



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 26 February 2008

location: council chambers

time: 5:00 p.m.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 24 **CP - Modification to Development Consent - Two Storey Dwelling - Lot 25 DP 742749 17 North Street, Windsor - (DA0602/07, BA0007/73, 4791, 102200, 96329, 95498)**

Development Information

Applicant: N Billyard
Owner: Mr AF James
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1,366 sqm
Zone: Environmental Protection Mixed Agriculture
Advertising: 9 November 2007 to 23 November 2007
Date Received: 2 October 2007

Key Issues: ♦ Substantial Commencement of Building Approval
 ♦ Loss of views/overshadowing

Recommendation: Approval

REPORT:

Introduction

The applicant seeks to modify BA0007/73 under Section 96 of the EPA Act. Details of the modification are outlined in the report. The application is being reported to Council given the previous history of the site.

Background

The site has an extensive history of various applications for the construction of a two storey dwelling on this property. The following is a brief History:

- 1973 Building application BA0007/73 approved for a dwelling. There are no current plans however Council's Building register indicates that an approval was issued.
- 1974 Amended plans submitted by Huxley homes and approved by Council.
- 1975 Footings were constructed for a dwelling associated with BA0007/73 (no further works were completed)
- 1990 Application to fill lots 2, 3 and 25. Approved lots 2 and 3, refused lot 25
- 1996 Development application for a two storey dwelling was refused by Council.
- 2001 Development application lodged for a two storey dwelling. The application was refused and the applicant appealed against Council's decision in the Land and Environment Court. The appeal was dismissed.
- 2006 A development application was lodged for a Two storey dwelling and subsequently withdrawn.

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Description of Proposal

The Development Application involves a Section 96 application to amend the original design approved under BA0007/73.

The property is rectangular in shape and is located on the corner of Palmer Street and North Street. The front elevation of the dwelling will face Palmer Street.

The footings currently on the site were constructed in 1975 and the applicant has submitted a copy of the original Huxley Homes building plans that align with the footings on the site. The applicant has also submitted information from the Structural Engineers that designed and inspected the footings at the time of construction to verify that the footings were constructed in accordance with an approved plan. As such, the applicant can continue with construction in accordance with the original approved plans as they have established substantial, physical commencement by constructing the footings on site. The applicant would now like to modify the design to incorporate changes in architectural design, energy efficiency and to address issues raised in the previous unsuccessful applications.

The Modifications involves:

- A slight reduction in the roof height of the plans approved for Huxley Homes and a major reduction in roof height of the unsuccessful application in 2001.
- Reduction in the number of first floor windows facing the adjoining property and obscure glass blocks have been incorporated in the design to address issues of privacy. The building will be constructed on the original footings and occupies the original approved footprint.
- Internal modifications to the floor plan.

Plans of the original approved dwelling and amendments are available in the Council Chambers.

Current Approval

It has been satisfactorily established that building approval was issued in 1973 for a dwelling and the plans were amended in 1974. Although the Council file is no longer available, a copy of the two storey dwelling plan prepared by Huxley Homes is available on the current Council file and it corresponds to the footing plan which were constructed in 1975. This information is confirmed in Council's Building Register for 1973-1974.

Public Consultation

The application was placed on public notification and two submissions were received from the owners of 17 and 19 North Street, Windsor.

The submissions raised the following matters:

1. *Overshadowing*

Shadow diagrams were provided with the application. The adjoining property (19 North Street) will be affected by morning shadow (9am) that will fall partly on their dwelling and on their detached garage. It is considered that the amount and extent of shadowing will be acceptable. There is no increase in the shadow impact when compared to the approved plans by Huxley Homes which the owner has substantial commencement and can complete that construction. However, the proposed amended plans would reduce the impact on overshadowing the adjoining property due to the reduced height (approximately 400mm lower roof ridge line) of the amended design.

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2. *Loss of views & depreciation in land value.*

The dwelling on the adjoining property (No. 19) is a single storey with a two storey addition that appears to have been constructed at a later date. The dwelling faces south towards North Street and the addition faces east towards Palmer Street. There will be some loss of view towards Palmer Street. However, it should not be assumed that the adjoining property has a right to a view over an adjoining property, particularly when there is an existing approval for a dwelling on that property. It is considered that the amended plans are in keeping with the original development and would offer a reduced impact than the original plans by Huxley Homes. There will be less impact on privacy as the number of windows to the South West elevation on the first floor have been reduced and the first floor patio has been provided with a timber screen.

There has been no evidence to support a claim of depreciation in land value.

Assessment of Section 96

Section 96 (2)

The amended plans are considered to be substantially the same development approved by Council in 1973. The amended plans occupy the same foot print as the approved plans proposed by Huxley Homes. The development is two storey in nature with an enclosed sub floor and habitable rooms upstairs.

The development has a similar roof design (with a lower roof pitch), floor area and layout to the approved plans prepared by Huxley Homes. Modifications to the external appearance relate to window location, which include glass bricks or obscured glass, and are generally cosmetic.

The application can be considered under Section 96 of the EPA Act.

Planning Assessment

a) The provisions of:

- i) any environmental planning instrument (ie LEPs, REPs & SEPPs).

The subject property is zoned Housing under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are:
Sydney regional Environmental Planning Policy 20.
Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

Comment: The proposed amendment is not inconsistent with the relevant Planning Instruments.

- ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

There are no relevant draft EPI's that affect the land or the proposal.

- iii) any development control plan applying to the land.

The proposed amended development is considered to be consistent with the provisions contained in the Residential Chapter of the Hawkesbury Development Control Plan.

- iv) any matters prescribed by the regulations.

There are no matters discernable that are prescribed by the Regulations that affect the amended development.

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- b) **The likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality (Refer to list of potential matters as a guide. Additional matters may be relevant and should be included).**

The amended development is not considered to be out of character with the surrounding landscape and it is unlikely that the amended development will have any adverse environmental impact on the locality.

- c) **The suitability of the site for the development.**

The site is suitable for the amended development.

- d) **Any submissions made in accordance with the EPA Act or Regulations.**

See the "Public Consultation" section in this report.

- e) **The public interest.**

The matter is not considered to be contrary to the general public interest.

Conclusion

The site has the benefit of an approval for a two storey dwelling which has satisfactorily established physical commencement. The amended plans are substantially the same development as the previous approval.

The amended plans have attempted to reduce the potential impact on the adjoining property in terms of overlooking and loss of views.

The amended plans demonstrate satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no additional environmental impact when compared to the approved plan.

Due to the original building application approval conditions not being available, the age of the approval, and the changed inspection requirements since the original approval was issued, an updated set of approval conditions are proposed with this Section 96 approval.

RECOMMENDATION:

That the Section 96 modification Application DA0602/07 for Lot 25 DP 742749, 17 North Street, Windsor, be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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6. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

Prior to Commence of Work

7. The wind classification for the site has been assessed as Minimum W3N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
10. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
11. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
12. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
13. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
14. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
15. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

16. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
17. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

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18. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
19. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
 - (a) internal sewer or stormwater lines prior to covering;
 - (b) steel reinforcement prior to pouring concrete;
 - (c) external sewer or stormwater lines, prior to backfilling;
 - (d) the first storey floor joists, prior to the fixing of any flooring material;
 - (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 of bath and shower fixtures;
 - (g) on completion of the works;
20. All roofwater shall be drained to the street gutter. Where a ferrule has been provided in the kerb, such drainage shall be connected to it. Drainage across the footpath shall be 100mm sewer grade pipe.
21. Council records indicate that the building site is at a level of approximately 12.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling, deteriorating or affecting the structural integrity of the building.
22. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 16 metres Australian Height Datum shall be obtained prior to placement of concrete.

Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).

The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.
23. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

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Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

24. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.

Prior to Issue of Occupation Certificate

25. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) The type of timber installed indicating both species and durability as required by AS 1684.
 - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
26. Construction of any sewer works are not to commence until three copies of the sewer plans along with a Minor Sewer plans along with a Minor Sewer Works application are submitted to the Branch Manager of Water and Waste Management for assessment and approval.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan and Elevations
- AT - 3** Original Huxley Plans

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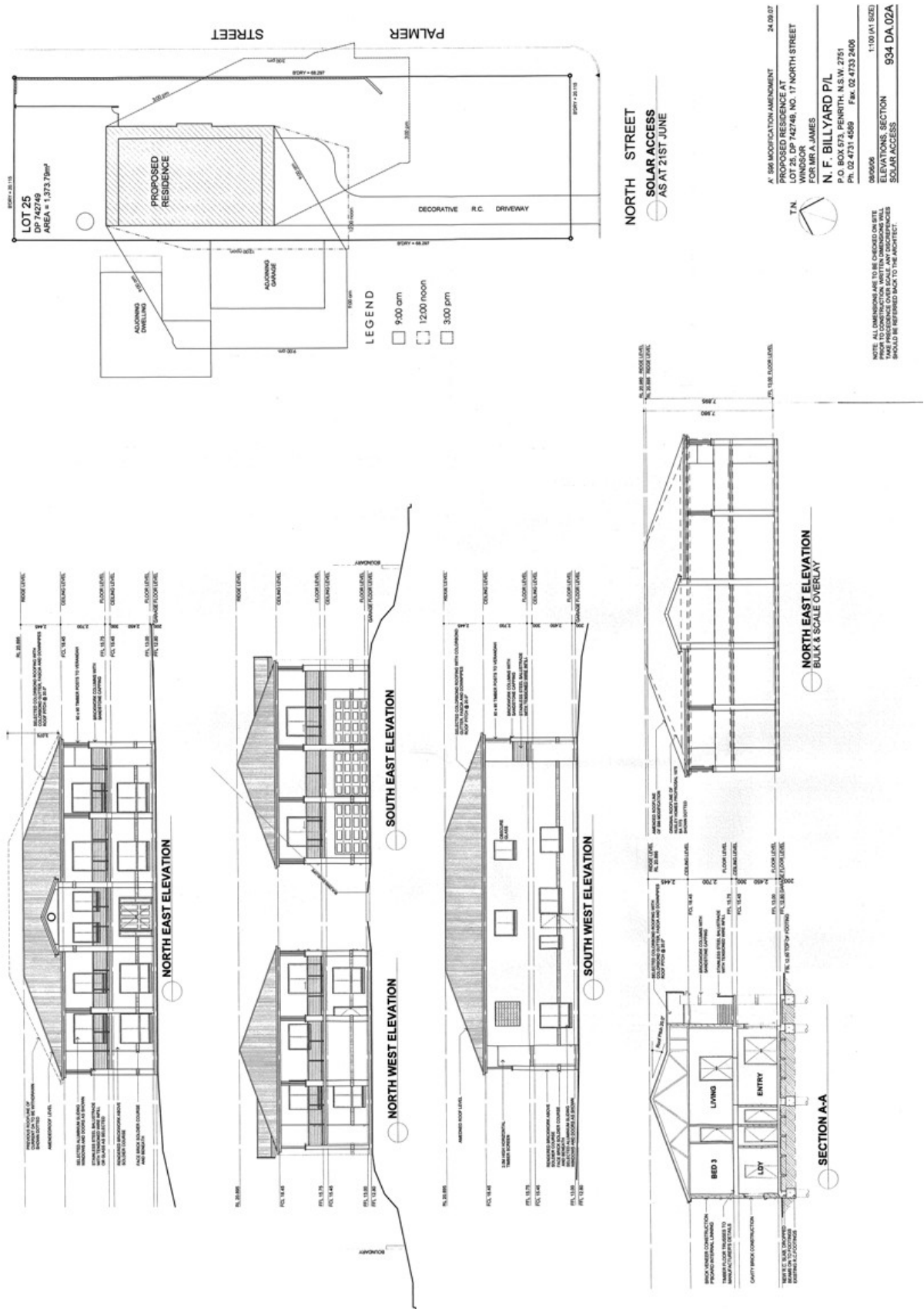
AT - 1 Locality Plan



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AT - 2 Site Plan and Elevations



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Item: 25 **CP - Modification to Development Consent - Advertising Structure - Adjacent to 244 Richmond Road, Clarendon - (DA0556/07A, 107, 74563, 95498)**

Development Information

Applicant: Falson and Associates Pty Ltd
Owner: Hawkesbury City Council
Zone: Unzoned (Road Reserve)
Date Received: 5 September 2007

Recommendation: Approval

REPORT:

Introduction

The application seeks to modify Development Consent GA080/001 Pt4 under S96 of the EPA Act. The application is being reported to Council as it relates to part of the road reserve.

Description of Proposal

The modification involves the following :

Replace the existing advertising structure (3 way sign at the entry to the Hawkesbury Showground and Racecourse) with a new structure.

The current approved advertising sign involves a 3 wing structure with each panel having an advertising area of 3.6m x1.2m and a height of 3.3m.

The approved sign advertised the Hawkesbury Agricultural Society and the Hawkesbury Race Club motel.

The amended sign involves a pylon sign with 2 sides that will replace the existing structure.

The amended sign has a height of 5.2m and a width of 2.463m down to 1.140m.

The sign will advertise the motel, the next race meeting and the Hawkesbury Agricultural Society and the Hawkesbury Show.

Attached to the report are details of the proposed sign.

Background

Development Application for the existing advertising structure was lodged in April 1998. The sign structure is a "V" shaped sign to notify the up coming events held at the showground. The application was approved on the 3 July 1998

Planning Assessment

Section 96

Sec96(1A)

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The proposed new sign is considered to be substantially the same sign approved. While the dimensions have slightly increased from a height of 3.3 to 5.2m (increase 1.9m) The total advertising area has increased from 12.96sqm (3 sign faces at 4.32sqm) to 17.4sqm (both faces).

The proposed development does not require notification under the Notification chapter of the Hawkesbury DCP. The proposed sign will have a minor impact on the surrounding area when compared to the other pylon signs associated with the hotel and service station that are adjacent to the proposed sign. The sign will provide information and direction to the public for the Hawkesbury Agricultural Society, Hawkesbury Race Club meetings.

State Environmental Planning Policy (SEPP) 64

This Policy aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish. It also aims to regulate signage (but not content) under Part 4 of the EP&A Act and to provide time-limited consents for the display of certain advertisements.

The sign is a business identification sign, which is defined under SEPP 64.

Schedule 1 to the Plan provides the 'assessment criteria' that needs to be considered for an application for signs:

Character of the area

The signage is compatible with the existing character of the area. The signage is compatible with advertising in the vicinity.

Special areas

It is considered that the proposed advertisements will not detract from the amenity or visual quality of the locality

Views and vistas

The proposal does not obscure or compromise important views. The proposal does not dominate the skyline or reduce the quality of vistas. The proposal respects the viewing rights of other advertisers.

Streetscape, setting or landscape

The scale, proportion and form of the proposal is appropriate for the streetscape and setting. The proposal does not deter from the visual interest of the streetscape. The sign will not protrude above buildings, structures or tree canopies in the area.

Site and building

The proposal is compatible with the scale, proportion and other characteristics of the existing building.

Illumination

The proposed internal illumination will not result in any problems and suitable conditions have been imposed.

Safety

The proposed signage will not reduce safety.

Conclusion

The proposed signage is consistent with the objectives of the Policy as set out in clause 3(1)(a) and the application satisfies the assessment criteria specified in Schedule 1 to the Plan.

Signage DCP Chapter

The current sign is not consistent with the requirements for signs in Scenic and rural zones, however given the adjoining commercial developments and the existing approved signage, the industrial commercial requirements are appropriate in this case and the proposed amended development complies with the DCP objectives.

Conclusion

The proposed modification can be considered under S96 of the EPA act and complies with the relevant requirements of SEPP 64 and is consistent with the surrounding commercial advertising structures.

RECOMMENDATION:

That modification application DA0556/07A for an Advertising Structure on the road reserve adjacent to 244 Richmond Road, Clarendon, be approved subject to the following additional conditions:

1. A qualified structural engineer's design for the footings of the sign shall be provided to the Principal Certifying Authority prior to works commencing on the sign.
2. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) piers;
 - (b) foundations;
 - (c) on completion of the works;
3. No additional advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
 4. No additional advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
 5. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
 6. Any outdoor lighting design shall comply with the requirements of Part 5 Chapter 7 of Australian Defence Force Publication 602 "Extraneous Lighting Near Aerodromes" and Section 9.21 of Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes. Details demonstrating compliance are to be submitted with the Construction Certificate application.
 7. Luminaries with no upward light component (eg aeroscreen type) are to be used for any outdoor lighting.
 8. Outdoor lighting installations complying with Part 5 Chapter 7 of ADFP-602 and Section 9.21 of MOS 139 will in most instances be acceptable having regard to aircraft operations. The suitability for aircraft operations of any lighting installation will be subject to both ground and flight survey (inclusive of ATC Tower). Should the installation at the time of survey, or at any future period, be

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considered detrimental to the safety of aircraft operations the Department of Defence or CASA may require the lighting to be extinguished or suitably modified so as to eliminate such concern.

9. Illumination of the proposed sign is not to adversely affect adjoining residential properties or impact traffic movements. In this respect, illumination is not be flashing or result in continuous change that will adversely impact traffic movement safety.
10. Illumination of the sign is to cease at 12 midnight.

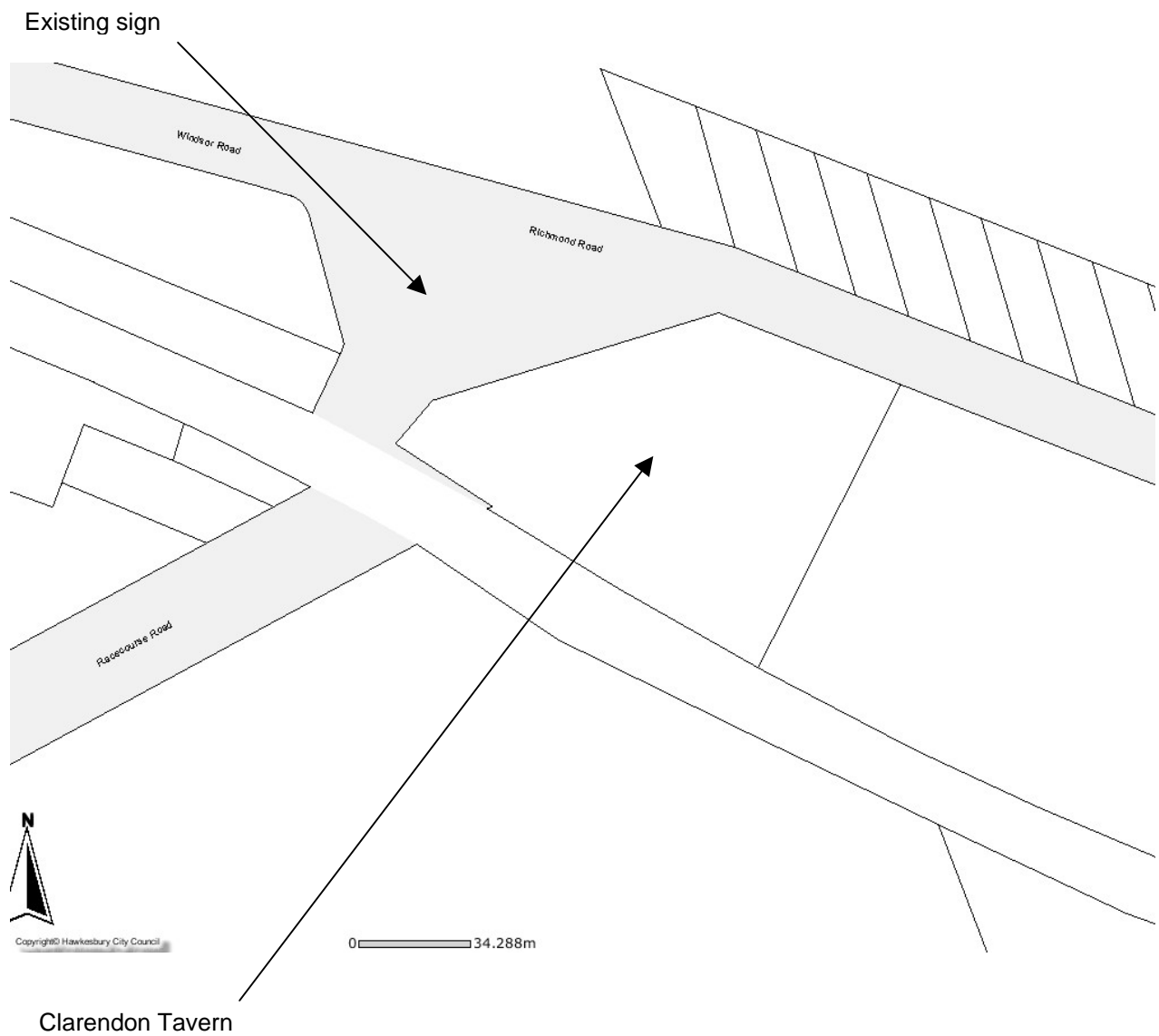
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Amended Advertising Structure
- AT - 3 Photo of the Existing and Proposed Advertising Structure

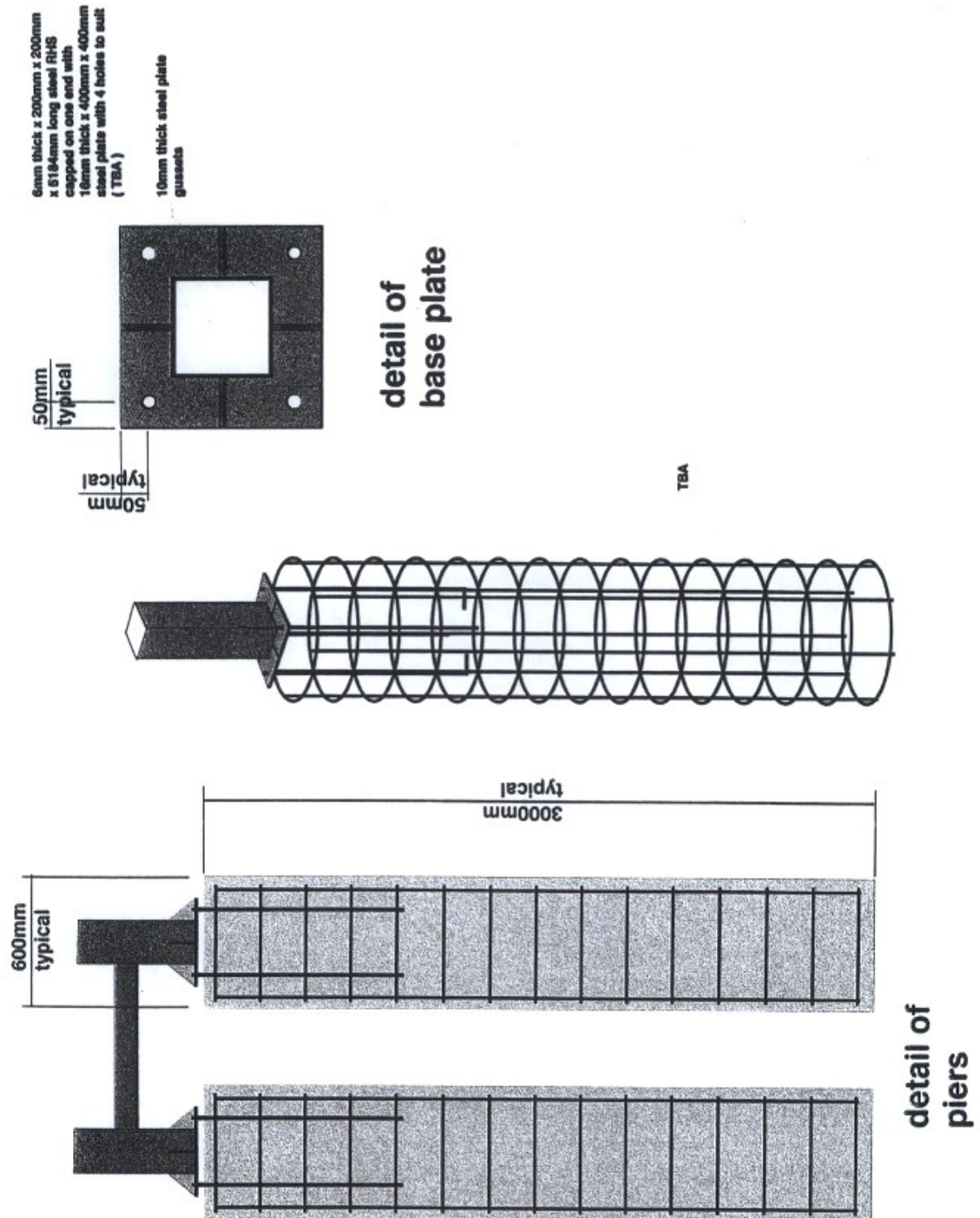
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AT - 1 Locality Plan



AT - 2 Amended Advertising Structure

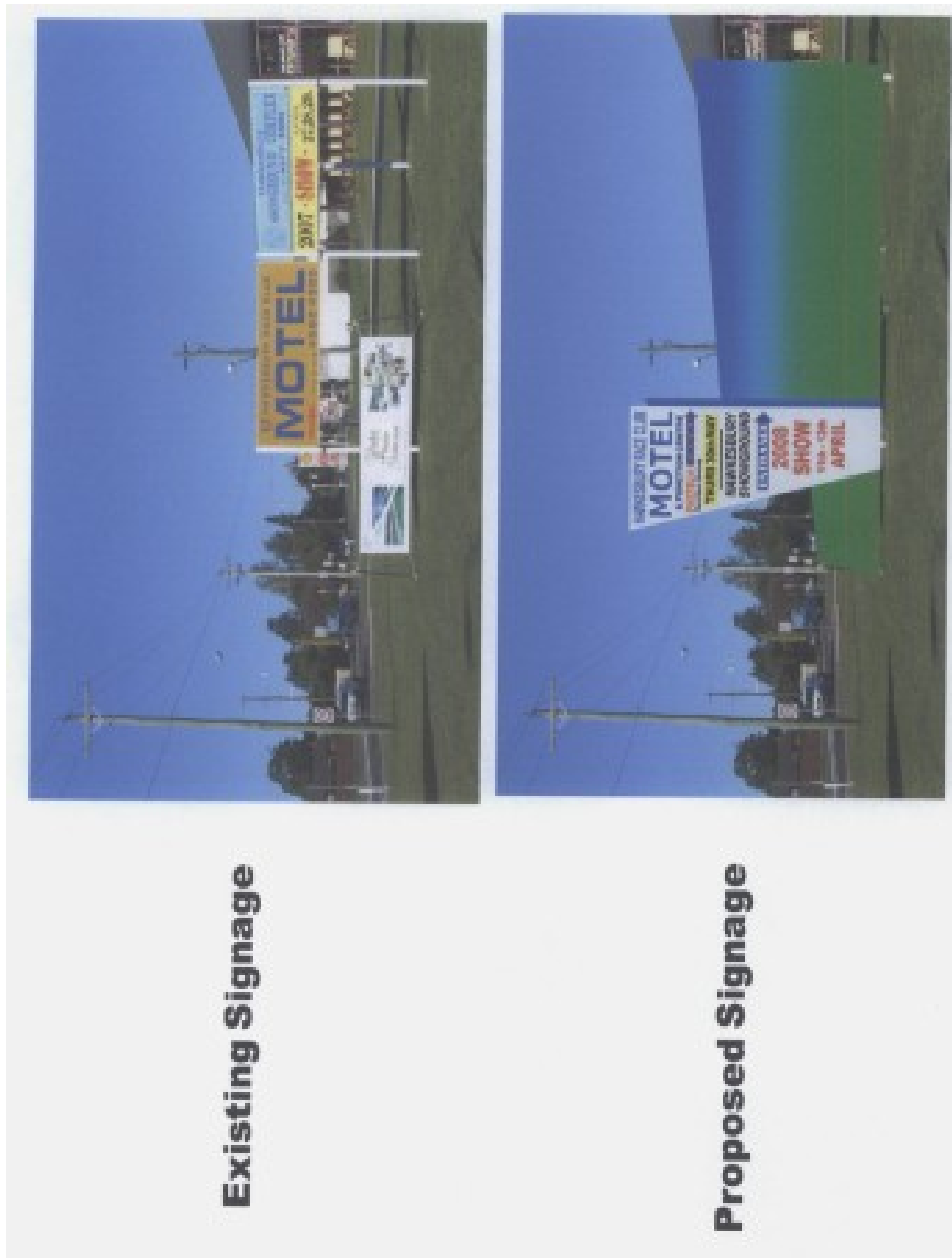




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AT - 3 Photo of the Existing and Proposed Advertising Structure



oooO END OF REPORT Oooo

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Item: 26 **CP - Development Application - Two Lot Torrens Title Subdivision - 139 Colonial Drive, Bligh Park - (DA0398/07, 73916, 107, 95498)**

Development Information

Applicant: McKinlay Morgan & Associates Pty Ltd
Owner: Hawkesbury City Council
Zone: 3(a) Business General
 3(a) Business General under Hawkesbury Local Environmental Plan 1989
Advertising: 3 August 2007 to 17 August 2007
Date Received: 16 July 2007

Recommendation: Approval

REPORT:

Introduction

The application seeks approval to subdivide the Tinningi Community Centre from the portion of the site that is proposed for future commercial and residential development. The site is part of the Bligh Park Neighbourhood Precinct Chapter of the DCP.

The application is being reported to Council as there is a variation to the adopted DCP and Council received two submissions raising concerns over the proposed development.

Description of Proposal

The two allotments involve the following:

Lot 1 which has an area of 1.97ha and will be developed in the future for a shopping centre/residential proposal will be subject to a further application at the appropriate time.

Lot 2 has an area of 4448sqm and will contain the existing community centre buildings and basketball court.

The overall site contains an existing 25 space carparking area which is used by the community centre and has vehicle access from Colonial Dr and is setback from the street.

The community centre carpark, following subdivision, will be located on the proposed Lot 1. The relocation of the carpark onto lot 2 as identified on the plan is not part of the DA.

A condition of the sale of proposed lot 1 is that the purchaser will permit to allow the use of the car park for the community centre until such time as they are ready to construct an approved development on the site (Proposed Lot 1).

Once the development construction commences on proposed Lot 1, the owner/developer will be required to construct the carpark on proposed Lot 2 in the area nominated on the subdivision plan.

A draft plan for the layout of the future carpark area for 24 spaces with access from Rifle Range Rd has been submitted with the application.

Planning Assessment

Public Consultation

The application was notified to adjoining and surrounding owners from the 3 to the 18 August 2007. During the notification period two submissions were received from persons who live adjacent to the community centre in Rifle Range Rd.

The submissions raised the following matters:

- The current carpark should be included in proposed lot 2 as it currently provides an overflow facility for parking on the site and Colonial Dr.

Comment: It is proposed to relocate the carparking associated with the neighbourhood centre onto the proposed lot 2. The adopted DCP proposes the location of the commercial building where the existing car park is located and it is not possible to include the car park in lot 2.

- Relocating the carpark will increase noise for residents in Whitton PI

Comment: The proposed car park for the neighbourhood centre has the potential to cause additional impact on the adjacent residences in Whitton PI when compared to the existing car park area in terms of noise source especially later in the evening and early morning.

The main source of the noise would be associated with the use of the centre for private parties and other functions that occur late in the evening and early morning.

This issue can be resolved by relocating and using the future parking associated with the development of the site as shown on the plan contained in the adopted DCP. (Figure 6.1).

The plan contained and referred to in the DCP does not show any carparking or vehicular access located in front of the neighbourhood centre along Rifle Range Rd.

The intent of the DCP was to restrict vehicle access to Colonial Drive and Rifle Range Rd (one way movement separate entry and exit) and car parking to the rear of the neighbourhood centre to reduce potential impact on the surrounding residential properties.

The carpark arrangements in the current application are the main variations to the DCP provisions.

- Potential for congestion along Rifle Range Rd with some functions held at the neighbourhood centre.

Comment: Rifle Range Rd carries a large volume of traffic and is one of the main distributor roads in Bligh Park.

The additional traffic generated by the new car park access is unlikely to cause any significant change to the traffic volumes and congestion in this section of Rifle Range Rd.

However, as previously discussed the DCP adopted by Council for the site's development proposed only specific vehicle access points from Colonial Dr and Rifle Range Rd.

The access to the future car park proposed in front of the neighbourhood centre is inconsistent with the adopted DCP.

- Reduced amount of car parking will be provided in the proposed location.

Comment: The current car park associated with the centre provides 25 spaces.

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The concept car park layout in front of the centre provides for 24 spaces together with on street parking.

The concept car park layout does not provide any landscaping or front setback. This would be a condition for construction of the carpark.

The DCP provision utilises a joint use of the carpark provide for the future commercial development for the proposed lot 1. The DCP in calculating the parking requirements for the future commercial development also considered parking requirements for the existing community uses on site without the need to provide any additional parking for these uses.

Whilst the location of the carpark is proposed to change, the total provision of carparking is considered acceptable.

- Current car park has adequate buffer distances to residences new location does not provide any buffers.

Comment: Whilst the concept plan provides no landscape areas along Rifle Range Rd, the car park is approximately 35m from the nearest residences in Whitton PI. The current car park is located approximately 65m from the nearest residence in Whitton PI.

The car parking located behind the neighbourhood centre as shown on the DCP plan is approximately 90m from the residences in Whitton PI and is also screened by the existing buildings on site.

- Safety aspect with the proposed car park being located close to the basketball court and potential conflict between users of the facility and vehicles.

Comment: This matter can be resolved with suitable design of the car park and fencing of the area to provide a clear separation between the facilities on site and the car park.

Bligh Park Neighbourhood Business Precinct DCP

Council has adopted a site specific DCP that provides guidelines and identifies the requirements for the development of the site (Lot 1249 DP 800323)

The general principles of development are identified in the chapter. These principles are:

- To ensure that development incorporated safe, effective and convenient provisions for servicing, parking and pedestrian/vehicular access and movements.
- To reinforce the vehicular, pedestrian and visual links between shopping, residential and community facilities.
- To minimise the impact of development on the subject land on the adjacent residential areas.

The car park location proposed in the application is considered to be inconsistent with the above principles as it does not minimise impact of the development on the adjacent residential area but would increase impact when compared to the existing situation.

Section 6.6 of the DCP, car parking, refers to Figure 6.1 and that parking should be implemented in accordance with this figure.

The figure shows the car parking located behind the community buildings and no parking along Rifle Range Rd in front of the existing buildings.

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The intent of the proposed location was to reduce potential impact on the surrounding residential area and provide a suitable streetscape presentation to both Rifle Range Rd and Colonial Dr.

The car parking calculation for the development of the site incorporated both the commercial and community uses.

Section 6.8 of the DCP provides landscaping requirements and the aim is to incorporate the existing remnant vegetation on site into the landscaping plan.

The proposed car park located in front of the neighbourhood centre will involve the removal of some existing remnant trees. The proposed car park at the rear of the centre may also involve some tree removal.

The concept plan for the carpark on the proposed Lot 2 is generally not supported. A detailed design of the carpark in this location will be required to address the issues of pedestrian/vehicle separation, landscaping and tree retention along the frontage of Rifle Range Road, and vehicular movements to and from the site. This would be the subject of a separate application.

Section 79C

a) the provisions of:

i) any environmental planning instrument (ie LEPs, REPs & SEPPs)

The subject property is zoned Housing under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are;

- Sydney regional Environmental Planning Policy 20.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

Comment: The proposal is not inconsistent with the relevant Planning Instruments.

ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no relevant draft EPI's that affect the land or the proposal.

iii) any development control plan applying to the land

Refer to comments made previously on the Bligh Park Neighbourhood Business Precinct

iv) any matters prescribed by the regulations

There are no matters discernable that are prescribed by the Regulations that affect the development.

b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The development is not considered to be out of character with the surrounding landscape and it is unlikely that the development will have any adverse environmental impact on the locality.

c) the suitability of the site for the development

The site is suitable for the development.

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d) any submissions made in accordance with the EPA Act or Regulations

Matters raised considered previously in the report

e) the public interest

The matter is not considered to be contrary to the general public interest.

Conclusion

The sale of the proposed Lot 1 (development site), which contains the existing car parking used by the community uses (on proposed Lot 2), will contain a requirement that will permit the use of the car parking area by the community uses until the future development construction works commence and then temporary arrangements can be made for an interim period until the final carpark is constructed.

RECOMMENDATION:

That development application DA0398/07 for a Two Lot Torrens Title Subdivision at Lot 1249, DP 800323, 139 Colonial Drive, Bligh Park be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The proposed car park shown on the approved stamped plans does not form part of this approval. The proposed car park will require separate approval with detailed plans, satisfactorily addressing vehicle/pedestrian separation, landscaping and tree retention along the frontage of Rifle Range Road, and vehicular movements to and from the site, being submitted for approval as part of that application.

Prior to Issue of Subdivision Certificate

3. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
4. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

5. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
6. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
7. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.

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8. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
9. Details to be provided of a suitable legal agreement that provides satisfactory interim arrangements for the use of the existing car parking and access associated with the community uses which is located on proposed lot 1 until the final car park and access is completed.

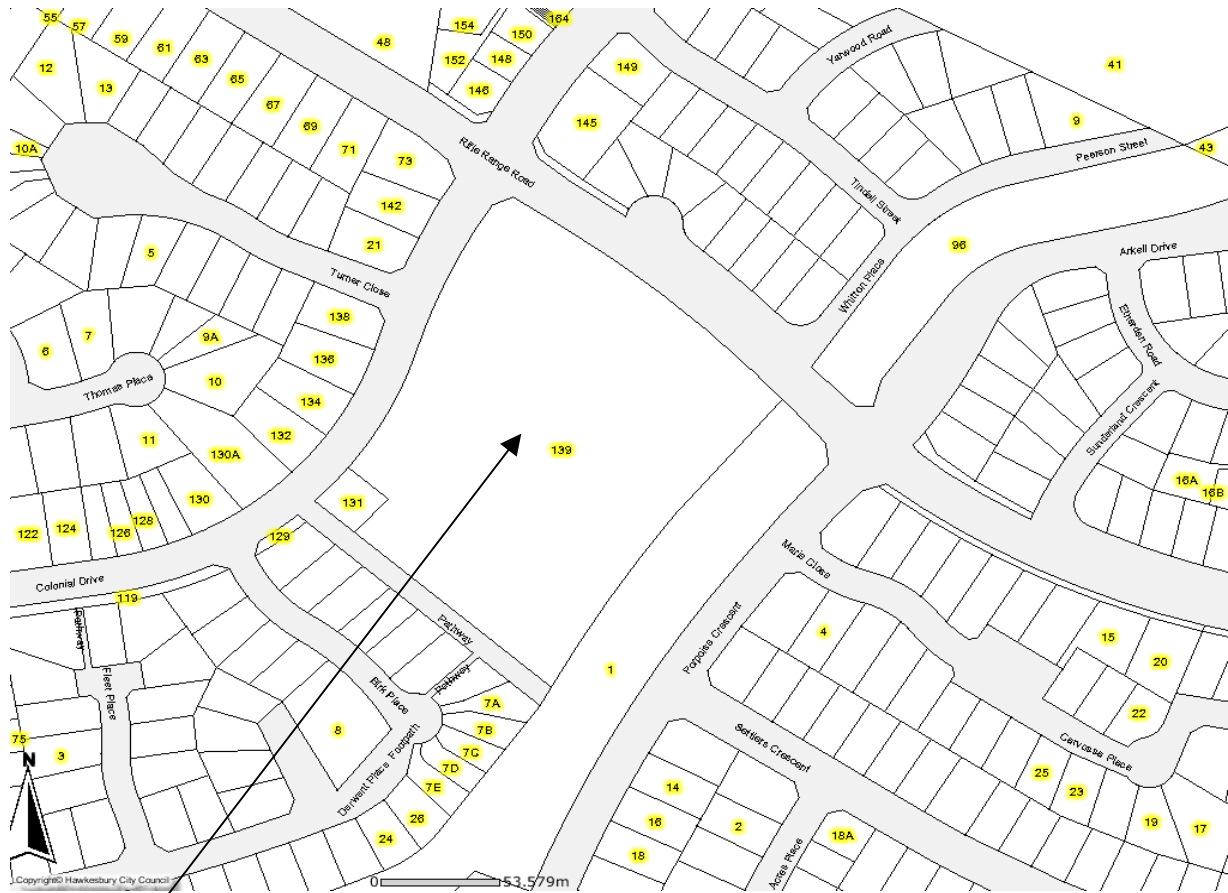
ATTACHMENTS:

- AT - 1** Location Plan
- AT - 2** Subdivision Layout
- AT - 3** Figure 6.1 from the Bligh Park Neighbourhood Business Precinct Chapter of the DCP

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AT - 1 Location Plan

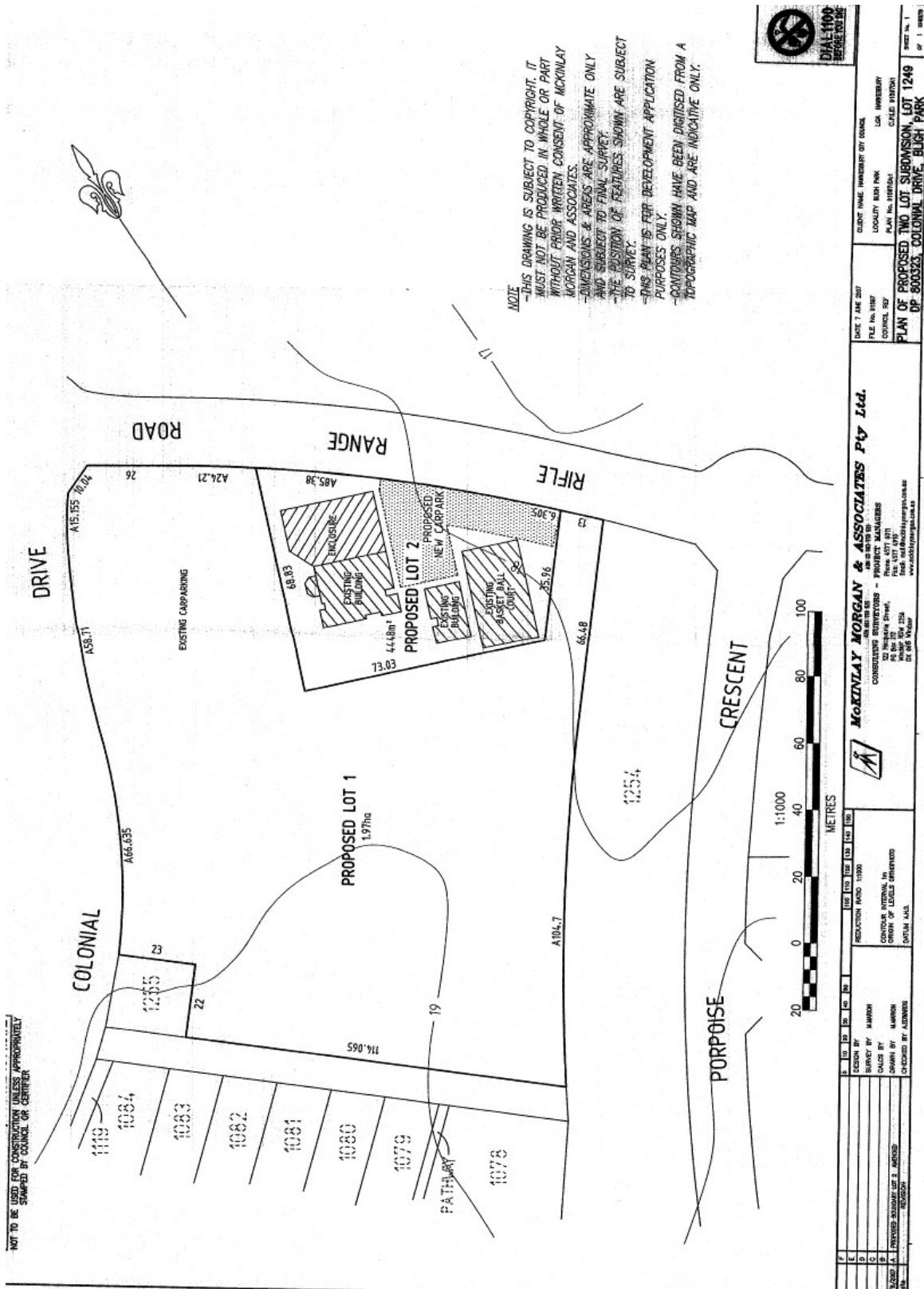


Subject site

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AT - 2 Subdivision Layout



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AT - 3 Figure 6.1 from the Bligh Park Neighbourhood Business Precinct Chapter of the DCP

PART E

Hawkesbury Development Control Plan



Figure 6.1 Site plan

Bligh Park Neighbourhood Business Precinct

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 February 2008



ordinary
meeting

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paper

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