approximately 200m from the nearest residential dwelling.

The surrounding area is characterised by industrial buildings, vacant land, the railway line to the south and west, and a transmission line easement to the west and north.

The simplistic slim-line design of the pole and hut will help minimise any detrimental visual effects of the proposal.

Given the visual quality of the surrounding area and the mix of uses, it is considered that the proposed mobile phone base station will not significantly effect the amenity of the area.

RECOMMENDATION:

That Hirst Consulting Services Pty Ltd be advised that Council does not object to the proposed Telstra mobile phone base station at 26 Fairey Road, South Windsor.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V08

****** END OF ITEM 9 ******

ITEM: 10 REZONING PROPOSAL - REDEVELOPMENT OF MILLERS NURSERY TO ESTABLISH AN AGRICULTURAL MUSEUM, SERVICE STATION, RESTAURANT, DRIVE THROUGH FOOD OUTLET AND CONSOLIDATION OF EXISTING NURSERY - LOTS 1, 2 AND 3 DP959819 WINDSOR ROAD, MCGRATHS HILL

FILE NUMBER: LEP14/96/EVD

REPORT:

Proposal

An application has been received seeking Council's support for the rezoning of the Millers Garden Centre and Trojan Water Ski Centre at Windsor Road, McGraths Hill to enable the following:-

Landscape supplies
Agricultural Museum and Manager's residence
Nursery
Drive Through Fast Food Outlet with a 60 seat capacity
Restaurant with an 80 seat capacity
Service Station

It is also proposed to provide direct access to Windsor road in the form of an entry driveway approximately 13 metres from the intersection of McGrath Road and an exit driveway at the far end of the site. A combined entry/exit is also proposed to be provided from McGrath Road.

Submissions

The application has been referred to adjoining owners for comment and one submission has been received from Shaddick Baker & Paull on behalf of an adjoining owner Mr & Mrs J F Gollan.

The letter states in part as follows:-

On the application of our clients, Council at its Ordinary Meeting on 8 March 1994 resolved to prepare a draft LEP to allow a Service Station/Convenience store on our client's property.

However on 11 April 1995 the matter was further considered by Council and it was resolved:

1. *That the draft local environmental plan to allow a service station/convenience store on part Lot 6 DP959819 Windsor Road and Lot 4 DP 959849 McGraths Road, McGraths Hill not proceed.*
2. *The objectors be advised of Council's decision.*

3. *Council investigate through a draft LEP or DCP appropriate commercial use for that area that is already lost to rural use.*

Our clients still wish to develop their property for use as a service station/convenience store and in fairness to them, if Council is to reconsider allowing land in this area to be used for such purposes, since our client's application was first in time, they have instructed us to request that Council consider rezoning their land for use as a service station/convenience store before proceeding to deal with the present application.

It is interesting that during Council's deliberations on our clients' application, the most vocal objectors were the present applicants, Mr & Mrs Miller, the proprietors of the neighbouring nursery, who expressed grave concerns about the effect of plant life from the emission of exhaust fumes from vehicles using a service station in close proximity to their land. It would seem that either those fears have now been allayed or "fume accepting" species are now being stocked.

We would respectfully urge Council to reconsider our client's application for spot zoning of their land in priority to the present application."

The letter is self explanatory and without commenting on the debate which occurred at the time, the proposition that the rezoning proposal from Mr & Mrs Gollan would need to be reconsidered in priority to this application, as a matter of equity, is reasonable.

The application has not been referred to the Local Traffic Committee because firstly the proposed direct access to Windsor Road (particularly an entry 13 metres from McGrath Road) would certainly not be supported where access from McGrath Road is available and secondly it is recommended that the rezoning not proceed for other additional reasons.

Planning Assessment

The application poses similar issues to those considered by Council in relation to the rezoning application by Mr & Mrs Gollan.

In that instance both the Roads and Traffic Authority and the Department of Urban Affairs and Planning expressed concern about the precedent for "ribbon development". Ribbon development is the term used to describe proliferating retail and commercial development along main roads and its inevitable visual clutter and traffic conflicts.

The RTA raised no objection to the Gollan proposal but raised concerns about the likely limits of such development along this section of road and suggested that Council investigate the provision of a service road to prevent direct access to the main road.

The Department of Urban Affairs and Planning raised similar concerns and suggested that if Council wishes commercial development to proceed along this section of Windsor Road that it identify the desired boundary limits of such development.

At Council's meeting on 11 April 1995 it was resolved that "Council investigate through a draft LEP or DCP appropriate commercial use for that area that is already lost to rural use".

This matter was addressed in a report to the same meeting where it was indicated that "the Department be advised that Council has no intention of supporting further commercial or industrial rezonings on the northern side of Windsor Road because of the flood liability of the land and the availability of vacant zoned commercial land on the southern side of the Windsor Road".

The history of the zoned motor village between Groves Avenue and Park Road is an example from relatively recent experience of the potential problems in defining "limits" to commercial development on main roads. Since the rezoning of the motor village to accommodate uses such as those proposed by this application and the Gollan application, "ribbon type" development has occurred practically everywhere except within the "limits" established by the motor village. The motor village has a development control plan in place which requires the provision of a service road so that there is no direct access to Windsor Road.

There still remains considerable vacant commercial land along the Windsor Road for uses such as those proposed by this application. There are also existing service stations on the same side of Windsor Road which are capable of redevelopment. With the approval of new service stations at other locations the operation of these older service stations will become more marginal.

It is not entirely agreed that this section of Windsor Road "is already lost to rural use" but continuing approvals for commercial development, even with service roads, on this side of Windsor Road will compound the existing visual degradation to the extent that very few would regard it as a fitting entrance to the City of Hawkesbury.

RECOMMENDATION:

That Council not rezone Lots 1, 2 and 3 DP 959819 to permit a service station, historical museum, restaurant, drive through food outlet and continuation of the existing nursery at a reduced scale.

ATTACHMENTS:

AT-1 Site Plans.

FN:EN730NBX.V10

****** END OF ITEM 10 ******

ITEM: 11

DRAFT LOCAL ENVIRONMENTAL PLAN 4/95 - AMENDMENT NO. 41 - REZONING OF THE RESIDUE ALLOTMENT IN THE SUBDIVISION OF LOTS 4 & 5 DP786671, LOT 7 DP738354, LOTS 80 & 90 DP834019 AND LOTS 22, 24, 26-29, 32-41 INCLUSIVE DP17870 - "KEMSLEY DOWNS", GROSE VALE ROAD, NORTH RICHMOND

FILE NUMBER: LEP4/95; LEP4/96/EVD

REPORT:

Council at its Ordinary Meeting of 23 April 1996 considered this draft local environmental plan and resolved to defer the matter as the applicant had proposed a slight amendment to the boundary.

The report is reproduced below:

Action

This draft plan aims to prohibit further subdivision on the subject land as resolved by Council in February 1995. The plan has been placed on public exhibition with three submissions received. The plan is now ready to be forwarded to the Minister of Urban Affairs and Planning for gazettal.

Background

At its Ordinary Meeting of 14 February 1995 Council resolved to support a 24 lot boundary adjustment on the subject property. The "Kemsley Downs" property is located directly behind the existing township of North Richmond, stretching along Grose Vale Road up to Bells Road, Grose Vale.

The approved subdivision provided for 22 allotments ranging from 8000sqm to approximately 3 hectares. The 2 remaining residue allotments, being proposed lots 23 and 24 consist of 89 hectares and 123 hectares respectively. It is the large residue allotments that are the subject of the draft local environmental plan.

In approving the above subdivision, Council also resolved to amend the Hawkesbury LEP 1989 so as to restrict any further subdivision of the large residue allotments (proposed lots 23 and 24).

New zone

To facilitate the prohibition of further subdivision of the residue allotments, it was considered necessary to add a new zone to Hawkesbury LEP 1989. The zone is called Rural 1(d) (Consolidated Land Holding) which aims to "prohibit further subdivision of the land other than by minor boundary adjustment".

The new zone was publicly exhibited at the same time as this draft plan.

Pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 the draft plan was referred to the following Government Authorities:

Transgrid
Sydney Water
NSW Agriculture
Prospect Electricity
NSW Department of Housing

The following responses have been received.

Transgrid

Transgrid have requested that the rezoning should not compromise the current Liddell-Sydney West 330kV transmission line which transverses the property.

As the draft LEP prohibits any further subdivision of the land, it is considered that the draft plan satisfies TransGrids concerns.

Sydney Water

Sydney Water provided guidelines and conditions in relation to any further subdivision that will occur on the site.

As the draft plan prohibits further subdivision on the land, it satisfies the requirements of Sydney Water.

No replies were received from NSW Agriculture, Prospect Electricity or NSW Department of Housing.

Exhibition

Council's delegate issued the Section 65 Certificate on 23 January 1996 and the draft plan was exhibited from Wednesday 24 January 1996 to Friday 23 February 1996. Three submissions were received and the relevant issues are summarised below:

- Restrictions on subdivision may limit the potential for surrounding land to be subdivided.
- Requiring development consent for agriculture in the Rural 1(d) zone may encourage weeds and feral animals.

Two of the submissions requested that Council allow subdivision of land adjoining the site for the draft plan. One of these submissions supported the draft plan provided that Council "accommodate to our reasonable expectations for land subdivision". The land involved in these submissions consists of approximately 45 hectares and has road frontage to Redbank Road. It is considered that these proposals are not entirely relevant and are actually inconsistent with the aims of the draft plan which are to prohibit subdivision. However, the concerns and proposals expressed should be considered in any future development that may occur in the locality.

Since the above report was considered, NSW Agriculture has responded pursuant to Section 62 of the Act. The Department considers the land as a significant agricultural resource in the Hawkesbury District and that it should not be developed for purposes other than agriculture in the absence of any strategic city-wide study.

In relation to the amendment to the zone boundary, in 1993, Subdivision Application 142/93 was approved on the basis that a draft LEP be prepared to prohibit further subdivision of the property. The zone boundary aligns with the approved subdivision and it is considered that false expectations for future subdivisions may be created if the zone boundary is amended at this stage.

It is therefore considered that the plan does not require any further amendment and can now be forwarded to the Minister requesting its finalisation.

RECOMMENDATION:

1. That the information be received.
2. That Council exercise its delegation in respect of Sections 68 & 69 of the Act.
3. That the plan be forwarded to the Minister of Urban Affairs and Planning requesting gazettal of the plan.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V11

****** END OF ITEM 11 ******

ITEM: 12 **VINEYARD DEVELOPMENT STRATEGY****FILE NUMBER:** LEP0017/96/EVD

REPORT:**Background**

It was reported to Council's February meeting that the Minister for Urban Affairs and Planning had released the Riverstone Schedule Lands Study. As a result of that report, Council resolved to prepare a Development Control Strategy for the Vineyard area in consultation with the landowners and adjoining Blacktown City Council. As a result, consultations commenced with the relevant authorities with a progress report last being put to Council in April.

This report is a further update on the progress to date. The report concludes with a recommendation that Council seek Blacktown City Council's support in approaching the Minister for Urban Affairs and Planning to have the Vineyard, Riverstone, Marsden Park area declared as a site under investigation on the Urban Development Program.

Department of Urban Affairs and Planning

At Council's direction, the Department was contacted and requested to advise on the current status of the Schedule Lands Study and requested their support and assistance on the preparation of a Development Strategy for the area. The Department has since responded as follows:-

"I refer to your letter of 26 March 1996 in which you enquire about the current position in relation to the consultant's report on the feasibility of interim development of the Riverstone/ Vineyard Scheduled Lands area. Please accept my sincere apologies for the delay in reply to this letter.

The report was presented to the Scheduled Lands Consultative Committee in October 1995. The Committee resolved to give further detailed consideration to the implications of implementing several of the development options considered in the report. It is anticipated that a further meeting of the committee will be held in the near future to consider these implications. Following this, advice will be provided to the Minister or Urban Affairs and Planning.

Development of the area raises significant issues for the State Government and it cannot be assumed to be a foregone conclusion. Comprehensive planning and environmental studies for the whole of the Vineyard, Riverstone, Schofields and Marsden Park areas will be needed to be undertaken before development strategies can be adopted for the area. This is the case if either development is planned in accordance with the current timetable ie after the completion of Rouse Hill Stage 1, or ahead of schedule as you suggest. You may be assured that the Department would welcome the participation of Hawkesbury City Council in the preparation of a development strategy at the appropriate stage."

Servicing

The main issue relating to the development of this area is the cost of providing the necessary infrastructure. In September 1993, Council funded a report by McKenzie Land Planning Services Pty Ltd being a "Preliminary Feasibility of Indicative Development and Infrastructure Costs for Possible Urban Development at Vineyard". That study concluded that the infrastructure costs for full residential development of the area could be as high as \$72,000 per lot (1993 costs), which in 1996 terms is about \$80,000 per lot. This is a high cost that, under normal financing arrangements, would have to be borne by the developers of the area.

Land release in the Parklea area has been slower than anticipated. This has been due in part to the relatively high land prices in the area which have in turn been caused, in part, by the high infrastructure costs.

The main difficulties, and the most costly component of the infrastructure equation, will be the provision of water to the area. The principle for providing water services to the site was to provide supply from the Marayong Reservoir. However, without significant amplification at costs that could not be reasonably borne by the development of this area, the Marayong Reservoir simply does not have the capacity to service development of this site. Consequently, discussions with Sydney Water were undertaken on the possibility of supplying water to the Vineyard area from the North Richmond Water Treatment Plant.

As Council is aware, Sydney Water has since advised that this plant has extremely limited capacity. In fact, only 1,000 additional equivalent lots could be served by the plant and this would be taken up by existing developed and zoned areas by about the year 2000. Furthermore, significant mains infrastructure would also have to be installed to service the Vineyard area.

Regardless of the problems, the matter has been pursued with Sydney Water who have advised that they will investigate the matter further to determine if there are other alternative options to providing reticulated water to the area.

Council has received representations from consultants, A T Cocks, who are working on behalf of the Angliss Property Group, landowners of 740ha of land at Riverstone. Their correspondence and representations are discussed in more detail further in this report. These consultants have pointed out that Sydney Water has a large financial exposure to the success of Rouse Hill. Land take-up rates at Rouse Hill and Parklea have not met expectations and consequently, Sydney Water's return on its infrastructure investment has not been realised, compounding their risk exposure. This, A T Cocks argues, is due to the fact that the Rouse Hill area is not servicing the first home buyer market.

The consultants have argued that if the capacity that has not been realised by Rouse Hill was diverted to their site, they could increase the overall take-up rate by providing a land supply to the first home buyer market. This in turn would reduce Sydney Water's financial exposure.

They have also argued that if this was achieved, development of their site would act as a catalyst for the whole Scheduled Lands/Vineyard area. They have also pointed out that Sydney Water is obliged to provide new infrastructure to Marayong by the year 2002 which should give capacity to service the whole northwest sector.

In relation to the provision of sewer services to the area, this could be achieved through the Riverstone STP within normal infrastructure and funding arrangements.

Blacktown City Council

As directed, Blacktown City Council was contacted and requested to provide advice on their current position in relation to the Scheduled Lands issue. They have responded as follows:-

"I refer to your letter dated 21 March 1996, concerning the above matter and Hawkesbury Council's request for Blacktown Council to provide advice concerning Council's current position in relation to Scheduled Lands.

As you may be aware, the Mitchell McCotter report concluded that "Option 5", involving full release of the Scheduled Lands and other significant land holdings in the locality, was the most practical development alternative for this area. The conclusions of the Mitchell McCotter report have been reported to Council and Council resolved (inter alia) as follows:

"Council seeks urgent advice from the Minister for Urban Affairs and Planning on the following matter:-

- 1. Given the results of the report "Blacktown Scheduled Lands - Development Feasibility Study", the action intended by the State in view of the fact that it is the responsibility of the Minister for Urban Affairs and Planning to release land pursuant to Sydney Regional Environmental Plan No. 19 (Rouse Hill Development Area);*
- 2. The timetable for the current review of Rouse Hill Planning and Development;*
- 3. The role of the Scheduled Lands in this review, given the positive attributes the Scheduled Lands possess in relation to potential urban development;*
- 4. The expected outcome of this review in relation to the Scheduled Lands;*
- 5. The expected date of release of the Scheduled Lands in light of the Development Feasibility Study, given the current review of Rouse Hill Planning and Development;*
- 6. The attitude of the State Government towards authorising Landcom to undertake investigations into the potential development of the Scheduled Lands, similar to that which Landcom has conducted in the Vineyard area;*

7. *The Government's attitude towards directing agencies such as Sydney Water to use their community service obligations to fully service the Scheduled Lands when released rather than seeking a commercial return on infrastructure as is normally the case.*

At this stage, Council is awaiting a final response from the Department of Urban Affairs and Planning before progressing this matter further."

This correspondence was received in April and Blacktown City Council has since been contacted and they have advised that they are still awaiting the Minister's reply and are investigating servicing implications.

The suggestion by Blacktown City Council that the development of the Scheduled Lands be serviced (subsidised) under community service obligations is of concern given the existing urban areas of Hawkesbury which remain unsewered and which should be a higher priority.

Vineyard Residents' Action Group

The Secretary of this Action Group has been contacted and informed on progress to date.

Angliss Representations

Representatives of the Angliss Property Group and their consultants, A T Cocks, have made representations to the Mayor and Council staff. Council has since received follow up correspondence as follows:-

" Angliss, as the largest landowner in this region, is in a unique position to take the lead in facilitating and in part funding the regional and local studies required to determine the capability and timing for development in the region. To advance this matter, Angliss have renewed discussions with major stakeholders, including the following:-

Department of Urban Affairs and Planning

Department of Transport

Local Councils

Scheduled Lands Representatives

State Rail Authority

EPA

Sydney Water

Major private landowners

Several consistent matters have arisen from these discussions, being:

1. *Consensus that the Riverstone area offers great potential for innovative, transit orientated urban development.*
2. *Acceptance that Stage 2 of the Rouse Hill development area should be focussed around Riverstone and the railway line.*

3. *Until such time as Riverstone and the Angliss land had some official status, authorities are unable to commit resources to assist in detailed assessment of development issues.*
4. *An Urban Development Program led strategic master planning approach (as used in Rouse Hill Stage 1), is not the correct way to achieve innovative development plans and solutions. Reliance on the UDP will inevitably result in a repeat of the mistakes of Rouse Hill Stage 1.*
5. *There is no longer any genuine first home buyer housing and land supply in this region.*

In February this year, Angliss met with the Minister for Planning, Mr Craig Knowles, the local member, Minister for Education, Mr John Aquilina, and the Director of the Department of Urban Affairs & Planning, to highlight these issues and to request the Angliss land be given official status to enable serious investigations to begin. To date, Angliss has not received any formal response from the Minister or the Department.

Given your strong indication of support for our proposal, we seek Council's support in further requesting the Department and the Minister to give this issue serious consideration. Specifically we seek a Council resolution as follows:-

To recognise the potential and opportunities of the Angliss land and the wider Riverstone area and to address planning and release issues in the short term.

To acknowledge that an alternative approach to the UDP must be sought to maximise the opportunities offered by Angliss and the region.

To resolve to write to the Minister for Planning and the Director of the Department of Urban Affairs & Planning requesting that the area be included as an "area under investigation", or similar appropriate innovative status.

To invite Angliss to work with Council in formulating a suitable strategy to encourage the Minister and the Department to recognise the status of the area.

We are grateful for your continued support in this matter and we look forward to working with you to achieve a successful outcome to benefit Angliss and the wider community."

Planning Assessment

The Angliss representations have highlighted several valid points. The promotion by the State Government of the Rouse Hill and the ADI sites, two sites being promoted ahead of the Scheduled Lands Area for development, would seem totally contradictory to other planning principles being espoused by the Government. Neither are consistent with the principles of Ecologically Sustainable Development, the urban villages theme, or clean air 2000. Both of these sites will facilitate car based life styles. Neither are accessible to rail transit infrastructure or any other viable public transport medium.

The Riverstone/Vineyard area is immediately adjacent to a rail line that State Rail is currently amplifying. These areas are within a reasonable commuting distance to employment centres, including the Blacktown and Parramatta CBD's, Windsor and Richmond and the RAAF Base and University campuses at Quakers Hill and Richmond. It would therefore be relatively easy to design an urban form over the area consistent with the urban villages theme.

Furthermore, there is significant low lying areas between these sites and Bligh Park. It would be relatively straight forward to design a drainage system, including artificial wetlands, to control water quality. In fact, the existing discharged water quality from the area could be substantially improved, therefore improving the water quality of the Hawkesbury River.

An issue which should receive some consideration is the appropriate flood planning standard for an urban release at Vineyard. Much of the Angliss land, as well as land within the City of Hawkesbury, is between the 16 metre standard and the now estimated probable maximum flood level of 26 metres. Consideration should be given to selecting a minimum land level requirement of 20 metres which would accommodate an 1867 flood and provide freeboard of approximately 0.5 metres.

Conclusion

Considerable arguments can now be forwarded to the Minister supporting the inclusion of this area in the Urban Development Program. In the meantime, continuing discussion with Sydney Water will proceed on options for servicing the area. Also the Department of Urban Affairs and Planning can be pursued on the outcomes of the Scheduled Lands Consultative Committee. Dialogue will also continue with Blacktown City Council and the Vineyard Residents' Action Group on relevant matters.

It needs to be emphasised that until the area is placed on the Urban Development Program, there is no opportunity to progress the matter further. The major hurdles in this respect are therefore going to be the servicing of the area with reticulated water, the fragmented nature of the land, and competition from the ADI and Rouse Hill sites.

RECOMMENDATION:

1. That Council write and make representations to the Minister and Director for Urban Affairs and Planning to have the Vineyard area and relevant areas in the Blacktown City Council Local Government Area declared as areas under investigation on the Urban Development Program.
2. That Council write to Blacktown City Council inviting them to make a joint representation to the Minister and Director in accordance with 1 above.
3. That negotiations continue with Sydney Water to find a solution to providing reticulated water to the area.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V12

**** END OF ITEM 12 ****

ITEM: 13 **RURAL LANDS STUDY****FILE NUMBER:** GT150/015/EVD

REPORT:**Background**

Council at its meeting of 7 November 1995 resolved to undertake a Rural Lands Study. The purpose of this report is to update Council on progress, outline a process for the preparation of the study, and place on public exhibition a Draft Statement of Purpose, Aims and Objectives.

At a meeting on 2 April 1996, it was generally agreed that the highest priority should be to foster economic opportunities in the rural area. This would necessarily require preventing additional conflict between rural/residential land use and other land uses such as agriculture.

It was agreed that the study should not undertake a detailed investigation of potential rural/residential subdivision.

It was agreed that the study be divided into geographical units, namely the Macdonald Valley, Colo Valley, areas to the east of the Hawkesbury River and areas to the west of the river. It was suggested that areas not experiencing significant conflict not be subject to investigation to the same degree as areas where there are currently significant conflicts.

There was discussion about a potential agriculture zone which would permit intensive agriculture without hindrance from residential uses. It was agreed that should such a zone be investigated, there be a detailed investigation of its location and potential environmental impact.

Rural Lands Study Sub Committee

Since Council's resolution to undertake the study, consultation with various authorities has taken place, including the Hawkesbury Nepean Catchment Management Trust, the Department of Urban Affairs and Planning, the Department of Agriculture and the NWSRDO.

On 16 May 1996, the Rural Lands Sub Committee met to discuss the issue. The purpose of the meeting was to discuss three items. The first issue was the proposed program that is to be followed in order to carry out the study. The second item was the Draft Issues Paper, and the final item was a draft Draft Statement of Purpose, Aims and Objectives for the study.

By resolution, the Committee is comprised as follows:-

- . a representative from local agriculture/horticulture interests
- . a representative from the North Western Sydney Regional Development organisation
- . a representative from local resident interests
- . a representative from the Hawkesbury Nepean Catchment Management Trust
- . a representative from the Department of Urban Affairs and Planning
- . a representative from Land and Water Conservation

- . a representative from NSW Agriculture
- . a representative from the Environment Protection Agency
- . a representative from the National Parks and Wildlife Service
- . Councillor Stubbs (Mayor)
- . Councillor Paine
- . Councillor Allan
- . Councillor Books
- . staff from the Division of Environment and Development to service the committee

Advertisements have also been placed in the Gazette seeking expressions of interest for two positions on the Committee, being a representative of local resident interests and a representative of local agriculture/horticulture interests. These close on 2 August 1996

Following is the proposed process to prepare the Rural Lands Study:-

Stage 1 - Prepare Draft Issues Paper and Statement of Purpose, Aims and Objectives.

Stage 2 - Report to Rural Lands Study Sub Committee Meeting on the proposed process, Draft Issues Paper and draft Draft Statement of Purpose, Aims and Objectives of the study.

Stage 3 - Forward a copy of the issues paper and Draft Statement of Purpose, Aims and Objectives to all relevant stakeholders for their feedback.

Stage 4 - Finalise Draft Issues Paper and Statement of Purpose, Aims and Objectives. With the aid of a professional facilitator, present these documents to a public meeting.

Stage 5 - Prepare Draft Brief for the project. This document will basically incorporate the Statement of Purpose, Aims and Objectives.

Stage 6 - Forward a copy of the Draft Brief to relevant stakeholders for comment.

Stage 7 - Finalise Draft Brief and forward to Council for adoption.

Stage 8 - Invite consultants from a short list to submit a tender to undertake the Rural Lands Study.

Stage 9 - Select consultant in conjunction with the sub committee.

Stage 10 - Engage successful consultant to undertake the study.

A timetable for this process has been prepared which indicates consultants could commence work in January 1997 and complete the project by June 1997. The sub committee adopted the methodology and timetable and also considered an Issues Paper which is produced as Appendix 1.

The Committee also considered, and supported in principle, a draft Draft Statement of Purpose, Aims and Objectives for the project. This statement has since been further refined into a final Draft Statement and is attached as Appendix 2 to this report.

Next Stage

It is now proposed to move into a consultation process. In this respect, it is important to get all the relevant stakeholders involved from the outset to ensure awareness and ownership of the project. A rural lands summit will be undertaken to further this objective.

Funding

Due to resourcing constraints and time limits, it will be necessary for Council to engage consultants to undertake the Study. Major studies of this kind are likely to cost at least \$80,000 even with the considerable use of existing Council resources.

RECOMMENDATION:

1. That Council adopt the Draft Issues Paper and the Draft Statement of Purpose, Aims and Objectives and forward it to the Rural Lands Sub-Committee for consideration.
2. That Council adopt the methodology for the project as detailed in this report.
3. A report be brought forward following initial comments from the Rural Lands Sub-Committee and to finalise the consultants brief.

ATTACHMENTS:

AT-1 Draft Issues Paper

AT-2 Draft Statement of Purpose, Aims & Objectives

FN:EN730NBX.V13

****** END OF ITEM 13 ******

ITEM: 14 NOISE ATTENUATION OF NEW DWELLINGS WITHIN FLIGHT PATH OF RICHMOND RAAF BASE**FILE NUMBER:** GT125/001 PT2/EVD

REPORT:

This report is to address the requirements for noise attenuation of new dwellings within the flight path of Richmond RAAF Base.

Clause 37 of Hawkesbury Local Environmental Plan, 1989 adopts certain criteria for indoor design noise levels, which comply with the Australian Standard AS2021, for aircraft noise levels indicated by the Australian Noise Exposure Forecast Unit (ANEF). The ANEF applies to the flight path into and out of Richmond RAAF Base.

The report has nothing to do with recent reports about civil aircraft use or otherwise of RAAF Richmond, and relates solely to existing legal obligations for noise attenuation contained in Hawkesbury Local Environmental Plan, 1989 as a consequence of RAAF activities.

Such applicants are therefore at present being notified of this requirement as a condition on building permits.

This is proving to be onerous; applicants having to find considerable additional funds to meet the cost involved, firstly in getting an acoustic report prepared and then having the mitigating features installed such as, wall/roof insulation, double glazing and solid core doors in some cases. The additional time involved to have the acoustic report prepared is also proving expensive to applicants being tied to contractual restrictions with builders.

In an effort to help reduce this burden on affected applicants and form a more uniform approach to this issue, it is considered a one-off comprehensive acoustic report be prepared by a suitably qualified acoustic consultant covering a range of expected dwelling construction types to be built within the ANEF affected area.

A small survey, carried out by a Building and Development Officer, of four consultants (randomly selected from the Yellow Pages) indicated a cost in the range of three to six thousand dollars for such work. The cost of this report could in turn be recouped by Council over time by offering an applicant the option of either making a contributory payment (say \$100) for the relevant information from the report held by this office or, they organise for an individual site specific report prepared by a consultant of their own choice.

RECOMMENDATION:

1. That tenders be called for a one-off comprehensive acoustic report, which is to be prepared by a suitably qualified acoustic consultant, covering a range of expected dwelling construction types with appropriate noise attenuation to be built within the ANEF affected area adjacent to the Richmond RAAF Base.

2. That a report be submitted back to Council following close of submissions.

ATTACHMENTS:

AT-1 Map.

FN:EN730NBX.V14

****** END OF ITEM 14 ******

ITEM: 15 WATER SUPPLY TO DEVELOPMENT WITHIN HAWKESBURY
LOCAL GOVERNMENT AREA - SYDNEY WATER

FILE NUMBER: GW020/007/EVD

REPORT:

Background

Council at its meeting on 9 July 1996, in consideration of a report on this matter following advice from Sydney Water resolved:-

- "1. Council adopt a priority of water allocation based on existing zoned areas prior to rezoning additional area.
2. That initially Council agree to the provision of reticulated water to any development which has received subdivision or development approval.
3. A report be brought forward on the impact on the current rezonings on the future allocation of available water connections.
4. A report be brought forward on the investigation of a Residential Strategy for the Council.
5. Sydney Water and DUAP be advised that Council is establishing a procedure of water allocation and intends to conduct a residential strategy for future residential growth.
6. Council invite Sydney Water to address Council."

Existing Approved Development

In accordance with the second part of this resolution, research has been made into approved development.

An investigation of development approved by Council requiring water supply from Sydney Water has been undertaken. The research mainly involved subdivision approvals that have not been released by Council. With each subdivision a Section 73 Certificate is required to indicate satisfactory arrangements have been made for water supply.

The results show that there are approximately 120 additional lots created, within the Sydney Water servicing area, that have not been acted upon at this stage.

Therefore, any servicing constraint on water supply should make provision for at least 120 lots created by subdivision. To be realistic an allowance of 200 lots is considered reasonable having regard to old subdivision approvals that may be still valid.

Conclusion

The investigation of a Residential Strategy, which would include a land audit of potential subdivisions, is considered to be a priority to convince Sydney Water of water amplification works and for the continued growth of the City.

A separate report of the Strategic Works Program indicating the priority of a Residential Strategy is included in this business paper.

An invitation has been made to Sydney Water representatives to address Council on this matter.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V16

****** END OF ITEM 15 ******

ITEM: 16 REQUEST FROM THE WINDSOR DOWNS HOME OWNERS' ASSOCIATION TO ADOPT THE COVENANTS APPLYING TO THE WINDSOR DOWNS ESTATE AS AN ENVIRONMENTAL PLANNING INSTRUMENT (LOCAL ENVIRONMENTAL PLAN AND/OR DEVELOPMENT CONTROL PLAN)

FILE NUMBER: GT100/001 PT02; SA046/89 PT04/EVD

REPORT:

The Windsor Downs Home Owners' Association has written to Council on three occasions seeking Council's support to enforce the covenants applying to the estate.

Their most recent correspondence states in part as follows:

"...For your information, in a representation I made at the General Purpose Committee meeting of Council on 28 November 1995, I specifically requested that Council give consideration to the [use of] a DCP over the contents of our Covenants.

As referred to in your letter, it is appreciated that notification letters of proposed developments are posted to adjoining property owners where warranted, however, there have been a number of developments within Windsor Downs where the first notification has been the commencement of building or construction, specifically of large sheds outside the appropriate designated zone, causing distress to the neighbouring owners.

The Home Owners' Association is aware of its powers to take action against individual owners for the non-compliance with the Covenants, however, as you would be aware, this would require action in the Equity Court, after the completion of any contentious development. This course of action is not desirable.

Having regard to the above, the Windsor Downs Home Owners' Association, at its meeting held on 16 February 1996, resolved that the Covenants be upheld as they stand, and that Hawkesbury City Council be formally requested to proceed with the creation of a Development Control Plan over the contents of the Covenants applying to the Windsor Downs Estate.

The establishment of a Control Plan would ensure the continued integrity of the original development of Windsor Downs, and enable the Association to carry out its role in accordance with the Articles of Association relating to developments within Windsor Downs, to review applications prior to approval by Council, thus removing the need for future Court Action.

The Development Control Plan would further reduce the need for letters of objection and personal representations at Council meetings and would allay the concerns of the residents of Windsor Downs by reducing the friction involved, and enable the enforcement of the Covenants.

Council's support in progressing this matter would be greatly appreciated."

The Windsor Downs Estate was released in a number of subdivision stages, each being subject to extensive Restrictions as to User under Section 88B of the Conveyancing Act 1919.

Some of the Restrictions as to User for Precinct 1 of the Windsor Downs Estate are as follows:

- . Not more than one main dwelling house shall be erected or allowed to remain on any lot burdened by these restrictions ... and any such dwelling house shall have a total interior floor area of not less than 200 m² ...

- . Only the following development shall constitute an approved development and shall be permitted to be carried out within a relevant development zone as follows:

Development Zone A - landscaping, driveways, mail boxes, cattle grids, entry features (not exceeding 10 metres in width) but excluding all types of fencing;

Development Zone B - houses, garages, screen fences (up to 1800 millimetres in height), driveways, swimming pools, outbuildings, tennis courts, paved areas and open parking areas for equipment or vehicles; and

Development Zone C - landscaping, swimming pools, tennis courts, outbuildings, (having floor areas not exceeding 10 m²) visually open fencing (not exceeding 1400 millimetres in height above natural ground level) paving and decks.

A plan showing the typical location of development zones A, B and C is attached to the report.

- . No building shall be erected on any lot ...with external walls of materials other than brick, stone, concrete, glass or timber ... provided that the proportion of brick and timber component ... shall not be less than 70% ...
- . No building shall be erected or permitted to remain on any lot burdened by these restrictions ... having external walls other than of new materials ...
- . No outbuilding shall be coloured or painted white or silver or any shade thereof.
- . No outbuilding shall be erected on any lot ... having a floor area exceeding 100m² and having a height exceeding 5 metres above natural ground level.
- . No lot burdened by these restrictions ... shall have constructed thereon outbuildings where the combined total area of such outbuildings exceeds 150 m².
- . Any building ... shall not at any time be used for any purpose other than as a dwelling house with garage and outbuildings belonging thereto and no profession, business, trade or commercial activity of any kind shall be set up or carried on any such lot ...

- . No lot ... will be permitted to become or be or remain untidy or unclean or to contain any noxious weeds or plants or have thereon any building or fence which is in a state of disrepair ...
- . No animals, birds, poultry, or other livestock shall be brought onto or allowed to remain on any lot burdened by these restrictions .. unless such are house or domestic pets.
- . No structure to house horses, sheep, goats, cattle, dogs, cats, birds, fowl or similar animals shall be constructed or allowed to remain on any lot ... unless constructed for the purpose of providing shelter for a domestic pet.
- . None of the following activities shall be carried out or permitted to be carried out on any lot burdened by these restrictions ... namely cattle feedlots, dog, horse or cat breeding, boarding or training facilities, pig keeping establishments, poultry farms, commercial aviaries or apiaries, broadcasting or television establishments, camping and caravan parks, commercial market gardening or any noxious or noisome offence or hazardous activity.
- . No fence erected on each lot burdened by these restrictions ... shall exceed 1.6 metres in height above natural ground level.
- . No solid, timber paling or sheet metal fence shall be erected on any lot burdened by these restrictions ...
- . No trailer of any kind, truck, articulated vehicle, camper or boat shall be kept, placed, maintained or allowed to be parked or situated on any lot burdened by these restrictions on the use of the land unless situated within Development Zone "B".

The above is not the exhaustive list of covenants but an indication of the degree of detail in the restrictions on use and the areas of major conflict with Hawkesbury Local Environmental Plan 1989.

In particular, the restriction on use prohibiting any profession, business, trade or commercial activity of any kind will be a source of continuing conflict with Hawkesbury Local Environmental Plan 1989. Council has already determined applications for commercial tennis courts (refused) and a home activity computer business (refused) which were contrary to this provision.

Compared to previous planning instruments applying in the City of Hawkesbury and planning instruments in other local government areas, Hawkesbury Local Environmental Plan 1989 contains relatively few prohibited uses and, instead, allows Council to consider uses on a merits approach whereby a home activity such as a computer listing company might be approved in a residential area provided the impacts are not inconsistent with a residential amenity. To this extent, Hawkesbury Local Environmental Plan 1989 is supportive of development provided its performance is consistent with the zoning.

The Restrictions as to User are not performance based and apply blanket controls and prohibitions irrespective of other considerations. Compared to the broad controls generally adopted in local environmental plans and development control plans the restrictions contain very detailed controls, including the segregation of the lots into development zones with sub categories of residential uses and varying controls on the height and type of fencing. The enforcement of such restrictions would require Council to impose a regularity system (eg building control) to obtain applications for any type of development or building which may be inconsistent with the restrictions. Such a regularity system would involve additional staff commitment and impose delays on applicants.

The adoption of Restrictions as to User as environmental planning instruments would also pose an undesirable precedent in terms of Council's responsibility for land use control. For example, restrictions on use regularly contain prohibitions on agricultural uses in rural areas such as intensive animal husbandry and market gardening. If such restrictions were recognised and enforced by Council, the individual (NIMBY - not in my backyard) desires to see such development elsewhere would collectively mean fewer opportunities for such development and, in the longer term, a general loss of economic opportunities for any type of development which may be inconsistent with a residential amenity, irrespective of merit considerations.

The Windsor Downs Home Owners' Association is concerned with the apparent inconsistencies between the provisions of the restrictions and Council's Local Environmental Plan. In releasing the first precinct of the Windsor Downs Estate the General Manager, in releasing the linen plan, signed the instrument setting out terms of easements and restrictions on use and noted that Council's endorsement only related to the terms of easements (such as drainage and sewer) and not the restrictions on the use of the land.

For the foregoing reasons Council should confirm previous advice given to the Windsor Downs Home Owners' Association that the enforcement of the covenants is not the responsibility of Council and, further, that it would be inappropriate for them to become environmental planning instruments as many are contrary to Hawkesbury Local Environmental Plan 1989 and require a regularity framework which would be unduly restrictive and beyond the resources of Council.

RECOMMENDATION:

That Council confirm previous advice given to the Windsor Downs Home Owners' Association that the enforcement of the covenants is not the responsibility of Council and, further, that it would be inappropriate for them to become environmental planning instruments as many are contrary to Hawkesbury Local Environmental Plan 1989 and require a regularity framework which would be unduly restrictive and beyond the resources of Council.

ATTACHMENTS:

AT-1 Plan.

FN:EN730NBX.V19

****** END OF ITEM 16 ******

ITEM: 17 **DRAFT DEVELOPMENT CONTROL PLAN - SIGN POLICY****FILE NUMBER:** DCP002/94 PT01/EVD**REPORT:**

Work on a new sign policy commenced in 1993 with meetings involving representatives of the various Chambers of Commerce and Council staff and further consultation following the preparation of a draft sign policy.

The matter was reported to the General Purpose Committee on 27 June 1995 with a recommendation that the Draft Development Control Plan - Policy on Signs and Advertising Structures be placed on public exhibition for 28 days. However, at Council's meeting on 11 July 1995 it was resolved that Council review the draft, in consideration of the discussion around the table, before placing it on public exhibition.

At the General Purpose Committee on 28 May 1996 there was a question without notice regarding when the new signage policy would be put to Council.

As a consequence of the discussions about the policy and representations from the Chambers of Commerce the draft sign policy has been considerably simplified and the types of prohibited signs reduced. The only prohibited signs are:-

1. *signs mounted on motor vehicles, trailers (both registered and unregistered) where the principle purpose of the vehicle is not for the transportation of goods or people but is parked in a location and position as an advertising medium.*
2. *any "freestanding portable sign" not having a current insurance policy.*
3. *any sign that requires approval under this policy, that is not approved by Hawkesbury City Council after 30 June 1996; and*
4. *any form of advertising sign attached to telegraph poles, trees, street posts or the like.*

It is recommended that the Draft Development Control Plan be placed on public exhibition for a period of 28 days.

RECOMMENDATION:

Council exhibit the Draft Development Control Plan - Sign Policy for 28 (twenty eight) days in accordance with the Environmental Planning and Assessment Regulations.

Further that each of the Chambers of Commerce be provided with a copy of the draft for comment.

ATTACHMENTS:

AT-1 Draft Sign Policy

FN:EN730NBX.V21

****** END OF ITEM 17 ******

ITEM: 18 DRAFT LOCAL ENVIRONMENTAL PLAN - NO.32 FAIREY ROAD,
SOUTH WINDSOR - SCHAFFER CORPORATION

FILE NUMBER: LEP009/96;DA115/96;DA116/96/EVD

REPORT:

Council is currently considering a draft local environmental plan to rezone a parcel of land from Rural "B" 1(b) to Industry General 4(a), as well as, two development applications for industrial uses on the subject land.

The applicants have held a number of discussions with Council staff prior to the lodgment of the request to rezone the land and subsequent development applications.

Following is a brief description of the proposed rezoning and development applications.

Draft Local Environmental Plan - Amendment No. 77

Council resolved on 9 April 1996 to rezone Lot 202 DP 801553 and Lot 1 DP 574043, corner of Argyle Street and Fairey Road, South Windsor, from Rural "B" 1(b) to Industry General 4(a).

The purpose of the rezoning was to enable the following development:

- a) sawing and breaking up of bulk sandstone into finished stone blocks and pavers of various sizes;
- b) manufacturing of the concrete and stone based product called "Urbanstone"; and,
- c) long term industrial uses such as factory units.

The draft local environmental plan went on public exhibition on 3 July 1996 and the exhibition period ends on 2 August 1996.

To date no objections have been received. If no objections are received by the close of the exhibition period it is proposed to use delegated authority to refer the draft plan to the Department of Urban Affairs and Planning for gazettal.

Development Application DA115/96 - Sandstone Sawing Plant

Council has received an development application from Sydney Sandstone Pty Ltd for a sandstone sawing plant on Lot 202 DP 801553 Fairey Road, South Windsor.

At present the subject land is zoned Rural "B" 1(b) and industries are prohibited within this zone. Hence, the applicant has requested Council grant a "deferred commencement" consent pursuant to Section 91AA of the Environmental Planning and Assessment Act 1979, subject to the rezoning on the land to Industry General 4(a). Legal advice received by Council indicates that Council may grant a "deferred commencement" consent subject to the rezoning of the land.

The development application went on public exhibition on 17 July 1996 and the exhibition period ends on 31 July 1996.

To date no objections have been received. If no objections are received by the close of the exhibition period it is proposed to use delegated authority to determine the development application.

Below is a brief description of the development application:

Proposed Buildings

The applicant proposes to construct a colorbond building measuring 30m X 24m to accommodate a sandstone sawing plant consisting of 3 diamond segmented blade saws to produce sawn sandstone products, a hydraulic splitter, office area and amenities.

The proposed building is to be setback approximately 22 metres from Argyle Street and will be fully enclosed.

Vehicular Access and Movements

Sandstone blocks are to be extracted from an existing quarry at East Kurrajong and transported to the site. Vehicular access has been provided off Argyle Street and the applicant has stated that the operation will produce a maximum of 10 truck movements to day.

On-site parking has been provided for 22 cars which is in accordance with Council's parking requirements.

Storage of Materials

The finished product and offcuts are to be stored in an open area behind the proposed factory building. The total height of the stored products will not exceed the height of the plant building.

Production Levels

The proposed production level is 23,000 tonnes per annum.

Hours of Operation

The proposed hours of operation are 6am-10pm Monday to Saturday. No work will be carried out on Christmas Day, New Years Day and Good Friday.

Number of Employees

The applicant proposes to employ 12 full-time employees as well as maintenance contractors.

Waste Products

The applicant proposes to construct a large dam to collect waste. This will include a sediment trap to collect sand and fine particles which will be re-used on-site.

Noise

The applicant has provided an acoustic impact statement which concluded that there will be no noise impact on the residential community surrounding the site at any time.

Development Application DA116/96 - Urbanstone Plant

Council has received an development application from Bowdens Pty Ltd for an Urbanstone plant on Lot 202 DP 801553 Fairey Road, South Windsor. The Urbanstone plant is to be located west of the Sandstone Sawing Plant.

At present the subject land is zoned Rural "B" 1(b) and industries are prohibited within this zone. Hence, the applicant has requested Council grant a "deferred commencement" consent pursuant to section 91AA of the Environmental Planning and Assessment Act 1979, subject to the rezoning on the land to Industry General 4(a). Legal advice received by Council indicates that Council may grant a "deferred commencement" consent subject to the rezoning of the land.

The development application went on public exhibition on 17 July 1996 and the exhibition period ends on 31 July 1996.

To date no objections have been received. If no objections are received by the close of the exhibition period it is proposed to use delegated authority to determine the development application.

Below is a brief description of the development application:

Proposed Buildings

It is proposed to construct a colorbond building measuring 64m X 39.5m which will contain all manufacturing processes, office areas, amenities etc. The proposed building has a maximum wall height of 5.5m and ridge height of 6.7m.

The proposed building is to be setback 20m from Argyle Street with the frontage and side boundaries being landscaped to Council's satisfaction.

Three cement silos are proposed adjacent to the western side of the factory building. The silos will be partially obscured by the building when viewed from Argyle Street.

Description of Manufacturing Process

Urbanstone is a moulded concrete product produced from wet-poured precast concrete incorporating natural aggregate. The process involves the filling of a form mould with a batch mix of cement, sand and aggregate, followed by mechanical vibration and then control curing in batches.

The product is finished using two processes:

- a) Shot-blasting for the creation of a textured surface. This is conducted within an enclosed machine where residue dust is collected in enclosed bins.
- b) Wet slurry honing for the creation of a polished surface. This produces a small volume of slurry which is treated with the washdown cement's contaminated water.

Vehicular Access and Movements

Cement required for the batch mix of concrete is to be transported by road to the site in bulk tankers and stored in pressurised cement silos. Sand and aggregate is to be bulk transported by road and stored in bunkers.

The applicant has stated this will result in a maximum of 20 truck movements per day with access to the site off Argyle Street.

On-site parking has been provided for 35 cars which is in excess of Council's parking requirements.

Storage of Materials

Finished products are to be stored in an open area behind the factory building. The total height of the stored products will not exceed the height of the plant building. The storage area will be screened by the factory building and landscaping.

Production Levels

The proposed production level is less than 30,000 tonnes per annum.

Hours of Operation

The proposed hours of operation are 6am-10pm Monday to Saturday. No work will be carried out on Christmas Day, New Years Day and Good Friday.

Number of Employees

The applicant proposes to employ 25 full-time employees.

Waste Products

The following waste products are produced as a result of the production process:

- a) Dry Cement Flake - this is deposited into a bin and later disposed of off-site at an approved disposal location;
- b) Form oil - this is sprayed into the moulds entirely within an enclosed chamber where overspray is collected and recycled; and,
- c) The washdown - the daily cleansing process of the batchmixer produces small volumes of cement contaminated water. This is treated by the on-site sedimentation ponds which are cleaned periodically. The resultant sediment is to be removed from the site to a selected clean fill site.

Noise

The applicant has provided an acoustic impact statement which concluded that there will be no noise impact on the residential community surrounding the site at any time.

Conclusion

The proposed rezoning, sandstone sawing plant and urbanstone concrete plant are appropriate land use activities in the area having regard to the surrounding industrial land. The development obtains sandstone from East Kurrajong and is finishing the sandstone into an improved product which is value adding and is considered to be a beneficial economic and employment development opportunity within the Hawkesbury area.

RECOMMENDATION:

- 1. That the Director Environment and Development exercise delegated authority to determine the Draft Local Environmental Plan - Amendment No.77 subject to no objections being received.
- 2. That the Director Environment and Development exercise delegated authority to determine DA115/96 and DA116/96 subject to no objections being received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:EN730NBX.V23

**** END OF ITEM 18 ****