



general
purpose
committee

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section

environment



general
purpose
committee
meeting

Mayoral Minutes

GENERAL PURPOSE COMMITTEE MEETING

Mayoral Minutes

Mayoral Minutes

General Purpose Committee Meeting - 26 November 2002

Introduction of the Blacktown to Richmond Nightride Service

Advice has been received from the Member for Londonderry, Mr Jim Anderson MP, that a new Nightride bus service has been introduced to provide a late-night public transport option to Richmond from Blacktown and the city.

One of the key issues raised at the recent public transport forum held in Richmond was the difficulty facing Hawkesbury residents who travel into the city by train for the evening. They must leave the city by 11.30pm to catch the last train back to Richmond. This service will greatly improve the range of entertainment options available to the people of the Hawkesbury, especially young people, and will be available for the holiday season.

The six-month trial N71 service will commence operations on Saturday, 30 November 2002. It will operate from Blacktown to Richmond via Quakers Hill, Riverstone, Vineyard, Windsor and return late on Friday and Saturday nights. The trial service will connect with the existing N70 Nightride service from the city to Penrith, via Blacktown.

Like all Nightride services the new N71 stop at all major stations along the train route, or at other stops along the way at the request of passengers.

Transport NSW has contracted Busways, a local company, to operate the weekend trial service.

Other issues raised at the public transport forum, such as improved access to taxi and bus services continue to be actively pursued. I am in frequent contact with Mr Anderson regarding the outcomes of the forum and he, along with other participants, is to be congratulated on the outcomes to date. I will report further developments to Council.

It is recommended that the information be received.

oooO END OF MAYORAL MINUTES Oooo

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ENVIRONMENT

Meeting Date: 26 November, 2002

Item: **104**

ITEM: 104 **Proposed Library, Gallery, Commercial Premises and Cafe - 320 George Street, Windsor**

FILE NUMBER: MA1592/01/EVD/ENK26NAX.V02

Applicant: Hawkesbury City Council
Applicants Rep: N/A
Owner: Hawkesbury City Council
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
 State Environmental Planning Policy No. 11
Area: 1.253ha
Zone: 3(a) Business General
Advertising: 19 December 2001 to 31 January 2002
Date Received: 17 December 2001

Key Issues: Traffic and parking
 Heritage impact
 Public interest

Action: Approval

REPORT:

Independent Review of Report to General Purpose Committee meeting

The following report has been reviewed by John Mullane of Mullane Planning Consultants. Mr Mullane has provided the comments:

I have reviewed the Report prepared for the presentation to Council and I consider that the report has clearly addressed the issues identified in Section 79(c) of the Environmental Planning and Assessment Act 1979 and I conclude that the Report is objective, and its recommendation appropriate in the circumstances.

Introduction

The applicant seeks approval for the redevelopment of part of the former Hawkesbury Hospital site.

This report details the proposal, the current statutory situation and provides an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The application is for the redevelopment of part the former Hawkesbury Hospital site. The redevelopment consists of the construction of a library, art gallery, café, commercial office space, associated carparking, and landscaping. Plans of the proposed development will be displayed at the General Purposed Committee meeting.

In summary, the development consists of one large building containing a library (2153sqm), community rooms (387sqm), art gallery (769sqm), and commercial office space (1052sqm) and a smaller building of 108sqm which is to contain a café. The building is configured as two storey above basement parking.

The buildings are to be constructed of brick and corrugated sheet metal roofing to match the former Hospital building which is adjacent to the proposed development.

On site parking is to be provided for 89 (eighty nine) cars underneath the main building and 6 (six) spaces at grade. Access to the underground carpark will be via an existing access off Christie Street. Christie Street is proposed to be reconfigured to be one way entering from George Street with additional parking on the north east side at 90 degrees to the kerb.

The Site and Surrounds

The site is irregular in shape, has an area of 1.253ha and is bounded by Macquarie, George, and Christie Streets. A mix of residential and commercial development adjoins the north eastern and north western boundaries, the new Hawkesbury Hospital is located east of the site and the Windsor Public School is to the south of the site.

The HACCs building, Former Hawkesbury Hospital building and associated mortuary and Kitchen and Johnston Wings is located on the southern portion of the site. The proposed development is generally confined to the vacant northern portion of the site.

The site contains five (5) heritage items listed under HLEP 1989. They are the former Hawkesbury Hospital building, mortuary, dedication stone, brick fence along Christie and Macquarie Streets and a well. The well is covered with a concrete slab and is located on the property formally known as 300 George Street, Windsor. Adjacent heritage listed properties/sites are located in Macquarie and George Streets.

Recent Site History

Hawkesbury City Council purchased the site from NSW Health in September 1998 with the intention of redeveloping the site for a mixture of community and commercial facilities commensurate with the site's conservation plan and the requirement for some financial viability.

Prior to selling the site NSW Health commissioned a Conservation Plan and Planning Assessment of the site. The plan was endorsed by Council and the NSW Heritage Office. The recommendations of the Conservation Plan have been considered in the preparation of the development application.

At the time of purchase the site was zoned Special Uses 5(a). Subsequent to the purchase the site was rezoned Business General 3(a). This rezoning was designed to facilitate the proposed development.

In December 2000 Council resolved to allocate funds towards the redevelopment of the site for a library, museum/art gallery, refreshment rooms and commercial offices.

The current application is the response to Council's resolution and represents the second stage of the overall scheme envisaged by Council for the redevelopment of the site. The first stage was the restoration and refurbishment of the hospital building and was approved in June 1999 and has been recently completed.

Statutory Position

Planning instruments and development control plans which are to be taken into consideration are Hawkesbury Local Environmental Plan (HLEP) 1989, Sydney Regional Environmental Plan No. 20 (No.2 -1997), State Environmental Planning Policy No. 11 Traffic Generating Developments, Threatened Species Conservation Act 1995, Hawkesbury Development Control Plan, and Development Control Plan - Contaminated Land Policy.

The relevant provisions of these planning instruments and development control plan will be discussed in the Planning Assessment section of this report

Community Consultation

A model indicating the development has been on public display for some considerable time with positive feedback received.

The application was publicly exhibited for the period 19 December 2001 - 31 January 2002.

One submission was received which raised the following matters:

- Reconfiguration of Christie Street has not been supported by Council Local Traffic Committee.
- The 90 degree parking and parallel parking in Christie Street cannot be achieved within the existing kerblines. To accommodate the parking either the southern kerb and/or northern kerb will require relocation. These works have not been detailed in the application.
- No overall plan has been submitted for the parking requirement of the individual uses of the total site (i.e Peppercorn Place, Old Hospital, Johnston Wing, News Library and gallery). The site could be short of up to 50 (fifty) car spaces.
- The design of the carpark is contrary to the provisions of the Council's DCP.

These matters will be discussed in the Planning Assessment section of this report

Planning Assessment

The following are the relevant matters for consideration under Section 79C (1), (a), (b), (c), (d) &(e) of the EP & A Act 1979.

Relevant planning instruments and Development Control Plans*Hawkesbury Local Environmental Plan (HLEP) 1989*

The property is zoned 3(a) Business General under HLEP 1989. The proposed development envisages a number of uses which are defined under HLEP 1989 as a "community facility", "commercial premises", "educational establishment" and "refreshment room". All of these uses are permissible within the 3(a) zone.

The general aims and objectives of HLEP 1989 are:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*
- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*
- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*
- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and*
- (e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.*

The objectives of the Business General 3(a) zoned are:

- (a) *to promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury;*
- (b) *to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;*
- (c) *to ensure that there is adequate provision for car parking facilities within the zone;*
- (d) *to minimise conflicts between pedestrians and vehicular movement systems within the zone; and*
- (e) *to preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

The primary purpose of the development is to provide the City of Hawkesbury with recreational, educational and cultural services in the form of a library and art gallery whilst conserving and enhancing the significance of the site and heritage items located on the site.

It is considered that the proposed development is consistent with the general aims and objectives of HLEP 1989 and 3(a) zone because it represents a managed, orderly and economic development of the site which will assist in the conservation and enhancement of the heritage items on the site as well as providing the community with much needed recreational and educational services. The proposed development does not conflict with any of the aims/objectives of the instrument nor objectives of the zone.

Other relevant provisions of HLEP 1989 are the adoption of Clauses 5 and 13 of Model Provisions 1994 (this relates to traffic and visual impacts, and offstreet loading provisions), Clause 18 - Provision of water, sewerage etc service, Clause 22 - Development fronting a main or arterial road, Clause 27 - Heritage Items, Clause 28 - Development in the vicinity of heritage items, Clause 29 - Conservation incentives relating to heritage items and Clause 37 - Land affected by aircraft noise.

The proposed development satisfies the requirements of the abovementioned Clauses.

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997).

The aim of SREP No. 20 is to protect the environment of the Hawkesbury ? Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies, recommended strategies and development controls which are to be considered in the assessment of a development application.

Relevant general planning considerations, specific planning policies and recommended strategies of SREP No 20 are total catchment management, water quality, water quantity, cultural heritage, flora and fauna, and metropolitan strategy.

It is considered that the proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls outlined in Parts 1, 2 and 3 of SREP No. 20 (No. 2).

State Environmental Planing Policy No. 11 Traffic Generating Developments

The aim of this plan is to ensure that the Roads and Traffic Authority is made aware and given opportunity to make representations in respect of certain development. In this case the RTA has delegated this role to Council's Local Traffic Committee.

Plans of the proposed development including works to be undertaken in Christie Street were referred to Council's Local Traffic Committee for consideration.

The Committee supported the proposed traffic arrangements.

Hawkesbury Development Control Plan

Relevant chapters of the Hawkesbury DCP are Notification, Landscaping, Soil Erosion and Sedimentation Control, and Car Parking and Access.

The development application was exhibited in accordance with the Notification Chapter of the DCP. One submission was received.

Soil erosion and sedimentation control provisions can be controlled by way of conditions of consent.

The applicant has submitted a concept landscaping plan which is considered satisfactory. A detailed landscaping plan can be provided as a condition of consent.

The provisions of the Car Parking and Access chapter will be discussed later in the report.

Development Control Plan - Contaminated Land Policy

Site investigations carried out by the previous owners, NSW Health, and the current owners, Hawkesbury City Council, reveal that the site does not pose a significant contamination threat given the future development and use of the site.

Impact on the Environment

Context and setting

Surrounding landuses consist of a mix of commercial and retail development, residences, a school, community facilities and medical uses. The primary purpose of the development is for the provision of recreational, educational and cultural services with the ancillary provision of commercial and retail outlets. These uses are consistent with the current and proposed use of southern portion of the site as well as surrounding landuses.

The character and scale of surrounding buildings vary considerably from heritage listed single residences to a modern multi storey hospital building. No single landuse, building type or form dominates the area however it is considered that the former Hawkesbury hospital building and mortuary are the visually and historically significant buildings on the site and within the immediate locality.

The proposed development will enhance the existing built and scenic character of the locality by the provision of modern, well articulated and suitably detailed buildings and associated landscaping which respect without mimicking the architectural style of the former Hawkesbury Hospital building. The proposed buildings have been appropriately setback from Macquarie and George Streets and allow for adequate sight distances to and from of the site. The apparent building mass of the main building when viewed from Macquarie Street in conjunction with the former Hawkesbury hospital building will be of similar height complimented with matching brickwork and pitched corrugated steel roofing. This has been achieved by taking advantage of the sloping site and accommodating carparking in the owner ground floor level which is excavated into the ground at one end.

In summary, it is considered that the proposal seeks to compliment the significance and setting of the heritage items on the site by providing suitably located and compatible new buildings in terms of scale, bulk, height, setback and materials.

Access, transport and traffic (issue raised by respondent)

The main pedestrian entrance to the site is from George Street with secondary accesses from Christie and Macquarie Streets. The main public vehicle entrance is off Christie Street with exit onto George Street. Service vehicle entrance is off George Street with exit onto Macquarie Street. The entrances and exits generally following existing accesses and will adequately service the volume and type of traffic generated by the development.

The plans provide for 95 (ninety five) on site carparking spaces and with the re-configuration of Christie Street an additional 40 (forty) spaces will be available adjacent to the site. These spaces are in addition to the spaces which presently exist on the site for the HACCs building, Johnston Wing and Former Hawkesbury Hospital Building.

Council's DCP does not contain any specific parking requirements for libraries or art galleries. Parking for commercial premises and cafés is to be provided at a rate of 1 (one) space per 30sqm of gross floor area. Using these ratios, 39 (thirty nine) spaces would be required for the commercial premises and café. This leaves 56 (fifty six) spaces on the site plus available parking in Christie Street to serve the art gallery and library. Visitation to the site will generally be spread over a number of hours each day and with the exception of the commercial component of the site no significant peak periods are anticipated. It is considered that the additional volume of traffic generated by the proposed development will not significantly decrease the capacity or safety of Macquarie, George and Christie Streets.

The respondent raised concern that the development relied on a carparking layout designed in accordance with AS2890.1 - 1993 Parking Facilities and that Council's DCP states this is not to be used. The DCP provides dimensions for carparking spaces and aisle widths for a number of parking layouts and traffic flow movements, however, the proposed parking layout is not specifically catered for by the DCP. This development will greatly assist in the long term conservation of the former hospital building. Council therefore has discretion under the conservation incentives Clause (29) of HLEP1989 to grant consent. The dimensions within AS2890.1 are not as generous as those within the Hawkesbury DCP. However, they are still workable and are acceptable in the circumstances. The respondent's issues are considered to have been adequately addressed.

Public domain

The primary objective of the application is the provision of a regionally significant library and art gallery. A new library and art gallery has been previously identified by Council as key need of the residents of the Hawkesbury and as a primary objective in Council's future works program. The proposed development will have a significant positive impact on the public domain by the provision of these services.

Utilities

The site is serviced by electricity, telephone services, and reticulated water and sewer. Any augmentation of these services to cater for the proposed development can be addressed by condition of consent and with further discussion with the respective utility providers.

Heritage

In assessing this application Council must consider the likely impact of the development on the heritage items which exist on the site as well as other heritage listed buildings within the vicinity. Council has engaged Mr Robert Staas, of Noel Bell Ridley Smith to act as an independent heritage advisor to Council for this project. Mr Staas provided the following comments:

"The new Hawkesbury Library and Art Gallery development is located on land adjoining the historic Windsor Hospital building which is currently being restored to its early 20th Century appearance. The site is defined by one of the early town subdivision lines, Rickaby's Line and fronts Macquarie Street north of the hospital.

The design creates a large courtyard between the hospital and the new building with a smaller detached cafe block forming the western side. The subdivision line is defined by paving and reinforced with planting.

The proposed new building while significant in terms of its overall size is well articulated and modulated to avoid undue visual bulk and to create a compatible scale with the adjoining old hospital structure. Roof forms and materials which compliment the hospital building assist in making the design reflect the character of the hospital without imitating its details. The setback along Macquarie Street is modulated allowing views to the hospital building from the north.

I consider that the design for the new building is an appropriate and acceptable response to the heritage significance and character of the former hospital building and will have no significant adverse impact on that building or its setting."

The development is located clear of the heritage listed fence, dedication stone and mortuary building. The well is to be incorporated into the landscaped area adjacent to the pedestrian and service vehicle entry off George Street.

It is considered that given the location, form, style and detailing of the proposed development, the significance and setting of the heritage items on the site and within the vicinity will be enhanced.

The applicant also proposes to appoint an archaeologist to monitor the project as the works progress.

Water, Soil and Air and Microclimate

The site is provided with a reticulated water and sewerage service. The applicant proposes a stormwater detention chamber under the north eastern corner of the carpark with a surcharge over flow to Macquarie Street.

Bulk excavation of the northern position of the site will be required for construction of the undercover carparking with less excavation works required for the provision of carparking and landscaped areas. It is considered that the soil profile is suitable for the proposed development and soil erosion and sedimentation control devices can be readily employed and maintained on the site.

The likely impacts on the surrounding air and microclimate caused by the development will be during the construction stage. This can be addressed by appropriate site management of dust and vehicle and plant maintenance.

Flora and fauna

Existing vegetation consists of a mix of native and introduced species scattered throughout the site. The NSW Health's conservation plan for the site describes the existing landscaping as not made to any overall plan with its informal qualities resulting more from the residual mature of the treed and grassed areas where no development has occurred. The existing landscaping on the site could be described as generally having low significance and integrity. It is considered that the proposed development will not significantly impact upon any critical habitats, threatened species, populations, ecological communities or their habitats as listed under the Threatened Species Conservation Act 1995.

The footprint of the building, carparking and landscaped areas requires most of the existing vegetation to be removed. The applicant has submitted a concept landscaping plan. It is considered that the proposed landscaping will greatly enhance the visual and floristic qualities of the site.

Energy, Noise and vibration, Waste and Construction

Solar shading or screening will be provided to all windows exposed to direct sunlight. This will be in the form of external louvres or blinds. It is envisaged that this system will be controlled automatically such that the screening will cut out excessive sunlight and heat, yet allow visibility from inside the building. Automatic retraction when not exposed to direct sunlight will allow the optimum introduction of maximum daylight and the use of energy saving artificial lighting control devices. Further, a solar energy system is envisaged such that the development will be largely served with electricity generated from solar collectors mounted on the roof.

The external envelope of the buildings will be insulated to mitigate the effect of traffic and aircraft noise in accordance with the relevant Australian standards.

The construction and operation of the development can be readily controlled by conditions of consent such that offensive noise and vibration is not generated.

Waste generated by the operation of the development can be readily controlled by appropriate onsite management and collected by Council or private contractor.

Natural and technological hazards

The site is subject to partial flood water inundation during a 1 in 100 year flood event. Flooding of the site during these events is primarily caused by backwater inundation of low velocity. The affect of this flooding does not make the site unsuitable for the proposed development and on balance the issue of inundation should not be seen as being fatal to the application.

The site is within a minor bushfire risk area, not subject to landslip or subsidence, and not considered to be contaminated.

Safety, security and crime prevention

The location and grades of landscaped areas, carparking areas and internal building layout encourages natural surveillance of public areas and adequately meets the needs of older persons and persons with disabilities.

Social and economic impacts

The proposed development will have a positive social impact by providing much needed public library and art gallery space which can be accessed by all residents of the Hawkesbury region.

The income generated by the commercial component of the development will assist in offsetting the cost of providing the above mentioned social benefits. Further the proximity of the commercial space relative to the library, art gallery, new Hospital building and existing commercial area creates the opportunity for a range of positive synergies between the existing and future businesses.

Site design and internal design

The design and layout of the proposed development is sensitive to the surrounding environment, existing and future amenity of neighbours, and the attributes of the site such as size, shape and slope.

Cumulative impacts

It is considered that proposed development will be compatible with the surrounding development and land uses and hence no significant negative cumulative impact is foreseen.

Suitability of the site for the development

The constraints of surrounding land uses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory for the intended development. Adequate services and utilities are available to the site. Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment. The development will not significantly impact upon critical habitats and threatened species, populations, ecological communities and habitats. The site's attributes such as size, shape, and slope are conducive to the development.

It is therefore concluded that the site is suitable for the proposed development.

Submissions and Public Interest

The main concerns raised by the respondent concerned the provision of carparking on the site and within Christie Street. These issues have been addressed earlier in this report.

As previously stated the primary purpose of the development is to provide a recreational, educational and cultural facility for the Hawkesbury in the form of a regionally significant library and art gallery. At present these facilities do not exist and Council has identified that these services are needed. The proposed development will create a significant social, cultural, environmental and economic positive impact on the immediate locality and region.

The site is considered to be the only viable location for the proposed development within the Hawkesbury and the development of the site is a significantly better outcome for the residents of the Hawkesbury. When regard is also had to the benefits associated with the conservation of the site, the public interest is obviously being well met.

Conclusion

It is considered that the proposed development demonstrated satisfactory compliance with the relevant provisions of HLEP 1989, SREP NO. 20 (No. 2 -1997) and the Hawkesbury DCP. The environmental impacts of the development are considered to be satisfactory and the site is suitable for the proposed development.

The matters raised by the respondent have been addressed in the above report and it is concluded that development will be in the public interest.

It is recommended that the proposed development be approved.

RECOMMENDATION:

That the proposed development be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application, as amended in red and as modified by these further conditions.
2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) a local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
5. No excavation or site works shall be commenced prior to the issue of the construction certificate.
6. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) in order to assess their responsibilities and liabilities with regards to the provision of access for all people.

7. Council must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with Council prior to discharge of trade waste from the premises.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

8. Construction of civil works including road, drainage, access, or sewer works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Asset Services and Recreation or an accredited certifier.
9. Arrangements are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by others, drainage easements of adequate width shall be provided for which documentary evidence must be submitted.
10. Design and construction of site drainage shall be carried out in accordance with the Council's Development Control Plan Appendix E. Full details of works shall be submitted for approval with the Construction Certificate.
11. Submission of any necessary approvals from the Roads and Traffic Authority for the proposed service vehicle exit into Macquarie Street.
12. Payment to Council of all necessary sewer headworks contributions.
13. Submission to Council of a detailed landscaping plan.

Prior to Commencement of Works

14. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

16. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.

Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

17. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
18. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.

During Construction

19. All building work must be carried out in accordance with provisions of the Building Code of Australia.
20. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
- (a) erosion controls, site works and site set out;
 - (b) piers;
 - (c) foundations;
 - (d) steel reinforcement;
 - (e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (f) wet area flashing, after the installation any bath and shower fixtures;
 - (g) internal drainage lines prior to covering;
 - (h) external drainage lines, prior to backfilling;
 - (i) fire hose reels;
 - (j) on completion of the structure.
21. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
22. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
23. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.

24. All reasonable measures shall be taken to protect all other vegetation on the site from damage during construction.
25. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
26. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
27. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
28. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
29. All civil work must be carried out in accordance with the provisions of the Hawkesbury DCP Appendix E.
30. The construction of Council's standard heavy duty footway and layback vehicular crossing to the development in accordance with Council's requirements.
31. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
32. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 1989 and Regulations thereunder and Council's Food Premises Code.

Prior to Issue of Occupation Certificate

33. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
34. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
35. Landscaping shall be completed in accordance with the approved landscaping plan and shall be maintained in perpetuity by the existing or future owners and occupiers of the property. In this respect a occupational certificate will not be granted on the application until the landscaping is complete.
36. In order to ensure on-site car parking and loading facilities are utilised, exit/ entrance points are to be clearly signposted and visible from both the street and site at all times.

37. The following documentary evidence is to be obtained prior to the issue of any Occupation Certificate, whether by Council or an accredited certifier:

- (a) A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principle Certifying Authority prior to release of the linen plan/occupation of development.

- (b) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Separate documentary evidence from Integral Energy shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

38. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.

Use of the Site

39. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

40. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

41. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.

42. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:

- (a) all vehicles being loaded or unloaded shall stand entirely within the property;
- (b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
- (c) all vehicles associated with the use shall be accommodated within the approved car park on the subject land, to the satisfaction of Council.

43. All waste materials to be stored and disposed of at regular intervals.

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44. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
45. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
46. Submission of all necessary fire safety certificates and statements as required by Part 9 of the Environmental Planning and Assessment Regulations 2000.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 104 Oooo

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ITEM: 105 **Construction of Shed - Lot 32 DP258602, 348 West Portland Road, Sackville**

FILE NUMBER: DA0708/02/EVD/ENK26NAX.V04

Applicant: Mr M Collins and Mrs I Collins
Applicants Rep: As above
Owner: Mr M Collins and Mrs I Collins
Stat. Provisions: Hawkesbury Local Environmental Plan
 Sydney Regional Environmental Plan No. 20 (No. 2-1997)
Area: 10.12ha
Zone: Environmental Protection Scenic 7(d1)
Advertising: 30 July 2002 to 14 August 2002 (initial proposal)
 5 September 2002 to 23 September 2002 (amended proposal)
Date Received: 11 June 2002

Key Issues: Size of shed
 Suitability of site - riverine scene corridor
 Flooding
 Compliance with Rural Sheds Chapter - Hawkesbury DCP 2001

Action: Approval, subject to conditions

REPORT:

Introduction

The applicant seeks approval to erect a farm shed to be used for the storage of farm equipment and machinery, as well as a collection of rare vehicles and other antique items

The matter is being reported to Council because of the size of the shed. The report details the proposal, the current statutory situation and provides an assessment in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The proposal is for the erection of a colourbond steel shed measuring 24m x 12m with a height of 5m at the ridgeline. It will be used for storing farm machinery and equipment, collectable vehicles and other antique machinery. The applicant, in support of the shed size, has provided an indicative list of the items that will be stored in the shed including a number of collectable vehicles, tractor, hole digger, slasher, bed maker, grader, trailers, pushbikes, mowers, tools, benches, boat and cattle feed. Some of these items are antique.

The shed will be located on a cleared, level area of land located on a ridgeline approximately 300 metres east of West Portland Road, 70 metres from the Hawkesbury River to the west and 20 metres from the southern boundary of the property. The property has an area of 10.12 Hectares and contains a small wetland, approximately 150 metres west from the proposed shed. The property also shares a dam

with the adjoining property to the north. A two storey brick dwelling is situated approximately 70m to the north of the proposed shed. The rear building line of the shed will be aligned with the rear building line of this dwelling. The proposal is located in an area classified as Regional Scenic Significance by the Hawkesbury Nepean Scenic Quality Study 1996 and requires consideration of the planning considerations and development controls of SREP 20.

The property is currently used to graze cattle and is mostly cleared of vegetation, containing some scattered trees. Its southern boundary is lined with deciduous trees (liquid ambers) and further trees are located at the rear of the property which helps to provide screening from view across the river. The applicant has proposed to plant trees and gardens around the shed to further help screen the shed from adjoining properties.

Background

The application originally proposed a shed measuring 648sqm (36m x 18m) with a height of 6.387m. Council officers considered the bulk, height and scale to be excessive as it would:

- dominate the landscape and would be inconsistent with the established character of the locality;
- have an unacceptable impact on the visual quality of the area;
- not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D, Chapter 8 - 'Erection of Rural Sheds';
- be inconsistent with objectives (a) and (b) of the 7(d1) Environment Protection zone contained within Hawkesbury Local Environmental Plan 1989; and
- be inconsistent with the planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.

In response to the above issues and matters raised by submissions, the applicant amended their application to reduce the size and scale of the shed to what is now being proposed.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The property is zoned Environmental Protection Scenic 7(d1) under Hawkesbury Local environmental Plan 1989. The development is permissible with consent in this zone.

Hawkesbury Development Control Plan - Rural Shed Chapter

The aim of this policy is to enable the erection of sheds on rural properties in a manner which complements the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

The table below assesses the rural shed against the controls contained in the DCP.

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Design Principles	The Proposal	Compliance
Siting Cut and fill shall be limited to 2m of cut and 900mm of fill	Shed is to be installed on existing level area. Only minor levelling of this area is required.	Yes
Sheds shall be located no closer to the road than the existing dwelling house.	The proposed shed is located closer to the road than the existing dwelling house.	No It is considered that a variation to this standard is appropriate in this circumstance. The shed will be located a significant distance (300m) from West Portland Road and visual impacts will be negligible. The shed will be located in line with the existing dwelling on the property and will not be visually prominent.
Sheds are not to be erected on land which has a slope in excess of 10%	The slope of the site does not exceed 10%.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	No removal of any trees, shrubs, landscaping and native vegetation will result from the proposal	Yes
Size In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150m ² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	The property is zoned Environmental Protection (Scenic) 7(d1). The area of the shed is 288 m ² . The size of the shed is justified in relation to its use and the landuse. The applicant has provided an indicative inventory of items to be stored in the shed and this is considered consistent with the proposed size. Any consent will be conditioned so that landscaping is undertaken to minimise any visual impacts.	Yes (justification considered to be satisfactory)
Height In the 7(d1) zone, the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.	Shed height is 5m at the ridgeline	Yes
Form Rural sheds with standard roof form will be limited to rectangular shapes	The proposed shed is rectangular in shape (24m x 12m)	Yes

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Design Principles	The Proposal	Compliance
Colour The colour of a rural shed will match or blend in with those of existing buildings.	The colour of the proposed shed is 'Mist Green' for the roof and walls. This will blend in with the existing buildings on the property.	Yes
Type of Building Materials Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective.	The building materials are new, prepainted and non-reflective.	Yes
Landscaping Plantings are to be a mix of trees, shrubs and ground cover. Trees shall include species that at maturity have a height above the ridgeline of the shed. Shrub mass shall provide adequate screening. Plants endemic to the area are to be chosen.	Existing tree cover is considered to be inadequate to shield the shed from adjoining properties, properties across the river and from West Portland Road. The applicant has indicated that trees and gardens will be planted to shield views to the shed, however it is considered that more comprehensive landscaping will be required.	Yes A condition has been imposed requiring a landscaping plan prior to issue of construction certificate. This plan must comply with the requirements of Hawkesbury DCP 2001.

Sydney Regional Environmental Plan No. 20 (No.2 - 1997)

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The subject land is situated within a scenic corridor of regional significance identified by SREP No. 20. Clauses 6(7) and 11(16) of the Plan apply to the proposal and have been considered as follows:

Clause 6(7) -General Planning Considerations - Riverine Scenic Quality

- The proposal is consistent with the landscape character as described in the *Hawkesbury Nepean Scenic Quality Study 1996*
- The proposal will not impact upon any areas of extensive, prominent or significant vegetation.
- The siting, setback, orientation, size, bulk and scale of the shed will not impact on the riverine scenic quality of the area.
- Existing vegetation will be retained and landscaping will minimise any impacts to the scenic quality of the area.

Clause 11(16) - Development Controls - Land uses in riverine scenic areas

- The proposal will not be visually obtrusive. Matters such as siting, colours and materials have been taken into account in the assessment of this proposal (see DCP Criteria Table)
- The development will not damage the banks of the river or creeks
- The development is adequately set back from the river
- Conditions of consent will protect the scenic character of the area, particular in relation to landscaping to minimise visual impacts.

SREP 20 Assessment Conclusion

The proposal is consistent with the relevant provisions of SREP No. 20.

Community Consultation

The proposal was initially placed on public exhibition in accordance with the provisions of Hawkesbury Development Control Plan for the period 30 July 2002 to 14 August 2002. Four submissions were received and the following issues were raised:

- The bulk, scale and size of the shed is excessive for the site, especially in relation to its location within a riverine scenic corridor
- The shed will be visually prominent and dominate the landscape
- The potential impacts of the proposal on the wetland on the site
- The impacts of flooding and whether measures will be taken to minimise flooding impacts
- The location of the proposal within a floodway
- Submitted plans do not provide an indication of ground levels to Australian Height Datum
- Insufficient justification for the size and height of the shed
- Proposed landscaping is inadequate
- Proposal does not comply with Hawkesbury DCP

In response to the above concerns, the applicant amended their application to reduce the size of the shed from 648sqm to 288sqm, and reduced the height from 6.387m to 5m.

The amended plans were publicly exhibited in accordance with the provisions of Hawkesbury Development Control Plan for the period 5 to 23 September 2002. Two submissions were received and the following issues were raised:

- The position of the shed is inappropriate and will interfere with the rural landscape. Therefore alternative positions should be considered.
- That an assessment is made of the impact of flooding upon the site.
- That an assessment is made of the potential impact upon the scenic environmental quality of the Hawkesbury Nepean River.
- That an assessment is made regarding the provisions of SREP No. 20 - Hawkesbury Nepean River

All relevant matters raised by respondents during both notification periods are addressed in the planning assessment below.

Planning Assessment

The following are the major issues of concern relating to the matters for consideration under Section 79C of the EP&A Act 1979.

Environmental Impacts/Suitability of the Site (also raised by respondents)

It is considered that the shed will have minimal impacts on the scenic qualities of the site and will blend with the environmental scenic character of the locality. Its bulk and scale is not considered excessive and is similar to a shed located on the adjoining property to the north and other sheds in the locality. It will be screened by landscaping to minimise any visual impacts to adjoining neighbours, properties across the river and on West Portland Road. The proposed site is also considered to be suitable because it will be located on land that is the least susceptible to the impacts of flooding, being the highest land on the property. The site is within a major bush fire risk area, however the nature of the risk does not make the site unsuitable for the proposed development.

The proposed colour (mist green) will blend in with the surrounding environment and appropriate landscaping (refer to condition 4.) will further help minimise any potential visual impacts. The proposal is compatible with adjoining landuses and is suited to the applicant's storage requirements and the use of the property for cattle grazing. The shed is adequately set back from the river and will not have any impacts on the wetland located on the property due to its distance from the wetland.

The subject property falls within 'Landscape Unit 4.1.1 Grono's Point to Lower Portland' in the *Hawkesbury Nepean Scenic Quality Study 1996*. The study suggests that the size and mass of new buildings visible from the river in this Landscape Unit is restricted to minimise impacts upon the scenic environmental quality of the area. It is considered that appropriate measures have been taken to restrict the size and mass of the proposed shed and that there will be minimal impacts on scenic environmental quality.

Flooding (also raised by respondents)

The *Australian Water and Coastal Studies (AWACS) Lower Hawkesbury River Flood Study 1997*, nominate the 1 in 100 (1%) flood level for the property is likely to be 12.4 metres and the 1 in 20 (5%) flood level is likely to be 9.5 metres. The AWACS model suggests that the approximate average water velocity in this area during a 1% flood level incident is 1.5 metres per second and 1 metre per second during a 5% flood incident. The applicant has provided survey information that indicates that the shed is to be constructed on land with a level of approximately 10m AHD.

The matter has been discussed with Council's engineers who consider that these velocities will have minimal structural impact on the shed if appropriately constructed. A condition has been imposed ensuring that the shed will be constructed to withstand the impact of flood velocities likely to occur within the 1% and 5% range. This is consistent with advice received from the Department of Land and Water Conservation, stating that any structure built on the site will need to be specifically designed to resist flood water velocities.

Concern was raised regarding whether the property falls within a 'floodway' and whether this will have any structural impacts on the shed. Floodways are defined by the Floodplain Management Manual 2001(prepared by the New South Wales Government in support of the NSW Flood Prone Land Policy) as

"...those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas. They are often, but not necessarily, areas with deeper flow or areas where higher velocities occur."

Determining a floodway under the *Floodplain Management Manual 2001* is part of the process of preparing a floodplain risk management plan. Such a plan has not been prepared, and in the absence of this it cannot currently be stated that the proposal will be located within a floodway. In any case, according to the *Floodplain Management Manual 2001*, hydraulic categories such as floodway are:

"...not to be used for the assessment of development proposals on an isolated or individual basis. Such ad-hoc analysis does not take into account the cumulative impact of gradual ongoing development over time..."

As a result, in the absence of a clearly defined floodway for the area, and that such a category is an inappropriate tool to be used for the assessment of individual developments, it is considered that the existing flooding characteristics do not make this site unsuitable for the proposed shed providing appropriate measures are taken to ensure the shed can withstand known potential flood velocities.

Conclusion

The proposed shed exceeds 150 m² and therefore requires justification under the terms of Hawkesbury Development Control Plan. The applicant's justification for the size and height of the shed is considered satisfactory in relation to their storage requirements, the siting of the shed and measures taken to minimise any visual impacts. The shed will have minimal impacts on the scenic environmental quality of the Hawkesbury-Nepean River and the proposed location is suitable in relation to the local flooding characteristics.

It is considered that the site is suitable for the proposed shed and the matters raised during the notification period do not warrant refusal of the application.

RECOMMENDATION:

That the application for the purpose of a rural shed be approved subject the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. DA0708/02 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. No excavation or site works shall be commenced prior to the issue of the construction certificate.

Prior to Issue of Construction Certificate

4. A landscaping plan is to be submitted to council demonstrating that adequate measures have been taken to screen the shed from adjoining properties, properties on West Portland Road and properties across the Hawkesbury River. Plantings are to be a mix of trees, shrubs and ground cover that are endemic to the area and shall include species that at maturity have a height above the ridgeline of the shed.
5. Engineering details are to be submitted to Council demonstrating that the shed will be constructed of flood compatible materials and is able to withstand the impacts of the likely flood velocities up to the 1 in 100 year flood event being 1.5m per second.

Prior to Commencement of Works

6. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
7. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
 - (a) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface;

During Construction

8. All building work must be carried out in accordance with provisions of the Building Code of Australia.
9. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) erosion controls, site works and site set out;
 - (b) steel reinforcement;

- (c) on completion of the structure;
 - (d) landscaping.
10. No excavated material, including soil, shall be removed from the site.
11. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
12. No burning of demolition or construction material being carried out on the site.
13. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
14. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
- (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
15. All roofwater shall be drained to the water storage vessel/s.
16. The storm water (including over flow from the water storage vessel/s) shall be drained to an absorption trench complete with 600mm plastic high dome void former, minimum length 1.8m plus 1m per 10m of guttering. The high dome to be covered with minimum 100mm of aggregate. Such trenches shall be located a minimum of 4m clear of any building/vessel/allotment boundary.

The Use of the Site

17. All waste materials to be stored and disposed of at regular intervals.
18. The shed shall not be used or adapted for use for human habitation, or for commercial or industrial purposes, without the approval of council.

ATTACHMENTS:

- AT-1** Locality Plan
AT-2 Site Plan
AT-3 Elevations

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Locality Plan

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Site Plans

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Elevations

oooO END OF ITEM 105 Oooo

ITEM: 106 **Draft Local Environmental Plan 8/98 - Draft Amendment 108.
Implementation of the Hawkesbury Sustainable Development
Agriculture Development Strategy**

FILE NUMBER: LEP 8/98/EVD/ENK26NBX.V08

REPORT:

Introduction

As Council is aware draft amendment 108 to Hawkesbury Local Environmental Plan 1989 recently completed a three month exhibition period. The Hawkesbury Sustainable Agricultural Development Strategy (HSADS) Committee met on 13 November 2002 to consider the submissions received and to discuss how to proceed with the draft local environmental plan. The minutes of the Committee meeting will be report to the next Ordinary Meeting of Council.

Submissions

Approximately 40 submissions were received in relation to the draft plan and the issues are summarised as follows:

- Limits land for agriculture
- Takes the rural out of rural living
- Increase the chance of loss of land from agriculture
- Increases the potential for subdivision
- Definitions of intensive agriculture
- Loss of income generated from agriculture
- Threatens Hawkesbury Harvest
- Existing operations in proposed rural living zones
- Does not protect existing farmers enough
- Definitions of intensive agriculture and agriculture unclear
- Definitions should be contained in Local Environmental Plan
- Legislation incomplete re Development Control Plan
- Not enough community consultation
- Lack of environmental protection in zone objectives
- No protection for animal breeding from more intensive uses such as market gardens or poultry farms.
- Rural living and mixed agriculture not appropriate for small lots eg Creek Ridge Road
- Should be an appropriate zone for offensive and intensive industries
- Consider needs of all ratepayers, not just farming minority
- No provision of protection of threatened species
- Conflicts with State Environmental Planning Policy No. 1 (Development Standards
- Agriculture will be pushed onto unfertile land
- More land uses should be prohibited from rural living zone (Windsor downs)
- More land being zoned as rural living.
- Need a consistent approach to zones ie mix of zones around Kurrajong and Kurmond.

There were also a number of rezoning requests in relation to the following areas/properties:

- Prestonville, Clarendon (commercial)
- Ebenezer village (rural village)
- Horans Lane (rural living)
- Freemans Reach (rural village)
- Rowland Ave, Kurmond (residential)
- Inverary Drive, Kurmond (subdivision)
- Jordan Ave, Glossodia (subdivision)
- Gadds Lane, Kurmond (rural living)
- Vineyard (residential)

Comment

The submissions generally fall within four key areas and each of these are dealt with below.

1. *Protection of agriculture.*

Submissions suggested that the draft plan either went too far in protecting agriculture or not far enough.

2. *Removal of Intensive Agriculture in the Rural Living Zones and definitions.*

One of the intentions of HSADS and subsequent amendments to Hawkesbury Local Environmental Plan 1989 was to encourage new agricultural activities to locate in appropriate zones. The desired result being to limit rural land use conflict and provide some security of tenure for agricultural activities. It was recognised by continuing to allow new activities in the Rural 1(c) and 1(c1) zones, which essentially provided for a "rural residential style of living" may create difficult situations for farmers, residents and Council due to increased complaints about conflicting land uses.

Conversely, when prospective purchasers are looking for a rural style of living, rather than full agricultural use, they would be encouraged to locate in the proposed Rural Living zones as opposed to the Mixed Agriculture zones. The proposed removal of zone numbers with zone names has already had the effect of making this clearer when advising to prospective purchasers through planning certificates and general enquiries.

Since HSADS was completed, Hawkesbury Harvest and the Farmgate Trail have been established and to a large extent contribute to the original aims of HSADS. However, prohibiting intensive agriculture in the proposed Rural Living zones conflicts with the aims of Hawkesbury Harvest. This issue is inextricably linked to the definitions of intensive agriculture and agriculture as some Harvest members/activities may be defined as intensive agriculture and therefore become a prohibited land use.

Furthermore, many submissions indicated concern about the definitions of intensive agriculture and agriculture as this is the determining factor for their particular land use requiring development consent or not under the draft plan.

The HSADS committee discussed this conundrum and considered that the best way to overcome this is to amend the draft amendment 108 to continue to allow intensive agriculture, with development consent in the Rural Living zones, agriculture without the consent and amend the definitions agriculture and intensive agriculture.

Any new activities or extensions to existing operations would be tested against the new zone objectives which are much rigorous than the current objectives. The amendments to definitions would include exclusions for uses that are used for the personal consumption or enjoyment of the occupier.

Amending the plan in this manner will also have the effect of not creating "existing use rights" within the proposed Rural Living zones.

4. *Environmental issues*

Several submissions suggested that the existing Environmental Protection zones would be compromised by encouraging agricultural activities within these zones. Furthermore, the zones objectives do not contain enough environmental protection in relation to water quality, threatened species or scenic quality.

It is important to note that intensive agriculture and agriculture are currently allowable land uses with the Environmental Protection zones under the provision of HLEP 1989. Draft amendment 108 does not alter this situation.

HLEP 1989 currently contains some five or six objectives for the Environmental Protection zones 7(d1) and 7(d) respectively. Whilst these objectives still allow for the proper assessment of development applications, they are somewhat outdated and general. The proposed new zone objectives are much clearer in their intentions, particularly in relation to ensuring agricultural activities occur in a sustainable manner and not having a significant impact on water catchments, land surface conditions and ecosystems. The new objectives for the Environmental Protection-Agriculture Protection and Environment Protection-Mixed Agriculture contain 10-12 new zone objectives.

The HSADS Committee discussed this matter in detail and it was agreed that the "environmental objectives" be placed first on the list of objectives. However it was also agreed that all the objectives have equal weight although the amendment cannot be drafted in this manner.

It is noted that the Environmental Protection 7(d) zone remains for the Blue Mountains Eastern Escarpment area including Yarramundi, Bowen Mountain and Kurrajong Heights.

5. *Rezoning requests*

As indicated above a number of rezoning requests were lodged during the exhibition period. Council has consistently resolved that this plan was not about providing additional land for subdivision and this has been made clear throughout the community consultation. The requests for rezoning will be the subject of a separate detailed report to Council and not a decision for the HSADS Committee.

Errors in Mapping

Some anomalies currently existing along the boundary of residential and rural zones, specifically at Kallawatta Grove and Ivy Avenue, McGraths Hill. A drafting error also occurred at the boundary of Sheets 1 and 3 of the draft amendment maps. It is appropriate to correct these errors for the re-exhibition of the draft plan.

Conclusion

It is clear that the draft amendment requires changing to better provide for existing and future agricultural land uses. These changes are as follows:

1. Allow intensive agriculture in rural living zones with development consent.
2. Testing new proposals under new zone objectives.
3. Allow agriculture in the rural living zone without development consent.
4. Amend definitions of intensive agriculture and agriculture.

Complimenting draft amendment 108 will be the new chapter in the Hawkesbury Development Control Plan currently under preparation.

It is therefore recommended that draft amendment 108 be amended to incorporate the above changes and be re-exhibited for a period of 28 days. Furthermore, the re-exhibition of draft amendment 108 should happen concurrently with the new chapter in the Hawkesbury DCP for Intensive Agriculture.

The issues raised in the submissions to date may or may not be covered by the proposed amendments. All submissions will be reconsidered following the second exhibition of the draft local environmental plan and respondents will also have an opportunity to make a new submission.

RECOMMENDATION:

That

1. The Draft Local Environmental Plan 8/98 (Amendment 108) be amended to allow intensive agriculture in the Rural Living zones with development consent and agriculture in the rural living zones without development consent.
2. The Draft Local Environmental Plan 8/98 (Amendment 108) be amended to change the definitions of agriculture and intensive agriculture.
3. The amended Draft Local Environmental Plan 8/98 (Amendment 108) be re-exhibited.
4. The Draft Local Environmental Plan 8/98 (Amendment 108) and the Development Control Plan be exhibited concurrently.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 106 Oooo

ITEM: 107 **Community Title Subdivision - Lot 1 DP 553099, Lot 2 DP 235998, Lot 8 DP 224561, Lot 1 DP 441814 and Lot 9 DP 221443 Greggs Road and Patterson Lane, Kurrajong**

FILE NUMBER: MA1001/00/EVD/ENK26NBX.V07

PREVIOUS ITEM: 22, GPC Section 1 - Environment (26.03.2002)

REPORT:

The application proposed 15 (fifteen) community title lots. The matter was considered at the General Purpose Committee meeting on 26 March 2002 and approved by Council at its Ordinary Meeting of 9 April 2002.

Condition 23 required the completion of all intersection improvement works as outlined in the Traffic Impact Assessment prepared by Christopher Halam and Associates. In respect to the intersection of Pattersons Lane and Grose Vale Road, the report recommended the following works:

- The intersection be reconstructed with the widening and realignment to improve the intersection safety. The widening involved the demolition of a cottage on the western side of Grose Vale Road Council owns this property (purchased for road widening). The cottage has now been demolished. The plan for the works is attached to the report.

Negotiations have occurred involving Council officers and the applicant and their representative in respect to the intersection works. As a result it is now proposed to construct a roundabout at the intersection instead of the initial design. The roundabout construction is considered to be a better option as it will provide a safer intersection for the residents of Patterson Lane and also help reduce the speed of vehicles along this section of Grose Vale Road. The plan for the roundabout is attached to the report.

In order to formalise the new intersection arrangement a modification to the Development Consent under Section 96 of the Environmental Planning and Assessment Act is required.

The initial application was considered and determined by Council. However, given that Council will not meet again until January 2003 and the applicant wishes to commence construction of the intersection works, the Section 96 must be submitted for the modification. It is considered appropriate that the S96 application be determined under delegated authority.

RECOMMENDATION:

That the S96 application to modify the intersection works at Patterson Lane and Grose Vale Road be considered under delegated authority.

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ATTACHMENTS:

AT-1 Approved Intersection Works

AT-2 Proposed Roundabout

Approved Intersection Works

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Proposed Roundabout.

oooO END OF ITEM 107 Oooo

ITEM: 108 **Proposed Modification to Development Consent - 481 Creek Ridge Road, Glossodia**

FILE NUMBER: MA1375/99/EVD/ENK26NCX.V05

PREVIOUS ITEM: 53, GPC Section 1 - Environment (25.06.2002)

PREVIOUS ITEM: 94, GPC Section 1 - Environment (24.09.2002)

PREVIOUS ITEM: 101, GPC Section 1 - Environment (22.10.2002)

REPORT:

At the Ordinary Meeting of 9 July 2002 Council resolved to defer this matter to the next General Purpose Committee after discussions had taken place with the applicant.

A meeting was held with the applicant and their solicitor on 31 July 2002 and further submissions have been made by and on behalf of the applicant.

A meeting has been held with the respondents to allow them the opportunity to review the additional information. At this meeting a list of 23 questions were tabled and a response has been provided. A copy of the response, which includes the questions, is attached to the report as Appendix 'AT2'.

The application for the new shed (MA1471/01) is also included in this agenda.

The report to the General Purpose Committee of 25 June 2002 has been distributed separately. The following provides updated information on two of the modification requests. This report must be read in conjunction with the previous report of 25 June 2002.

Modification A - Development site

Council had previously received legal advice on another matter relating to what makes a proposal substantially the same development. The advice suggested that changes of this nature (amending the development site) require a new development application so that any environmental impacts can be assessed in the proper manner.

The applicant's solicitor has provided legal advice that suggests, based on rulings in the Land and Environment Court, the matter can be considered under Section 96 of the Environmental Planning and Assessment Act (Modification to Development Consent). The matter was referred to Council's solicitors for further advice on the matter.

Council's solicitors have indicated that the modification to the development site can be considered under Section 96 of the EPA Act.

The applicant has now amended the site plan and development site area by increasing the setback for the proposed extension from 10m to 20m which is consistent with the approved setback to the east of the proposed development area extension.

The amended plans now also reduce the development area by 6m along the northern boundary which has an area of 1420 square metres and extends the development area in the south west corner by 1400 square metres.

The justification for the amendment to the development area is to enable the construction of a new shed (MA1471/01). The amended development area is not increased but results in a reduction of 20 square metres.

The setback distance of 20m is consistent with the approved setback to the east along the southern boundary. The location and siting of the poultry sheds will not change. Any additional impact caused by the amended development area is not considered to be significant.

The amended site plan is attached as Appendix 'AT3'.

Modification B - Hours of Operation

A further noise report was submitted by the applicant to support the variation. The report has been considered, however, no additional evidence has been provided which would allay Council officers' previous concerns as outlined in the report to the General Purpose Committee Meeting dated 25 June 2002.

Conclusion

The applicant has now amended the site plan and development site to increase the setback to 20m. The amended development area setback of 20m is consistent with the approved setback to the east along the southern boundary. Any additional impact caused by the amended development area is not considered to be significant. Legal advice has confirmed that this can be dealt with as a modification to the consent.

The additional noise report for the night time collections of birds has not provided any additional evidence to alter Council officers previous concerns in respect to this matter.

RECOMMENDATION:

That:

1. Modification A to alter the development site be approved.
2. Modification B to alter the hours of operation for bird pick up be refused.
3. Modification C to include solid insulated panelled side walls be approved and delete condition 47(a).
4. Modification D to remove the requirement of static filters be approved and delete condition 51(b).
5. Modification E not be altered as the condition can be achieved with clay floors.

6. Modification F to install eight (8) fans with (6) fans operating at one time be approved subject to the following additional condition:

"37A. Written verification is required by a suitably qualified person that the wiring in relation to the fans are undertaken in such a manner that only six fans can only operate at any one time."

7. Modification G to alter the staging of the development be refused.

ATTACHMENTS:

AT-1 Report to General Purpose Committee 25 June 2002 (Distributed separately)

AT-2 Response to 23 questions

AT-3 Amended site plan and development area

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Response to 23 questions

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Response to 23 questions

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Amended Site Plan and Development Area

oooO END OF ITEM 108 Oooo

ITEM: 109 **Development Application for Farm Shed - Lot 4602 DP 1006929, 481 Creek Ridge Road, Glossodia**

FILE NUMBER: MA1471/01/EVD/ENK26NBX.V06

PREVIOUS ITEM: 54, GPC Section 1 - Environment (25.06.2002)

PREVIOUS ITEM: 94, GPC Section 1 - Environment (24.09.2002)

PREVIOUS ITEM: 101, GPC Section 1 - Environment (22.10.2002)

REPORT:

The background to the recent events in respect to the above application are provided in the report on the agenda for the modification to the poultry farm at the above property.

Development Area

The initial concern raised by Council officers related to the shed being located outside the development area for the poultry farm. The application to modify the development area is being considered as a separate matter on this agenda.

The amended development area now proposed by the applicant is considered appropriate and is recommended to be approved.

Siting

The applicant has now amended the location of the shed on the site by increasing the setback to the southern boundary from 11m to 21m and the distance from the front boundary from 97m to 100m. The amended location of the shed is attached as Appendix 'AT1'.

Erection of Farm Shed Development Control Plan

The proposed shed does not comply with the following requirements:

Size

The DCP requires justification to be submitted for sheds that are in excess of 150 square metres and located in Rural 1(a), 1(b), 7(d) and 7(d1) zones. The applicant previously identified the range of equipment and goods that will be stored in the shed.

The site currently contains an existing shed and the applicant has provided further justification for the size of the proposed shed by indicating the existing shed will be used to store wood shavings.

Council recently has approved other larger sheds that have been associated with an agricultural use of the site.

The site has been approved as a poultry farm and the shed will be partly associated with the farm activities as well as storage of domestic items.

Height

The applicant has provided further justification for the height as the existing shed is over 8 metres to the ridge line and the proposed ridge height of 6.5m will not be the dominant feature.

The DCP allows rural sheds to exceed 5m in zones other than Rural 1(c) and 1(c1) where it can be justified in terms of the use of the shed and the visual impact of the development. The shed is now setback 110m from the front boundary and 20m from the southern boundary which will provide opportunity to provide some planting to screen the shed.

Conclusion

The main reason for Council officers previously not supporting the new shed was that it was located outside the approved development area. The amendment to the development area is being considered as a separate matter on the agenda and is recommended to be approved.

The other matters relating to size and height are justified and Council has recently approved other similar sized sheds where they relate to a legitimate agricultural use of the property. In this regard the proposed shed relates to legitimate agricultural use.

RECOMMENDATION:

That the application for a farm shed be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. MA1471/01 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. No excavation or site works shall be commenced prior to the issue of the construction certificate.

Prior to Issue of Construction Certificate

4. A landscaping plan is to be submitted to council demonstrating that adequate measures have been taken to screen the shed from adjoining properties. Plantings are to be a mix of trees, shrubs and ground cover that are endemic to the area and shall include species that at maturity have a height above the ridgeline of the shed. The species should be selected from those approved with the landscaping plan associated with the poultry farm.

5. Engineering details are to be submitted to Council.

Prior to Commencement of Works

6. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
7. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
- (a) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface;

During Construction

8. All building work must be carried out in accordance with provisions of the Building Code of Australia.
9. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
- (a) erosion controls, site works and site set out;
 - (b) steel reinforcement;
 - (c) on completion of the structure;
 - (d) landscaping.
10. No excavated material, including soil, shall be removed from the site.
11. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
12. No burning of demolition or construction material being carried out on the site.
13. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
14. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
- (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.

15. All roofwater shall be drained to the water storage vessel/s.
16. The storm water (including over flow from the water storage vessel/s) shall be drained to an absorption trench complete with 600mm plastic high dome void former, minimum length 1.8m plus 1m per 10m of guttering. The high dome to be covered with minimum 100mm of aggregate. Such trenches shall be located a minimum of 4m clear of any building/vessel/allotment boundary.

The Use of the Site

17. The shed shall not be used or adapted for use for human habitation, or for commercial or industrial purposes, without the approval of council.

ATTACHMENTS:

AT-1 Amended shed location.

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Item: **109**

Amended Shed Location

oooO END OF ITEM 109 Oooo

ITEM: 110 **La Tosca, Lot 2 DP 876389, No. 6 Bowen Mountain Road, Grose Vale - Court Appeal**

FILE NUMBER: DA0782/02/EVD/ENK26NCX.V03

REPORT:

Introduction

A development application for the demolition of the original house and the construction of a single storey house was refused under delegated authority on 16 August 2002. The property is identified as a local heritage item under Hawkesbury Local Environmental Plan 1989 and is known as La Tosca. The applicant has now lodged an appeal with the Land and Environment Court.

Background

Council received the Development Application on 18 June 2002. The application proposed the demolition of the house known as La Tosca and the construction of a large modern single story house and detached garage. The new house was to be sited in the same location as La Tosca, on a hilltop. La Tosca is a federation building built in 1905 and forms part of the Dunstan Family group of properties.

La Tosca has experienced substantial deterioration in the fabric of the building in recent months. The application was notified, in accordance with the provisions of Hawkesbury Local Environmental Plan 1989 and 15 (fifteen) letters and a number of petitions containing 210 (two hundred and ten) signatures were received objecting to the demolition of La Tosca.

The application did not establish the heritage significance of La Tosca or demonstrate that the proposed development was the most appropriate conservation option for the property. The proposed development is contrary to the principles of heritage conservation and the objectives of Hawkesbury Local Environmental Plan 1989.

The application was refused for the following reasons:

1. The proposed development is inconsistent with the established character of the locality.
2. The proposed development will have an unacceptable impact on the locality in terms of scale, bulk, mass, form and design.
3. The applicant has not demonstrated that demolition of the heritage item is the only solution to development of the land.
4. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
5. The proposed development is inconsistent with the objectives contained within Section 5 (five) of the Environmental Planning and Assessment Act, 1979.

6. In the circumstances, approval of the development would not be in the public interest.

Report

The applicant has lodged an appeal against the decision of Council. Solicitors Abbott Tout have been engaged to represent Council in this matter.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 110 Oooo

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Meeting Date: 26 November, 2002

Item: **111**

ITEM: 111 **Appeal against decision made in the Land and Environment Court -
Unauthorised Advertising Sign at 39 Bosworth Street Richmond**

FILE NUMBER: P255/166/EVD/ENK26NCX.V01

REPORT:

The purpose of this report is to advise Council of a notification received of an appeal brought by the owner of land at 39 Bosworth Street, Richmond against the decision to issue Orders for an unauthorised advertising sign made by the Land and Environment Court on 15 October 2002.

The landowner lodged an appeal on 11 November 2002 in the Supreme Court of New South Wales against the decision made in the Land and Environment Court. Council's Solicitors have been requested to attend where necessary.

The matter will be further reported on completion of the appeal.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 111 Oooo