



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 21 October 2008

location: council chambers

time: 5:00 p.m.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 202 **GM - Future Operations of Richmond RAAF Base - (79351, 77675)**

Previous Item: MM – Ordinary Meeting, 13 May, 2008

REPORT:

At its meeting held on 13 May 2008 Council considered a Mayoral Minute in connection with the subject matter and subsequently resolved:

"That:

1. *Council make representations to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government in connection with the future retention of the Richmond RAAF Base as outlined in the Mayoral Minute.*
2. *WSROC and the Local Federal Member be requested to support Council's representations in this regard".*

A copy of the Mayoral Minute submitted to the above meeting is included as Attachment 1 to this report.

Correspondence was sent in accordance with Council's resolution and followed up as appropriate. A letter dated 2 September 2008 has now been received from the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP in response to Council's letters to the Prime Minister and the Minister for Defence. A copy of this letter of response is included as Attachment 2 to this report.

It will be noted that Council's representations in this matter called for:

- The exclusion of the prospect of the closure of the Richmond RAAF Base from the Defence White Paper.
- The Defence White Paper to consider the issue of investment in and expansion of the Richmond RAAF Base.
- An early acknowledgement of the Government's pre-election commitment to the retention of the Richmond RAAF Base and a reaffirmation of the commitment.
- An assurance that the Richmond RAAF Base will not be considered as a potential site for a second Sydney International Airport.

Whilst the letter from the Parliamentary Secretary for Defence Support refers to the issues of the Defence White Paper; the Richmond RAAF Base and a second Sydney Airport, it does not give any of the commitments/assurances sought by Council, notwithstanding the Government's pre-election commitment in this regard.

The Defence White Paper was on Community Consultation for some time with a series of public meetings being held around the Nation in this regard. The Community Consultation Public meeting held in Sydney on Tuesday, 29 July 2008 was attended by the Mayor and General Manager. A very wide range of defence related issues were raised at this meeting by attendees with the Mayor raising the issue of the retention of the Richmond RAAF Base, the importance of the Base to the region and the Government's pre-election commitment.

The Defence White Paper is a very "high level" document which discusses and raises a wide range of defence related issues on a broad basis. Site specific issues (i.e. particular bases) are not effectively raised but rather the manner of and type of response to Australia's internal defence requirements and role in international defence issues is canvassed. Submissions, limited to 1,000 words were invited up to 1 October 2008 and a submission was lodged on Council's behalf by this date.

There will no doubt be further more detailed steps in the process of considering Australia's future defence needs and through out this process, as occurred with similar processes in the past, it will be important for Council to continue to support the need for the retention of the Richmond RAAF Base as both an important defence facility for the Nation and as an integral part of the region's economy and community.

Council will be informed of subsequent steps in this process as and when necessary to enable Council's continued appropriate participation.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Investigating and planning the City's future in consultation with our community and co-ordinating human and financial resources to achieve this future."

Funding

Not applicable at this stage.

RECOMMENDATION:

That:

1. The information concerning responses to Council's representations in relation to the Defence White Paper and the future operations and retention of the Richmond RAAF Base be noted.
2. Council continue to support the need for the retention of the Richmond RAAF Base as both an important defence facility for the Nation and as an integral part of the local region's economy and community.
3. Council continue to make submissions as necessary through out future stages following the current exhibition of the Defence White Paper and that further reports in this regard be submitted to Council as and when required.

ATTACHMENTS:

AT - 1 Mayoral Minute to Council Meeting on Tuesday, 13 May 2008.

AT – 2 Response from the Parliamentary Secretary for Defence Support dated 2 September 2008.

AT - 1 Mayoral Minute to Council Meeting on Tuesday, 13 May 2008.

MM1 - Future Operations of Richmond RAAF Base - (79353, 79351)

REPORT:

Background

Prior to August 2007 the future operations of the Richmond RAAF Base were in doubt and were the subject of ongoing reviews as part of the Defence Force Disposition Program.

On 11 August 2007 the then Minister for Defence the Hon. Dr B Nelson MP, visited the Richmond RAAF Base and officially announced the then Government's intention that the Base would remain as a permanent operational facility and integral part of Australia's defence capability. This announcement was subsequently confirmed with a letter dated 13 August 2007 from the Minister. A copy of the letter is included as Attachment 1 to this Minute.

This announcement was the subject of a Mayoral Minute to the meeting of Council held on 14 August 2007 and Council subsequently sought advice from the then Leader of the Opposition as to that party's intentions regarding the future of the Richmond RAAF Base should it be elected to Government.

By letter dated 26 September 2007 the then Shadow Minister for Defence, Mr J Fitzgibbon MP advised that:

"Labour has no plans to alter the status of RAAF Base Richmond, and should we be elected to Government later this year Richmond will continue as a permanent operational facility."

A copy of this letter is included as Attachment 2 to this Minute.

Recent Developments

On 22 February 2008 the Minister for Defence, the Hon J Fitzgibbon MP announced the commissioning of a new Defence White Paper with a view to ensuring "that the Australian Defence Force has all the capability, protection and training it needs to ensure that it is able to effectively defend the nation and its interests in as safe a manner as possible".

The statement by the Minister went on to indicate that the "new Defence White Paper will ensure that Australia's defence capability requirements are achievable and are always guided by our long-term strategic priorities. It will begin with a fundamental assessment of our strategic environment, our strategic interests and, of course, our strategic priorities".

It has been indicated that the new process will include a "comprehensive community consultation process" with details of such a process yet to be made available.

Notwithstanding the announcement by the former government and the advice from the then Shadow Minister for Defence it would appear that the future of the Richmond RAAF Base will be part of the new Defence White Paper and is, therefore, once again in question.

Obviously, when public consultation in respect of the new Defence White Paper commences Council would, once again, make an appropriate submission.

An article in respect of the review titled "Military bases may be closed" appeared in the Australian Financial Review on Friday, 2 May 2008. A copy of this article is included as Attachment 3 to this Minute.

A further article appeared in the Daily Telegraph on Monday, 5 May 2008 (Attachment 4) which suggests the Federal Government is once again reviewing the need for a regional Sydney International Airport and that Camden, RAAF Richmond and an expansion of Canberra Airport were being considered.

ORDINARY MEETING
Reports of Committees

As a result of this article I have been contacted by a number of media outlets for comment and at 12:37pm on Monday, 5 May 2008 I gave an on-air interview with 2UE's Tim Webster on this matter. A transcript of this interview is included as Attachment 5 to this Minute. There have been subsequent interviews with other media outlets with similar views and comments to those provided in the 2UE interview being made.

In view of the issues that have now risen in relation to the future of the Richmond RAAF Base it is suggested that Council should now write to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government seeking:

- The exclusion of the prospect of the closure of the Richmond RAAF Base from the Defence White Paper.
- The Defence White Paper to consider the issue of investment in and expansion of the Richmond RAAF Base.
- An early acknowledgement of the Government's pre-election commitment to the retention of the Richmond RAAF Base and a re-affirmation of that commitment.
- An assurance that the Richmond RAAF Base will not be considered as a potential site for a second Sydney International Airport.

In addition to the above, I would also suggest that Council request WSROC and the Local Member to support these representations.

RECOMMENDATION:

That:

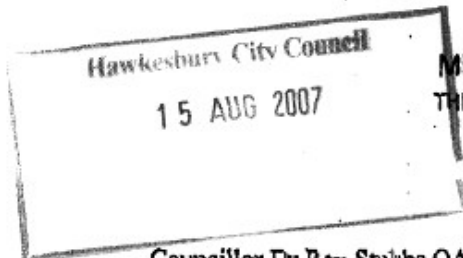
1. Council make representations to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government in connection with the future retention and use of the Richmond RAAF Base as outlined in the Mayoral Minute.
2. WSROC and the Local Federal Member be requested to support Council's representations in this regard.

ATTACHMENTS:

- AT - 1** Letter dated 13 August 2007 from the then Minister for Defence, The Hon Dr B Nelson, MP
AT - 2 Letter dated 26 September 2007 from the then Shadow Minister for Defence, J Fitzgibbon MP
AT - 3 Article from The Australian Financial Review, Friday 2 May 2008, titled "Military Bases may be closed"
AT - 4 Article from the Daily Telegraph Monday, 5 May 2008, titled "Master airport plan in pipeline"
AT - 5 Transcript of interview with Mayor on 2UE at 12:37pm on Monday, 5 May 2008.

ORDINARY MEETING
Reports of Committees

AT - 1 Letter dated 13 August 2007 from the then Minister for Defence, The Hon Dr B Nelson, MP



MINISTER FOR DEFENCE
THE HON DR BRENDAN NELSON MP

COPY

Councillor Dr Rex Stubbs OAM
Mayor
Hawkesbury City Council
366 George Street
WINDSOR NSW 2756

13 AUG 2007

Rex
Dear Mayor

It is my pleasure to be able to inform you that, as part of its consideration of the Defence Force Disposition Program, the Federal Government has decided to retain RAAF Base Richmond.

As you would be aware, in 1998 the Prime Minister announced that RAAF Base Richmond would be retained until 2010.

Since then, the future of RAAF Base Richmond beyond 2010 has been considered with a number of other Defence bases and establishments under the Force Disposition Program. This program was established to consider proposals for base collocation aimed at creating larger, more operationally effective and cost efficient military bases around Australia.

A detailed study conducted under the Force Disposition Program demonstrated that the balance of capability, economic and current community considerations weighs heavily in favour of retaining RAAF Base Richmond.

This decision will ensure Defence's ongoing presence in the local community whilst ensuring that the critical capability provided by the RAAF's C-130 airlift fleet remains at RAAF Base Richmond.

Retention of RAAF Base Richmond will enable a continuation of support to Sydney-based specialised Defence Force units, in particular the Tactical Assault Group East, the 4th Battalion (Commando) Royal Australian Regiment (4RAR), and the Incident Response Regiment.



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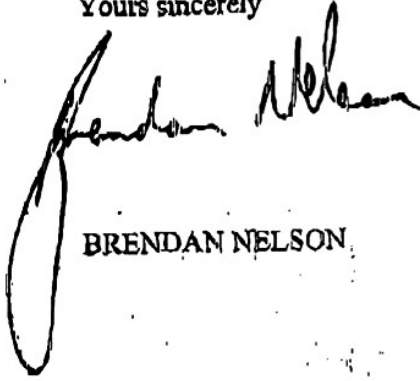
Parliament House, Canberra ACT 2600 Tel: (02) 6277 7600 Fax: (02) 6273 4118

ORDINARY MEETING

Reports of Committees

Defence looks forward to continuing and building upon its strong relationship with the Hawkesbury community and the Hawkesbury City Council into the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brendan Nelson'. The signature is fluid and cursive, with a large loop at the end of the first name.

BRENDAN NELSON

ORDINARY MEETING
Reports of Committees

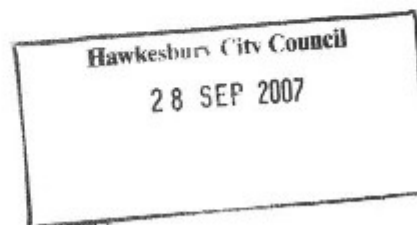
AT - 2 Letter dated 26 September 2007 from the then Shadow Minister for Defence, J
Fitzgibbon MP



Joel Fitzgibbon M.P.
Federal Member For Hunter
Shadow Minister For Defence

26 September, 2007

Mr Peter Jackson
Acting General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756



Dear Mr Jackson

I too was pleased to read Minister Nelson's August announcement that RAAF Base Richmond would remain a permanent operational facility. Several representations on this matter have been made to me, in particular from ALP candidate for the seat of Greenway Mr Michael Vassili.

Labor has no plans to alter the status of RAAF Base Richmond, and should we be elected to Government later this year Richmond will continue as a permanent operation facility.

Yours sincerely

Joel Fitzgibbon MP

SHADOW MINISTER FOR DEFENCE



SCANNED

ELECTORATE OFFICE:
49 Vincent Street PO Box 526
CESSNOCK NSW 2325
Phone: 02 4991 1022
Facsimile: 02 4991 2322

Toll Free: 1300 301 753
Email: j.fitzgibbon.mp@aph.gov.au
Web: www.joelfitzgibbon.com

PARLIAMENT HOUSE:
RG 52 Parliament House
CANBERRA ACT 2600
Phone: 02 6277 4404
Facsimile: 02 6277 8479

AT - 3 Article from The Australian Financial Review, Friday May 2008, titled "Military Bases may be closed"

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ORDINARY MEETING

Mayoral Minutes

AT - 4 Article from the Daily Telegraph Monday, 5 May 2008, titled "Master airport plan in pipeline"

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AT - 5 Transcript of interview with Mayor on 2UE at 12.:37pm on Monday, 5 May 2008.



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Transcript

Station: 2UE Date: 05/05/2008
Program: AFTERNOONS Time: 12:37 PM
Compere: TIM WEBSTER Summary ID: S00030559038

Item: DISCUSSION ABOUT THE POSSIBILITY OF A SECOND
AIRPORT FOR SYDNEY.

INTERVIEWEES: BART BASSETT, MAYOR OF HAWKESBURY
CITY COUNCIL

Demographics:	Male 16+ 29000	Female 16+ 19000	All people 48000	ABs 5000	GBs 25000
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TIM WEBSTER: Now, reports this morning that once again we are on the lookout for a second airport. Goodness me, how long have we talked about this for. A second airport for Sydney. But have you been to the airport lately? Either terminals, domestic or international, it is absolutely bursting at the seams.

You are there on the wrong time, you just get trampled. Getting in and out of the car park is a mess.

Anyway, very overcrowded. Badgerys Creek. How long do we talk about that? Well, we've moved on from there, have we? Now, waiting for a white paper on the whole future of aviation in our country, including where and when to build new airports.

Well, places like Camden. They'd love that, my friends, in Camden. And the RAAF base. But Richmond are being tossed around. And also



Canberra. Now, that is not really a second Sydney airport. Mind you, if you have got a fast train... anyway.

The air base may seem logical to some. But the area's local council don't think so, that is for sure.

And on the line is the Mayor, Bart Bassett.

G'day Bart.

BART BASSETT: Good afternoon, Tim. How you going?

TIM WEBSTER: Good. That is a nice thing to consider on a Monday.

BART BASSETT: Yes. It sort of came out of left field. There has been some rumblings for a while, but I think the concern is that the Government is bundling two things together. And the first is the review of defence facilities, and the second one is the review of aviation assets around the country.

TIM WEBSTER: Yeah. Exactly. Now, you could not do without the RAAF base, could you, with the economy at Richmond?

BART BASSETT: We have fought for the retentment [sic] of the RAAF base for many years now. We have been through some investigations before, and prior to the federal election last year, both the government of the day, and the opposition both submitted, in



writing, that the defence base at Richmond would remain as RAAF base Richmond, and they would invest money into improving it.

That was from both.

TIM WEBSTER: Yeah. See, the trouble is - and I'm not pushing an airport on you, don't think that. I mean, we do need one. And no-one is going to want it. They didn't want it at Badgerys Creek, and I can guarantee they wouldn't want one at Camden.

BART BASSETT: No. Exactly. And councils in western Sydney, as part of WSROC - the Western Sydney Regional Organisation of Councils, making up many councils in western Sydney, have stood as one regarding Badgerys Creek. I would expect the same to happen regarding Camden or Richmond when it comes to a second international airport.

TIM WEBSTER: Yeah. So where do we put it?

Got any ideas?

BART BASSETT: Well, we have heard of places like Goulburn who, for a long time, have been very keen about wanting it to be located there, and the benefits they believe it will bring to their community. You raised the very fast train in your introduction.

TIM WEBSTER: Yeah, from Canberra, yeah.



- BART BASSETT: Yes. So if you are located in Goulburn, you have got a very fast train from Canberra to Goulburn to Sydney, possibly on to Melbourne, there are other infrastructure benefits by being located in somewhere like Goulburn.
- TIM WEBSTER: Yeah. Your trouble is going to be, and I'm sure you are aware of this, how obvious and logical it might be to just have the airport there because it is pretty much a facility already at Richmond.
- BART BASSETT: Yes it is. But so your listeners do understand, it is a runway that is not long enough for an international airport, that is the first problem. You have got Richmond and Windsor at either end of that runway, which mean, you can't extend it in that direction. It would be a new runway which would take roads out of play. It would be major money.
- And then you have got fog and terrain issues and flooding - it's not the place for the second international airport.
- TIM WEBSTER: Yeah. How much does having the RAAF base there mean to Richmond?
- BART BASSETT: Well, it means a lot economically, it means a lot socially and culturally to how we feel about the RAAF base. It is part of our community. It has certainly been downgraded over the years, and there are less personnel operating there with a defence hat on, if you like.



But there are other commercial businesses have been set up there to support defence assets, and we want to see that continue for the commercial side of support of defence to be expanded, and for RAAF to be expanded there.

TIM WEBSTER: Yeah. Bart, being a Hills resident, I know the area very well. I'm coming up and down through Richmond a lot. You are right, you know, there is - you have got one town either end, and where the RAAF base is there. Where would you get the extra land from?

I mean, you have got the horse racing track across the road, haven't you?

BART BASSETT: Exactly.

TIM WEBSTER: Yeah.

BART BASSETT: And if you start running a runway in the opposite directions to give you the length you would need, you start impacting on a whole lot of other private land and government land, and a whole lot of residents who they thought would never be impacted by a runway.

TIM WEBSTER: Okay. Mate, I can see the stickers on the back of cars now, out your way: no second airport for Richmond.



- BART BASSETT: Well, I would give a suggestion to the government: get rid of it now. Give it no oxygen. Focus on the RAAF base as they promised before the election for a defence facility, and let's move on.
- TIM WEBSTER: Yeah. Good on you mate. Thanks for the call - taking the call.
- BART BASSETT: Thanks Tim.
- TIM WEBSTER: That's Bart Bassett, the Hawkesbury Mayor, which of course takes in Richmond and Windsor. A lovely part of Sydney it is. As I say, know it very well. In my old life, I used to show jump horses out there, too, at the show ground out there.
- So what do you do?
- No-one is going to want it, are they? Badgerys Creek, we talked about for a long time. Goulburn, well, yeah. It's not that far from Sydney, I suppose, if you have got a VFT, very fast train. Canberra, same thing. So that would tend to make sense. I mean, Canberra, through Goulburn, then up to Sydney, if it was in between, let's say Canberra and Goulburn, as long as the train was exclusively to get from the airport to the city, and not too many stops in between. So, in other words, a very fast train.
- I just don't know.
- I mean, no-one is going to want it.



He's not - he doesn't want it. And I can - you can rest assured, my friends. Anyone at Camden listening, you don't want it there, do you? No. I wouldn't have thought so. So you have to have a second airport, because Sydney Airport is now getting very overcrowded, and you - have you been there lately? Just getting in and out of the place is a nightmare.

At any time of the day or night, really. I mean, middle of the day, you have got more of a chance. But in the early morning, you know, when all the trains(*) are off to Melbourne every half hour, it is just a nightmare. So something has got to be done about it.

But what? Don't know.

* * * END * *

TRANSCRIPT PRODUCED BY MEDIA MONITORS
target-monitor-analyse

ADELAIDE	BRISBANE	CANBERRA	MELBOURNE	PERTH	SYDNEY
08 8132 4800	07 3259 2100	02 6124 5200	03 6327 6400	08 9228 5800	02 9318 4000

AGENCY REPORT For private research and not to be disseminated. Every effort made to ensure accuracy for the benefit of our clients but no legal responsibility is taken for errors or omissions. (*) - indicates unknown spelling or phonetic spelling. Metro TV demographics are supplied by OzTAM, Radio and Non-Metro TV demographics are supplied by Nielsen Media Research.
ABs = Managers, administrators, professions. GBs = Grocery buyers.

oooO END OF MAYORAL MINUTE Oooo

ORDINARY MEETING

Reports of Committees

**AT – 2 Response from the Parliamentary Secretary for Defence Support
dated 2 September 2008.**



The Hon Dr Mike Kelly AM MP
Parliamentary Secretary for Defence Support

Hawkesbury City Council

10 SEP 2008

02 SEP 2008

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Mr Jackson

Thank you for your letter of 22 May 2008 to the Minister for Defence, the Hon Joel Fitzgibbon MP, concerning the future of Royal Australian Air Force Base Richmond. As this matter falls within my portfolio responsibilities, your correspondence has been passed to me for response. Your letters of 22 May and 16 July 2008 to the Prime Minister on the same matter have also been referred to me for reply. I apologise for the delay in responding.

As part of the new Defence White Paper, the Australian Government is conducting a range of comprehensive reviews of Defence, including a review of our Defence bases to ensure that their locations align with strategic guidance, and that the Defence estate is managed in the most efficient and effective way.

The Government welcomes community input into the Defence White Paper, and a comprehensive public consultation process is currently underway. Further information on this consultation process is available from:

www.defence.gov.au/whitepaper

No decisions have yet been made regarding changes to any Defence bases around Australia. It would therefore be inappropriate to comment on the future of individual bases, including Royal Australian Air Force Base Richmond.

The need for a second Sydney airport has been the subject of a number of reviews and inquiries. The Australian Government believes there will be a need for additional aviation infrastructure at some point in the future to serve the Sydney region and supports sensible development to provide for Sydney's future aviation needs. The 2009 Master Plan for Sydney Airport presents an opportunity to consider current and future capacity issues.

Parliament House, Canberra ACT 2600 Tel: (02) 6277 4840 Fax: (02) 6277 8556



SCANNED

On 10 April 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP, released *Towards a National Aviation Policy Statement*. This was prepared as a basis for consultation and engagement, and to encourage industry and community input on aviation matters nationally. Submissions on these matters can be made directly to the Department of Infrastructure, Transport, Regional Development and Local Government via the following site:

www.infrastructure.gov.au/aviation/nap/index

I hope this information will be of assistance to you.

Yours sincerely



MIKE KELLY

oooO END OF REPORT Oooo

CITY PLANNING

Item: 206 **CP - Development Application - Rural Shed - Lot 3 DP813866, 72 Fisher Road, Maraylya - (DA0365/08, 109945, 110212, 95498)**

Previous Item: 187, Ordinary (9 September 2008)

Development Information

Applicant: Mr A Mezzomo
Owner: Mr A Mezzomo & Mrs R Mezzomo
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 2.000 H
Zone: Rural Living
 Rural Living under Hawkesbury Local Environmental Plan 1989
Advertising: 2/6/08 to 16/6/08
Date Received: 15/5/08

Key Issues: ♦ Use of shed
 ♦ Colour
 ♦ Bulk
 ♦ Size

Recommendation: Approval

REPORT:

Introduction

This report was considered by Council at the meeting of 9 September 2008 (as the application was called to Council by Councillor Finch) where the following resolution was made:

"That a site inspection of the property be organised."

The site was inspected by Councillors and staff on Thursday 16 October 2008.

The applicant is seeking approval to construct a rural shed for the purpose of garaging a private vehicle and storage of equipment, such as mowers and tractor, etc, for use on the property.

Background

A separate application for a dwelling has been lodged with Council and has been approved.

The matter of tree removal in July 2008 is being investigated by Council's Regulatory Services.

The Proposal

The applicant is seeking approval to construct a rural shed. The application involves a barn style shed 16m X 12.6m (201.6 sqm), with a ridge height of 5.41m.

The shed is proposed to be located 77m from the road, behind the location of the proposed dwelling and 3m from the side boundary.

The applicant is seeking a variation of the shed provisions in the DCP to the height, from 5m to 5.4m, and the floor area of the shed, from 170m sq to 201.6m sq. This matter is discussed later in the report.

Statutory Situation

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989. A rural shed is a permitted use in this zone.

The Legislation relevant to the proposed development on the site is;

- Environmental Planning & Assessment Act 1979.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)
- Hawkesbury City Council Development Control Plan. (DCP)

Community Consultation

The application was notified during the period from 2 June 2008 to 16 June 2008. During that time 3 submissions were received at Council objecting to the shed. The main issues raised are:

- *The colour- not environmentally friendly.*

Comment: The shed is to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls, matching the proposed dwelling. The proposal to match or blend the colour of the rural shed with the existing buildings (or in this case the proposed buildings) on the site is a requirement of Council's DCP.

- *The bulk- bigger then needed.*

Comment: The shed is proposed to be over the permitted 170m sq by 31.6 sqm. The owner has submitted justification for the size with the application. This justification states that the shed size is needed for his equipment and storage of farm materials. This matter is discussed further in the report.

- *The size- it is higher then the permitted 5m.*

Comment: It is proposed to vary the DCP requirement of 5m height by 0.4m. The applicant has stated that this is needed in order to structurally fit the roller door required to allow the applicant to store his truck. This matter is discussed further in the report.

- *The use- The possibility that the shed may become a truck depot due to the owner's business- Accacia Transport.*

Comment: The applicant has indicated that the shed is for private use only. The truck is owned and driven by the owner and this is similar to other residents in the area who own a truck. The shed has been proposed for domestic/agricultural use pertaining to the property. The use of the shed can also be limited through a condition of consent. A suitable condition will be imposed to restrict the use to non-commercial.

- *The noise and dust from the truck traffic.*

Comment: The approval is not for a truck depot. The application proposes only one owner driver truck. The respondent has also raised concerns regarding the location of the driveway adjacent to the common property boundary. A condition of consent is proposed to require the driveway to be a minimum of 2 metres from the property boundary and this setback area to be landscaped with appropriate screening plants.

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Planning Assessment

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant chapter of this Plan follows:

Rural Shed

Design Principles	The Proposal	Compliance
Siting		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The shed is proposed to be located 77m from the road.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	Plans indicate a max of 800mm of fill.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	Slope not in excess of 10 degrees	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	Area is clear	Yes
Size		
The maximum of sheds in the Rural Living zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	Proposed shed is 16m X 12.6m = 201.6m ² The applicant has indicated that he requires 195.16 m ² internally in order to fit all his equipment	No. See comments below.
In zones Mixed Agricultural, 7(d), Environmental Protection Agricultural (EPA), & 7(e) the applicant will need to justify the size of any shed exceeding 170m 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.	N/A	N/A
Height		
The total height of a rural sheds erected in Rural Living zones shall be no more than 5 metres or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.	Height to the ridge 5.4m Over by 0.4m But barn style shed.	No. See comments below
In other zones, the total height of rural shed exceeding 5 metres shall be justified in terms of the use of the shed and the visual impact of the development.	n/a	n/a

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Design Principles	The Proposal	Compliance
The total height of "barn style" sheds may exceed 5m based on individual merit.	Barn style design	Yes
Form		
Rural sheds with standard roof form will be limited to rectangular shapes.	Barn style design	Yes
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
Colour		
The colour of a rural shed will match or blend in with those of existing buildings.	Proposed residence to be cream- shed to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls.	Yes
On vacant land the colour for rural sheds shall be taken from the natural environment.	Currently vacant but the residence is proposed and the application has been approved	Yes
Type of Building Materials		
Building materials used in the construction of rural sheds are to be new, pre-painted and non-reflective	New material to be used.	Yes
The use of corrugated iron will be considered subject to size, height, design and location of the rural shed.	N/A	N/A
Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible material.	N/A	N/A
Landscaping		
Plantings are to be a mix of trees, shrubs and ground cover.	Existing trees to be retained	Yes
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Height would be over the height of the proposed shed. Mature height of any landscaping can be conditioned.	Yes
Shrub mass shall provide adequate screening.	3m area between the boundary and the shed. This area can be planted with appropriate species, and can be conditioned	Yes
Plants endemic to the area are to be chosen.	Existing established trees	Yes

Size Variation

The applicant has provided the following as justification for the proposed size variation:

Justification for the size variation:

Equipment	Floor Area	Sqm
<i>Pantec Truck</i>	<i>4m X 8m X 3.4m high</i>	<i>32m²</i>
<i>Tractor</i>	<i>3.6m X 7m X 3m high</i>	<i>25.2m²</i>
<i>Slasher</i>	<i>3.6m X 3.6m</i>	<i>15m² (sic)</i>
<i>Lucerne for the horses</i>	<i>3.6m X 3.6m</i>	<i>12.9m²</i>
<i>Post hole digger</i>	<i>2m X 2m</i>	<i>4m²</i>
<i>Ride on Mower</i>	<i>2m X 3m</i>	<i>6m² (size of a ride on = 2.16m²)</i>
<i>Various items such as hand mower, tools, work bench & garden tools</i>	<i>Various sizes with the need to gain access to these items</i>	<i>48m² (note: double garage = 36m²)</i>
<i>Storage of timber fencing wire, irrigation pipes & other farm materials</i>	<i>Various sizes with the need to gain access to these items</i>	<i>52m² (note: double garage = 36m²)</i>

The applicant is seeking a variation to the floor area control of the DCP of 31.6 sqm, ie, from 170 sqm to 201.6 sqm.

Comment:

Council's DCP aims to:

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessary sheds.

The objective of the DCP is to ensure that the size of the rural shed is to be associated with the use of the land and the size of the property.

The applicant has submitted details (see table above) that set out the why the shed size and variation is required. The submitted details do not seem unreasonable for the site and it is considered that the proposed variation of 31.6 sqm is acceptable in this case.

Height Variation

The applicant is seeking a variation to the height standard of 5m as the roof pitch has been matched to the proposed residence. The proposed height is 5.4m. This is 0.4m above the DCP limit of 5m.

Comment:

Council's DCP aims to:

Control the height of rural sheds so as to minimise their dominance and bulk in the landscape.

The objective being that rural sheds are not to dominate the landscape due to the bulk of the building or intrude into the skyline.

It is considered that the proposed height variation of 0.4 metres is a minor variation as the shed profile is a barn style, the bulk of the structure is broken up and is in keeping with the other sheds in the locality. The approval can be conditioned to provide screen planting between the shed and the boundary as this planting will decrease the bulk effect of the structure against the skyline.

Conclusion

The applicant is seeking approval for a rural shed that is not uncommon for the area. There are other sheds in the area that match the style, size and colour of the proposed shed.

The applicant is seeking formal variation of the DCP requirement in relation to the size and height of the proposed shed. The extent of the size variation is for an additional 31.6m sq and the height variation is 0.4 metres. The applicant has provided justification for the variation in both height and size.

The bulk and the use of the structure are the main issues raised in the comments by the respondents. The shed can be conditioned to prohibit its use for commercial or industrial use.

It is considered that the structure as proposed is in keeping with a number of other sheds in the district and its use will be associated with the use of the land and the size of the property.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That the application for a Rural Shed at Lot 3 DP 813866, 72 Fisher Road, Maraylya, 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. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

Prior to Commencement of Works

7. The wind classification for the site has been assessed as Minimum W21N. 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.

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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. 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.
10. 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.
11. 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.
12. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. 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.
15. 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.
16. 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) steel reinforcement prior to pouring concrete;
- (c) external sewer or stormwater lines, prior to backfilling;

(d) swimming pool fencing, prior to the pool being filled with water;

(e) on completion of the works;

17. All roofwater shall be drained to the water storage vessels.
18. The overflow from the water storage vessel shall be drained to a stormwater pit. The stormwater pit shall be located so as not to interfere with any other property
19. The area between the southern boundary and the proposed shed, for the minimum length of the shed, is to be planted with screening trees that will have a mature height equal or greater than that of the ridge height of the shed.

Use of the Development

20. No internal or external alterations shall be carried out without prior approval of Council.
21. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.
22. The access driveway, particularly in the vicinity of the adjoining dwelling to the south, is to be a minimum of 2 metres from the property boundary. This setback area is to be densely landscaped with screening plants with a mature height of at least 2.5 metres.

Advisory

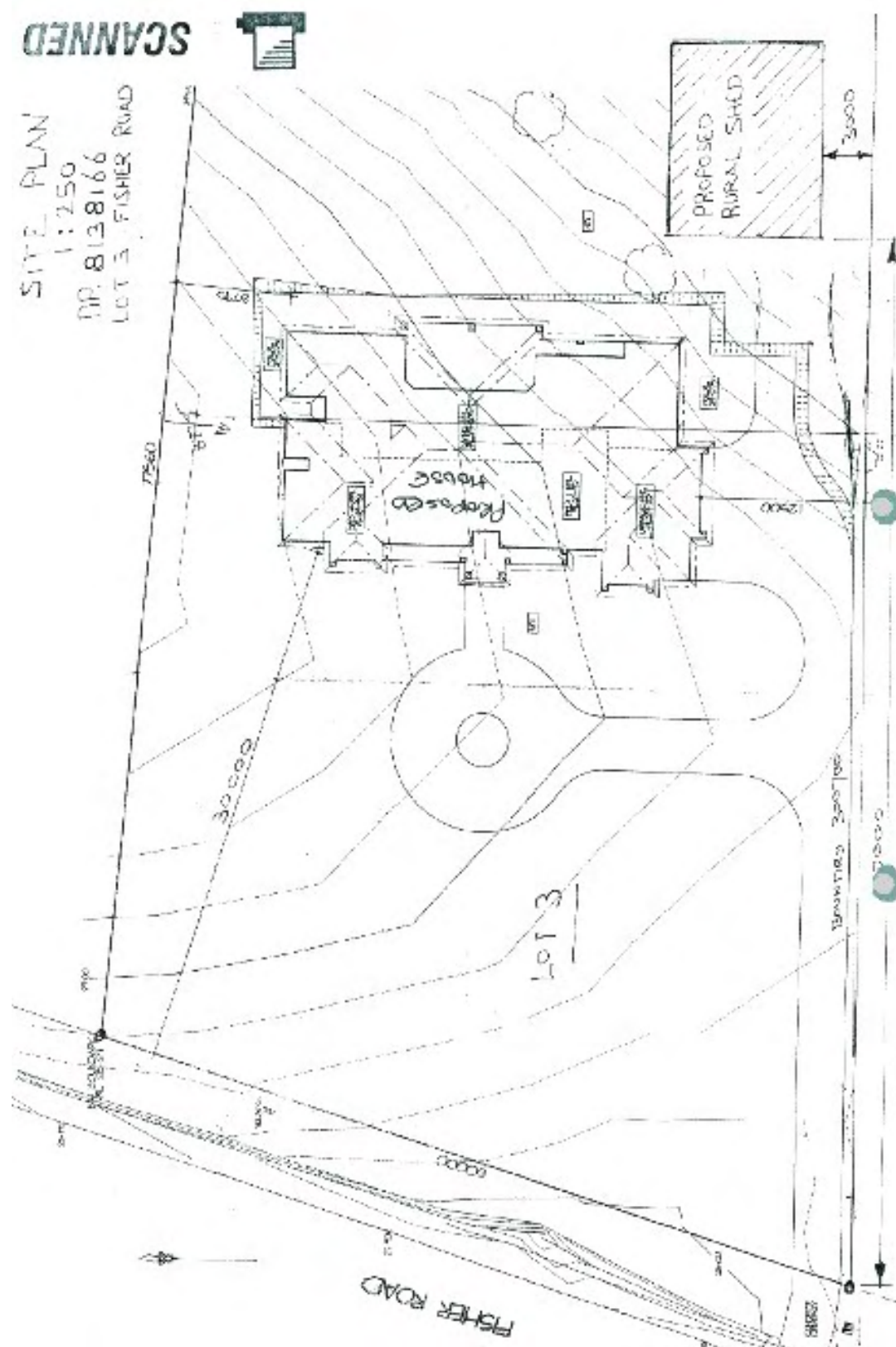
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

ATTACHMENTS:

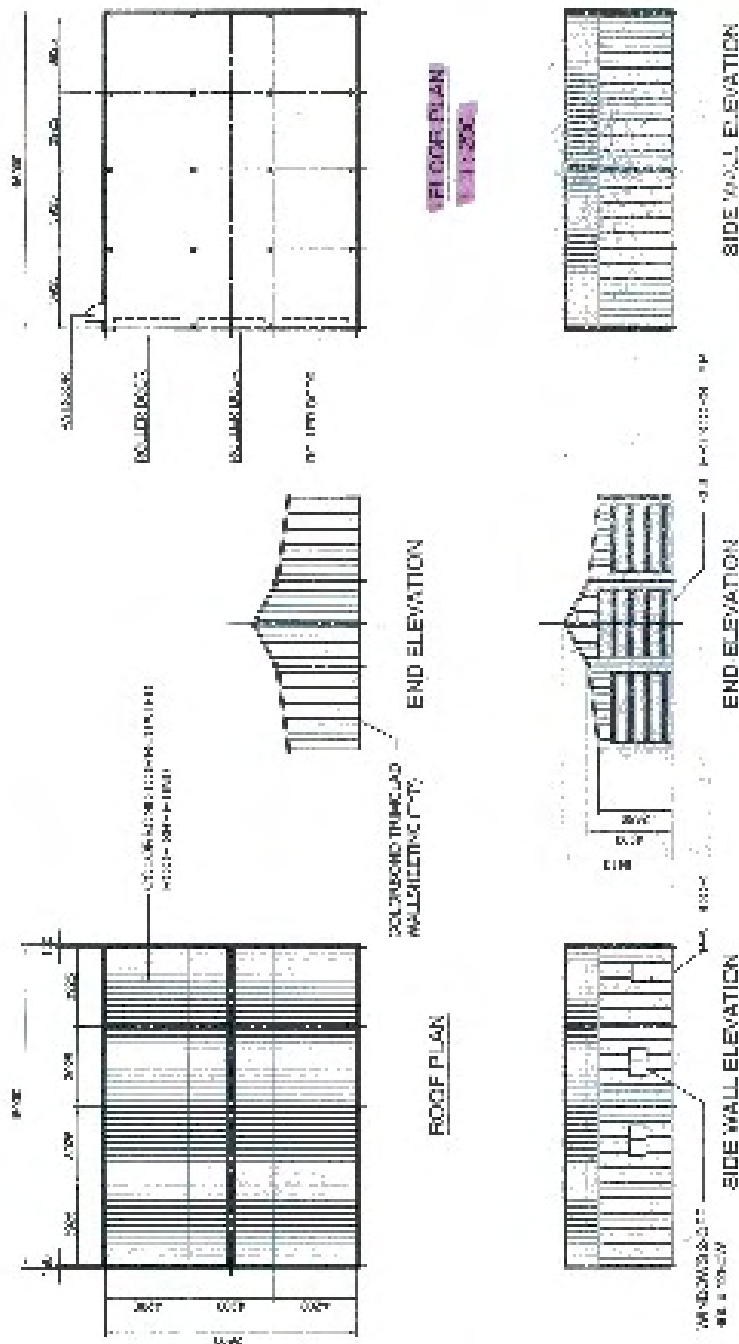
- AT - 1** Locality Plan
AT - 2 Site Plan
AT - 3 Elevations

AT - 1 Locality Plan





AT - 3 Elevations



 HILLS SHEDS 15/12/18 Road 15/12/18 Road	PROJECT: 17 NELSON ROAD ADDRESS: BOX HILL NSW 2765	NAME: ANGELO MEZZOMO SCALE: 1:200	DATE: 07-05-08
			DATE: 07-05-08
			DATE: 07-05-08

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 207 **CP - Development Application - Animal Establishment - Construction of a Kennel Building and Outdoor Kennels for the keeping and breeding of show dogs - Lot 11 DP1034864, 262 Grose Wold Road, Grose Wold - (DA0359/08, 85782, 108159, 95498)**

Development Information

Applicant: Urban City Consulting Pty Limited
Applicants Rep: Troy Myers
Owner: Mr GA Sparham
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 1.838 Ha
Zone: Hawkesbury Local Environmental Plan 1989
Rural Living
Advertising: 30/5/08 to 20/6/08
Date Received: 14/5/08

Key Issues:

- ◆ Noise
- ◆ Amenity and character
- ◆ Zone objectives
- ◆ Public safety

Recommendation: Approval

REPORT:

Background

The subject site and adjoining property have been the subject of a site inspection on Thursday, 9 October 2008 as requested by Councillor Rassmussen. The inspection of the subject property was attended by Councillors Bassett (Mayor), Conolly (Deputy Mayor), Rassmussen and Reardon. Also in attendance were Council's Director City Planning, the property owner (Mr Sparham) and the applicant, Mr Myers. Following the site inspection the adjoining property to the north, 270 Grose Wold Road, was also inspected by the above with the addition of the property owner, Ms Fjellheim, Ms G Raby and Mr G Swain.

Description of Proposal

The application seeks approval for an animal establishment on the subject land involving construction of internal and external kennels for the keeping and breeding of Bullmastiff show dogs. It is proposed to accommodate a maximum of 20 dogs generally comprising of 10 - 15 adult dogs with an occasional litter at any given time. The proposal does not involve the boarding of animals as all dogs are purpose bred as show dogs and are the property of the owner of the land.

The following works are associated with the proposal:

- Construction of a kennel building 20m (length) x 10m (width) x 4m (height) containing 11 individual kennels and storage area. This building will provide enclosed sleeping quarters with separate runs 2.0m in width x 3.5m in length. The kennel building is proposed to be constructed of colourbond outer skin walls and colourbond pitched roof. Masonry is to be used to line the individual kennels. The internal colourbond walls and roof are proposed to be internally insulated with 100mm thick insulation. The building will be fully air conditioned with no windows facing the adjoining residence.

- An enclosure 42m x 56m is proposed to surround the kennel building accommodating 10 separate outdoor runs 5.0m in width x 15.0m in length. This enclosure is to be constructed of 1.8m high wire mesh fencing (existing) upon which a 1.0m additional 45° angled overhang will be installed. The fence is to be lined with a 3mm thick vinyl sheeting to provide an acoustic barrier to adjoining properties. The runs are to be grassed and are to incorporate a covered area to provide shelter.
- Provision of 1.8m high fencing along the northern (side) boundary of the site commencing at the location of the dwelling situated at No. 262 Grose Wold Road and extending to the point adjacent to the north western corner of the outdoor enclosure.
- Installation of double thickness shade cloth material surrounding the outdoor runs to act as a visual buffer to neighbouring properties.
- Landscaping comprising of hedge type planting along the northern (side) boundary of the site and surrounding the outdoor kennel complex.
- Installation of an on-site effluent treatment and disposal system.

Matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act 1979

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). It is considered that the proposal is consistent with the aims and objectives of the plan and that suitable consideration has been given to the requirements of this planning instrument.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. Having regard to the requirements of SEPP No. 44 it is noted that the subject land has been extensively cleared in conjunction with previous activities undertaken on the site and that no trees would be impacted or removed by the proposed works.

Hawkesbury Local Environmental Plan 1989

The relevant clauses from Hawkesbury Local Environmental Plan 1989 are discussed as follows:

Clause 2 - Aims, objectives etc

The general aims, objectives etc. of the Hawkesbury Local Environmental Plan 1989 are as follows:

- a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

Comment: It is considered that the proposal involves the orderly and economic development of the site.

- b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

Comment: The subject site is considered to be of an appropriate size and within an appropriate location for the proposed animal establishment.

- c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

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Comment: It is considered that the proposal will not compromise the rural character of the locality and will not have an adverse impact on any waterways. No wetland areas have been identified within the immediate area.

- 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*

Comment: The subject site does not contain or adjoin any heritage items or heritage conservation areas.

- 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*

Comment: The proposal does not involve a housing development.

Clause 5 - Definitions

The proposed development is defined as an "animal establishment" pursuant to Clause 5 of Hawkesbury Local Environmental Plan 1989. The following definition is provided in Clause 5:

"animal establishment" means a building or place used or intended for use for the intensive purpose of husbandry, boarding, training or the keeping (or any combination of them) of animals, birds or fish.

Clause 9 - Carrying out of development

The subject site is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. An animal establishment is a land use that is permissible with development consent within the Rural Living zone.

Clause 9A - Zone objectives

An assessment of the proposal's degree of compliance with the objectives of the Rural Living zone is detailed as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The design of the proposed development has been developed so as to minimise adverse impact upon adjacent properties. In this regard appropriate conditions have been included in the recommended consent so as to limit potential impacts attributable to the proposal.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposal will not cause significant adverse impact on identified agricultural activities given the design and scale of the development and requirement for the implementation of appropriate measures so as to enable these uses to continue.

- (c) *to minimise conflict with rural living land uses,*

Comment: The proposal has been designed so as to minimise impact upon adjoining land uses given the design of the kennel building and associated outdoor enclosures. In addition, it is noted that a combination of fencing, barrier screening and landscape treatment are proposed so as to assist in this regard.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The application seeks approval for the establishment of an animal establishment that will not require the physical modification of the site such as ploughing, irrigation, application of fertilisers or chemicals. As such, the proposed activity is not deemed to have significant implications relating to concepts involving sustainability.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: The application does not seek consent for rural residential development.

- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: The proposed kennel building is of similar design to buildings situated in the immediate area. In addition, a landscape plan has been prepared detailing extensive planting surrounding the outdoor kennel area and northern boundary of the site assisting in reducing the visual impact of the proposal.

- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

Comment: The application does not seek consent for an agricultural land use.

- (h) *to ensure that development occurs in a manner:*

- (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- (ii) *that satisfies best practice guidelines and best management practices,*

Comment: An agricultural use of the site is not proposed. Notwithstanding this, the proposal is not anticipated to cause any significant adverse impacts on water catchments, land surface conditions or significant ecosystems.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: Grose Wold Road is not classified as a main or arterial road. The degree of traffic anticipated to be generated by the development will be able to be adequately accommodated within the surrounding road system.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposed development will not create unreasonable or economic demands on the provision or extension of public amenities or services.

Clause 18 - Provision of water, sewerage etc. services

Satisfactory arrangements have been proposed for the provision of services for the proposed development.

Water - Council records indicate that the site is not serviced by reticulated water supply. An appropriate condition of development consent has been included in the recommendation requiring the provision of on-site water storage to provide for the demands associated with the proposed use.

Sewerage – A detailed overview relating to wastewater management associated with the proposal is provided in a separate section in this report. Subject to the inclusion of appropriate conditions included in the recommendation it is considered that the proposed wastewater treatment facility is appropriate for the development.

It is noted that a separate application is required to be lodged with Council for approval under Section 68 and Section 68A of the Local Government Act 1993 for the installation of the Centralised Sewage Management Facility.

Drainage – Stormwater runoff from the roof of the proposed kennel building will be required to be directed into an appropriate water storage tank/s and any overflow dispersed onsite. It is considered that the proposed means of stormwater disposal is satisfactory.

Electricity - The site is serviced by electricity supply.

Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map

The land is identified as Class 5 Land on the Acid Sulfate Soils Planning Map. As the proposal does not involve significant earthworks no impact upon the watertable is anticipated.

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended from 28 May 2008 to 20 June 2008. In response to this notification a total of twelve (12) submissions were received.

In addition to the above the applicant has included a petition containing one hundred and four (104) signatures and ten (10) letters of support for the application.

The main issues raised are summarised as follows:

1. The proposed development is inconsistent with the objectives of the Rural Living zone.

Comment: It is noted that 'animal establishments' are a permissible land use within the Rural Living zone and it is considered that the proposal is consistent with the stated zone objectives as detailed previously in this report.

2. The animal establishment will have an appearance that is unattractive being inconsistent with the character of the locality.

Comment: It is considered that the proposal will not be out of keeping with the nature of development situated in the immediate area given the location of the proposed building, associated outdoor kennels and proposed landscape treatment to be applied.

3. The proposal will result in noise disturbance to adjoining properties.

Comment: An acoustic assessment has been submitted in conjunction with the application recommending measures to reduce potential noise impact to neighbouring properties. It is considered that the design in conjunction with the inclusion of appropriate conditions will satisfactorily address the issue of noise disturbance to adjoining properties.

4. Approval of the application may set an undesirable precedent for the development of further boarding kennel facilities in the locality.

Comment: 'Animal establishments' are a permissible land use within the Rural Living zone and any similar applications would need to demonstrate that such uses would not result in unacceptable impact upon adjoining land. It should also be noted that the current application is not for a "boarding kennel" that provides intermittent accommodation for dogs, but is to be used as a kennel facility for the keeping and breeding of a limited number of show dogs owned by the applicant. As this use is a permitted use in the zone, approval of such a use does not, in itself, set a precedent.

5. The number of dogs proposed to be accommodated within the facility is considered excessive and actual numbers may exceed those stated in the application.

Comment: The details submitted in conjunction with the application provide that the number of dogs proposed to be housed on the property will not result in a significant adverse impact upon adjoining properties. An appropriate condition has been included in the recommended consent restricting the total number and breed of dogs that may be accommodated on the site as nominated in the application.

6. The proximity of the site to an existing school and adjoining residential properties is unacceptable.

Comment: An appropriate condition has been included in the recommended consent requiring the installation of appropriate fencing around the perimeter of the kennel enclosure so as to provide suitable means for the control of animals on the site.

7. The soil situated on the site has high clay content and the potential for faecal contamination of waterways is high.

Comment: The proposed on-site wastewater system, utilising sub-surface irrigation, will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described. A recommended condition is also proposed that requires the regular collection of solid waste from the kennel areas.

8. The development has the potential to cause odour problems.

Comment: It is considered that this issue has been adequately addressed in conjunction with the application and through conditions that have been included in the recommendation. In addition, it is noted that a further assessment of the wastewater system will occur under Section 68 and 68A of the Local Government Act and should future odour impact occur a Direction to Take Preventative Action is able to be served under Section 96 of the Protection of the Environment Operations Act 1997.

9. The proposal has the potential to spread disease and contaminate adjacent waterways and dams.

Comment: It is considered that the proposed on-site wastewater system will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described.

10. Fencing surrounding the site will not prevent accidental escape of animals.

Comment: Appropriately constructed buildings, barrier fencing and management practises will ensure that the chance of animals escaping the premises is unlikely. The very nature of the proposal, ie, keeping of valuable show dogs, will also be an incentive for the owner to ensure that animals do not accidentally escape from the site. It is therefore considered that the proposed development will not have a significant impact upon safety.

11. Devaluation of adjacent properties.

Comment: It is difficult to determine the full impact that development may have on land values as they are a relative measure that depends on the use that is permitted in the zone. Generally the true value of land is based on the highest and best use of the land. In some cases that may not be solely residential but a combination of uses. In relation to this submission no evidence to support the claim of change in land values has been submitted to Council.

12. Proposal is inconsistent with Council's Policy for Construction of Rural Sheds.

Comment: The proposal should not be considered under the Rural Sheds Chapter of the DCP as the application does not fit within the definition of rural shed as defined in Clause 5 of Hawkesbury Local Environmental Plan 1989. The definition detailed in Clause 5 specifically makes reference that this definition "*does not include a building or structure elsewhere specifically defined in this clause or a building or structure or a building or structure used for a purpose elsewhere specifically defined in this clause.*" The application, involving the keeping and breeding of dogs, is defined as an "*animal establishment*". As such, it is appropriate to assess the application under that defined use.

13. The proposal would limit available parking in the area should the use be orientated towards a business use.

Comment: It is considered that adequate area is available on the subject site to cater for the anticipated level of car parking demand associated with the proposal.

14. The acoustic assessment has not considered the dwelling currently under construction to the south of the site.

Comment: A suitable condition has been included in the recommendation requiring the design of the proposal to provide an acceptable acoustic environment to all properties adjacent to the subject site. Validation by an appropriately qualified acoustic engineer would be required to be undertaken and necessary works completed prior to occupation.

Part C, Chapter 1 - Landscaping

A landscape plan has been prepared in conjunction with the application detailing the provision of landscape treatment along the northern (side) boundary of the site and surrounding the kennel enclosure as described previously in this report. The landscape plan has satisfied the requirements of Section 1.2 of the Landscaping Chapter of Hawkesbury Development Control Plan 2002. It is considered that the plan will provide for satisfactory screening of the proposed development assisting in reducing the visual impact of the proposal from adjoining properties and Grose Wold Road. It is also noted that, as observed at the site inspection on 9 October, some of the landscaping (that does not require separate consent) has already been undertaken.

Part C, Chapter 2 - Car Parking and Access

The stated aims of the car parking chapter are outlined as follows:

- *Ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by new development;*
- *Encourage the efficient flow of traffic through car parks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict;*
- *Ensure minimum of interference to the flow of traffic on the street network; and*
- *Ensure adequate traffic safety and management and to improve the amenity of car parking areas.*

It is noted that no specific standard for on-site car parking provision has been provided in Hawkesbury Development Control Plan 2002 for 'animal establishment' development.

It is noted that the application involves the establishment of a facility for the purpose of housing and breeding of show dogs. Accordingly, car parking demand associated with this type of usage would not significantly vary from a residential use.

It is considered that the existing level of on-site car parking provision and current access arrangements are satisfactory for the proposed use.

An appropriate condition has been included in the recommendation requiring the vehicle crossing to be constructed of a durable all weather sealed surface.

Planning Assessment

Context and Setting

The locality is characterised by rural properties containing single dwellings with variable setbacks. These properties, whilst primarily used for residential purposes, include the keeping of a variety of animals including horses, cattle and alpaca. Grose View Public School is situated on the opposite (western) side of Grose Wold Road.

Scattered stands of mature native trees and vegetation exist throughout the locality. Given the setbacks proposed, the minimal impact upon existing trees situated on the site and the degree of landscape treatment proposed in conjunction with the application it is considered that the proposal will not have a detrimental impact upon the existing character of the area.

Flora and Fauna

The subject site will not impact upon any significant vegetation situated on the subject land. Accordingly a formal flora and fauna assessment was not required in this instance.

Noise Impact

In conjunction with the subject application for the animal establishment the applicant engaged RSA Acoustics to undertake an acoustic assessment of the proposal (*Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008*). This report describes the anticipated environmental noise impact upon adjacent residential dwellings and the calculations were based upon a maximum of 20 dogs.

This report recommends the following noise control measures to be implemented so as to minimise noise impact to adjoining residential land uses:

- *The property will be under continuous supervision by an experienced canine handler 24 hours per day.*
- *The installation of a 1.8 metre high fence on the adjoining property boundary. This fence will form a solid noise barrier towards the northern residential property. This fence will start immediately adjacent to the dwelling at 262 Grose Wold Road and end at an angle nearest the dog fence line's north west corner.*
- *The fence surrounding the exercise yards is to be covered in 3mm thick heavy duty clear vinyl sheeting.*
- *Any disturbance shall be investigated immediately to eliminate any barking that may occur.*
- *Veterinary attendance will occur on a regular basis.*
- *Distressed or injured animals shall be housed whilst in recovery in the enclosed kennels to eliminate any noise from the animal.*

- *All feeding, washing and grooming of dogs will be carried out in the kennels.*

In order to limit the potential for external stimuli to affect the behaviour of the dogs when contained in the external runs it is recommended that the outer enclosing fence be covered by a suitable material that would prevent any opportunity for such distraction. Subject to this additional requirement the remaining recommendations contained in this report have been included as draft conditions.

In addition to the above the acoustic report provides the following conclusions having regard to the proposed animal establishment:

Based on the noise levels at the nearest residence as calculated, it is clear that acceptable noise criteria will be achieved for both daytime and night time kennel usage. As well, this report demonstrates that the sleep arousal criteria will be achieved.

Bullmastiffs are a low key, quiet breed and have been developed for their ability to know when making noise is appropriate. They are not prone to constant barking or being overly alert to external stimulus.

As such it is expected there will be very little noise from the entire kennel of dogs even compared to that of a single dog of other breeds.

The dogs will be let out of a day time between 0800 and 1700 hours and housed within the acoustically treated shed complex at night. This will shield any night time stimuli such as feral and wild animals.

The dogs will only be out in their runs for extended periods of time when a responsible adult is on site.

Noise will be easily monitored and corrective behaviours and training can be used to limit further noise.

The dogs at this facility have been bred in a rural environment and are rarely stimulated by domesticated animals.

Apart from the noise recommendations contained within this Noise Assessment Report there will be a comprehensively fast growing screening of vines and hedges along the external perimeter. This will minimise any visual stimulus that may encourage the dogs to bark. The adjoining property at 260 Grose Wold Road has planted mature conifers along the fence line that will further obscure any view from the dog complex.

It is therefore concluded that the noise impact of the proposed kennel facilities at 262 Grose Wold Road, Grose Vale, the subject of this report, will be acceptable and meet the 'NSW Industrial Noise Policy' and the noise provisions of Hawkesbury Council provided that compliance with the recommendations is maintained.

Based upon this information it is considered that the proposal will maintain an acceptable noise environment to adjoining properties. In addition, a suggested condition has been included in the draft consent requiring a performance assessment of the kennel building and associated external areas by an acoustic engineer to ensure that the noise levels do not exceed the design levels contained within the report.

Wastewater Management

An on-site effluent disposal assessment has been prepared by Toby Fiander & Associates in conjunction with the proposed development (*Feasibility Study for Onsite Disposal of Wastewater 262 Grose Wold Road Grose Wold Report No. TFA3176/01, dated 10 March 2008*). This report has determined the feasibility of the site to support the proposed dog kennel facility. The report has identified suitable areas

situated on the site capable of accepting wastewater disposal and has concluded that the proposal is able to be undertaken without resultant damage to adjoining land.

In addition, a separate Application for Installation of a Sewage Management Facility has been included as a proposed condition of Development Consent.

Waste Management

It is proposed to remove waste from the facility on a daily basis and place solid material into a worm farm to minimise odour impact and provide usable compost. Should the proposed means of on-site treatment of solid waste be unable to effectively deal with the volume of material generated by the facility the statement included with the application has provided that use of a commercial contractor could be engaged to address this issue. An appropriate condition has been included in the recommendation in this regard.

The floor of the kennel building is to be graded to facilitate cleaning with wastewater directed into the proposed on-site treatment facility to assist in minimising odours.

Conclusion

The proposed animal establishment – construction of a kennel building and outdoor kennels for the keeping and breeding of show dogs has demonstrated satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan 2002 and other relevant policies.

The plans and supporting documentation submitted in conjunction with the application have demonstrated that the proposal constitutes a satisfactory form of development. In addition, appropriate conditions relating to acoustic treatment, wastewater disposal and operational restrictions have been included in the recommended consent to ensure that the proposed use would be compatible with the zone objectives and minimise environmental impact. Accordingly, it is recommended that the application be approved.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That Development Application No. DA0359/08 for an Animal Establishment – Construction of a Kennel Building and Outdoor Kennels for the keeping and breeding of show dogs at Lot 11 DP 1034864, 262 Grose Wold Road, Grose Wold be approved subject to the following conditions:

1. The development is to be carried out in compliance with the stamped plans, specifications and accompanying documentation submitted with the application except where amended by other conditions of consent.
2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.

6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Acoustic Conditions

8. The kennel building shall be designed to achieve a minimum acoustic rating of RW30 as detailed in the Acoustic Report titled Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008.
9. The intersection between walls and roof structure shall be designed to incorporate acoustically effective elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
10. The kennel buildings are to incorporate the following:
 - (a) silencers on ventilation system and associated motors or machinery; and
 - (b) noise masking using vent system or electronic masking system.Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
11. The acoustic consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the 'as-finished' structures shall be objectively measured to confirm compliance with design intent prior to the consultant signing off on the project.

Prior To Issue of Construction Certificate

12. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

The following requirements shall be met:

 - a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
 - b) The storage areas shall be adequately screened from the street/adjacent property boundaries;
13. The external colour of the proposed kennel building shall be of earth/natural tones so as to blend with the rural character of the area. The proposed acoustic fencing is to be treated in earth/natural tones to assist in reducing its visual impact upon the locality. Prior to issue of the Construction Certificate, the certifier to verify that the external components are in accordance with that specified above.
14. Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate.

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15. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 & 2.
- c) The Public Health Act.
- d) Public Health (Microbial Control) Regulation.
- e) Work Cover Authority.

Details are to be submitted to the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

16. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development.

At the Construction Certificate stage, the Applicant is to provide, as part of the Section 68 Application:

- a. Further details and plans regarding design of the STP including specification of all pumps, aeration devices and UV disinfection system, including noise attenuation measures.
- b. The odour controls on each tank will consist of a proprietary vent with carbon filter for odour extraction and a fan to inject fresh air into the tank. As fresh air is injected, waste air is vented through the filter.
- c. Details of STP are to provide for separate treatment of human and animal wastes.

17. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system.

Details satisfying the above are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to Commencement Of Works

- 18. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
- 19. 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.
- 20. 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.
- 21. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
- 22. 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.
23. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
24. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
25. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

26. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
27. 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.
28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
29. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
30. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
31. 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) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
32. All roof water shall be drained to appropriate sized water storage vessel/s. Any overflows are to be designed so as to disperse flows so as to minimise erosion and scouring.
33. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
34. A bitumen sealed rural footway crossing 5.0 metres wide shall be constructed to the development in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.

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36. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
37. The fencing surrounding the outdoor kennel areas is to be covered with a heavy duty vinyl sheeting or similar acoustic rated material. This sheeting is to be extended at the top of the fence and shall extend on a 45 degree angle into the kennel areas. This sheeting is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
38. An opaque material shall cover the fence surrounding the exercise yards so as to restrict the line of sight for the dogs so as to minimise external visual stimuli that may encourage barking. This material is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
39. A 1.8 metre high solid fence (not colourbond) is to be constructed on, or adjacent to the northern property boundary, starting immediately adjacent to the dwelling at 262 Grose Wold Road and ending at an angle nearest the dog enclosure fence line's north west corner. This fence is to provide a solid noise barrier to the property immediately to the north of the site.
40. Dense screen planting is to be established around the external kennel areas and along the boundaries of the site so as to create a vegetative buffer to the facility and to minimise the potential for external factors to encourage the dogs to bark.
41. An automated irrigation system is to be installed to the proposed hedge planting surrounding the outdoor kennel area. Water for the irrigation system shall be drawn from the roof water collection tank/s.

Prior to Issue of Occupation Certificate

42. Compliance with all conditions of this development consent.
43. Prior to occupation, the facility shall be tested and a report prepared by an appropriately qualified acoustic consultant. Subject to ambient noise levels during the test it may be necessary to increase the Sound Power Levels to adequately measure the noise contribution from the facility to compare with the criterion. Weather conditions shall be reported at the time and any adjustments due to differences in upwind or downwind noise propagation included. Any adjustments necessary shall be explained in the report.

The noise levels shall be measured at the site boundaries and from receiver locations at adjacent existing and proposed residences in each direction to determine compliance with the noise criteria contained in Acoustic Report *Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008* for the kennel building and the outdoor exercise yards.

44. A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of any Occupation Certificate certifying that all sound producing plant, equipment, machinery or fittings shall not exceed 5dBA above the background level during the day and not exceeding the background level at night (10.00pm -6.00 am) when measured at any neighbouring boundary, allowing for modifying factors in accordance with the requirements of the Environment Protection Authority Industrial Noise Policy .

Use of the Development

45. The animal establishment is to be restricted to accommodate Bullmastiff show dogs only.
46. The kennel facility is to accommodate not more than a total of twenty (20) dogs at any given time. House or domestic dogs on the remainder of the property are limited to a maximum of three.
47. Waste material generated by the operation of the premises is to be stored in a manner that minimises odour nuisance to adjoining properties and reduces the potential for vermin infestations.

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48. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be placed in an approved onsite management facility (composted in a worm farm or similar) or regularly removed off the site by a commercial contractor.
49. Between the hours of 5:00pm and 8:00am all dogs housed on the premises, except domestic pets, are to be kept in acoustically treated kennels so as to minimise noise impact to adjoining properties.
50. The care and management of all animals shall be consistent with NSW Agriculture Animal Welfare Code of Practice No. 5 – “The Care and Management of Dogs and Cats in Animal Boarding Establishments” or industry best practice standards as updated.
51. The Operational Management Plan Titled: Fence and Shed Application 262 Grose Wold Road Grose Wold dated 23 April 2008 having regard to the management of the facility is to be strictly adhered to at all times during the operation of the development.
52. No dogs are to be exercised or are to be located outside of the area of the nominated animal establishment buildings or associated outdoor exercise yards, with the exception of domestic pets.
53. The automated irrigation system required by Condition No. 41 is to be operated and maintained so as to ensure the establishment and vigour of the proposed hedge planting areas.
54. Regular maintenance and replacement planting is to be undertaken so as to ensure the long term viability of the landscape scheme provided for the site.
55. Feeding of the dogs shall not be carried out between the hours of 8.00pm to 7.00am so as to prevent noise nuisances.
56. The property is to be under constant supervision by an experienced canine handler.
57. Any disturbance shall be investigated immediately to eliminate any barking that may occur.
58. Any distressed or injured animals shall be housed whilst in recovery in enclosed kennels to eliminate and noise from the animal.
59. All feeding, washing and grooming of dogs will be carried out in the enclosed kennels.
60. Noise is to be monitored and corrective behaviours and training are to be implemented to limit further noise.
61. The dog runs and enclosures shall be kept clean, uneaten food, refuse and faecal waste must be removed at least once a day.
62. The premises are to be monitored for fly breeding and appropriate immediate remedial action is to be taken should fly breeding be detected.
64. Feed is to be stored in containers with close-fitting hinged lids to prevent the entry of vermin.
65. If signs of disease are observed in the animals, appropriate treatment must be promptly provided to prevent the spread of disease.
66. Appropriate dust mitigation measures shall be applied to the outdoor kennel areas to limit dust nuisance impact upon neighbouring properties.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

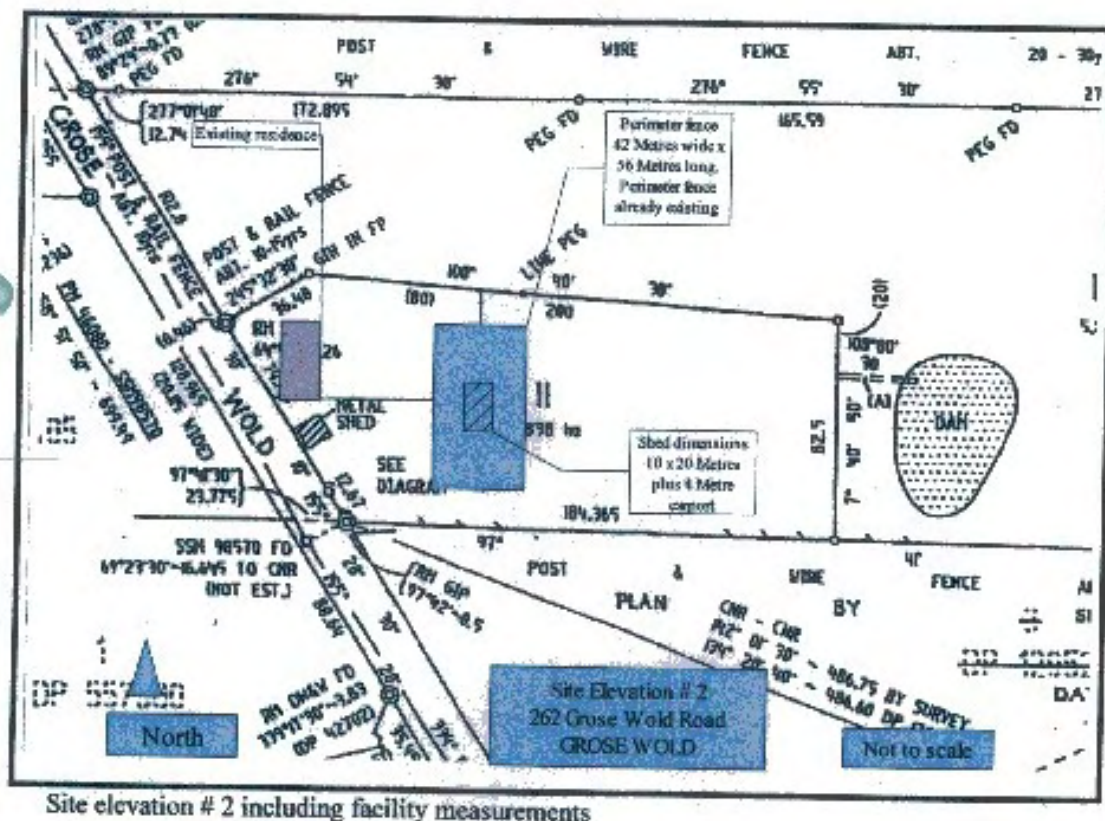
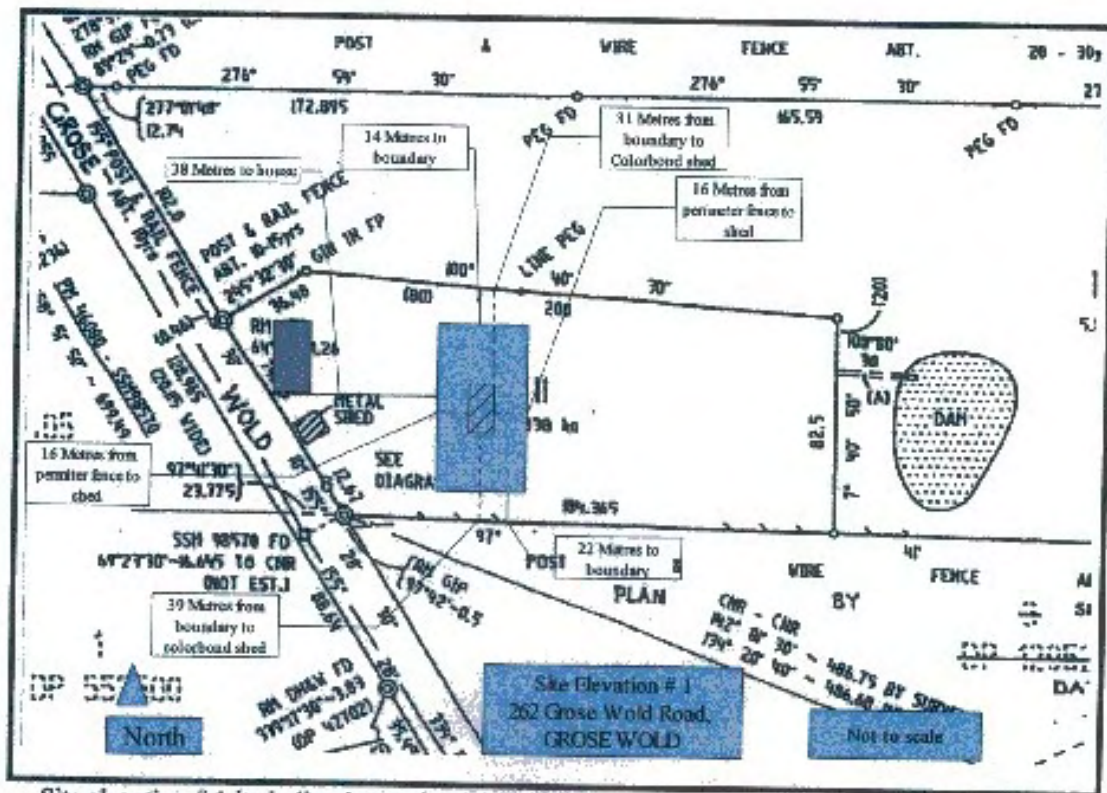
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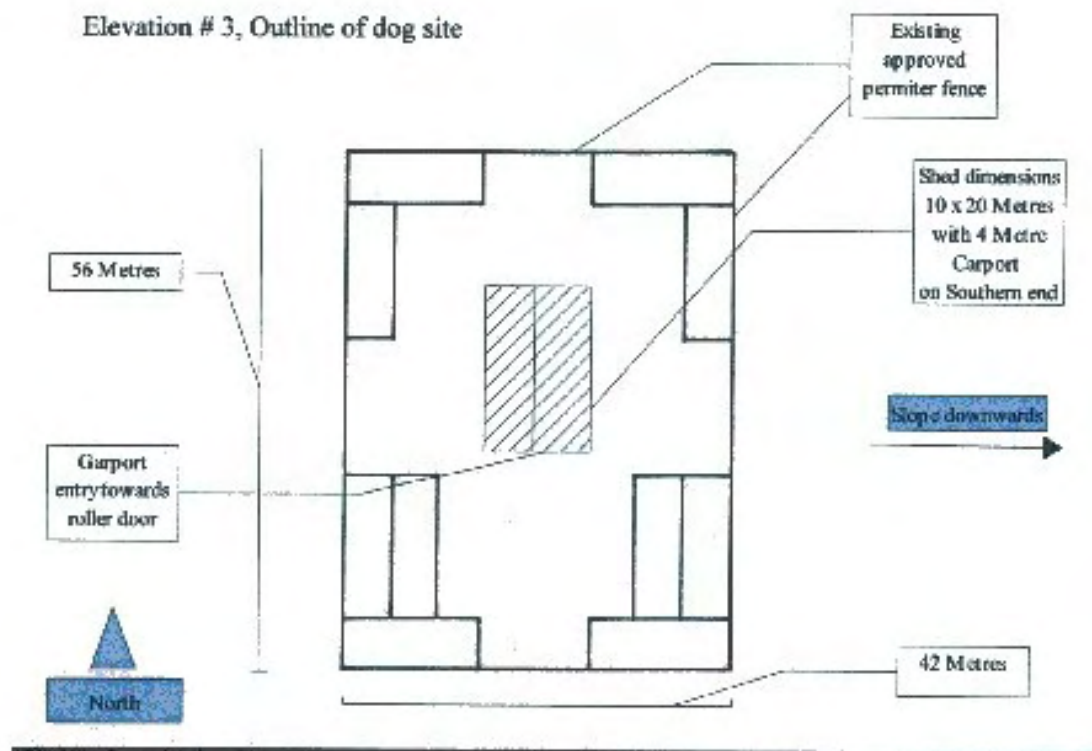
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** 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.
- *** Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

ATTACHMENTS:

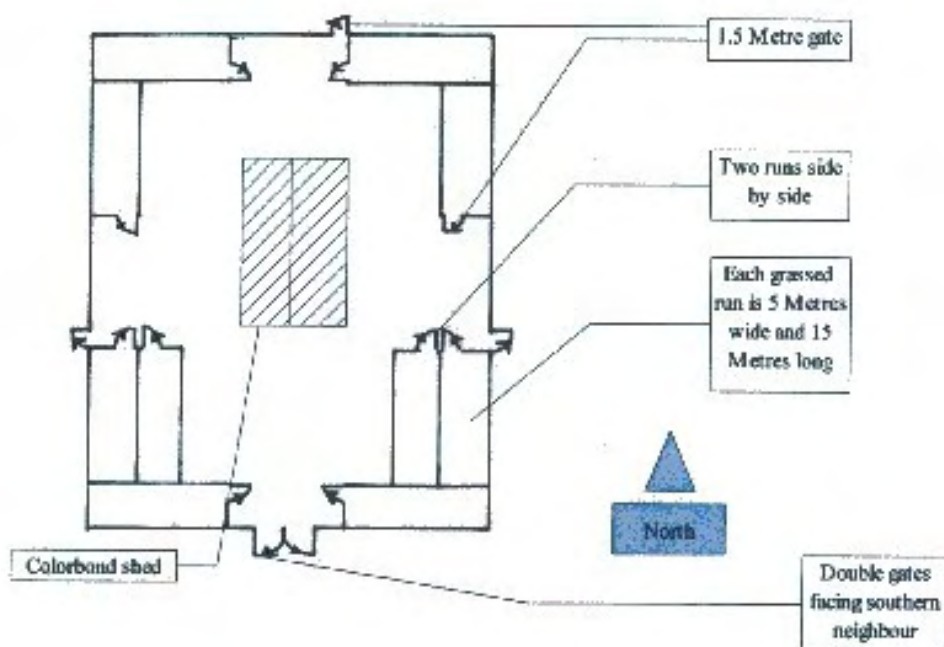
- AT - 1** Site Plans
- AT - 2** Landscaping and Planting Plan
- AT - 3** Sound and Screening Details

AT - 1 Site Plans

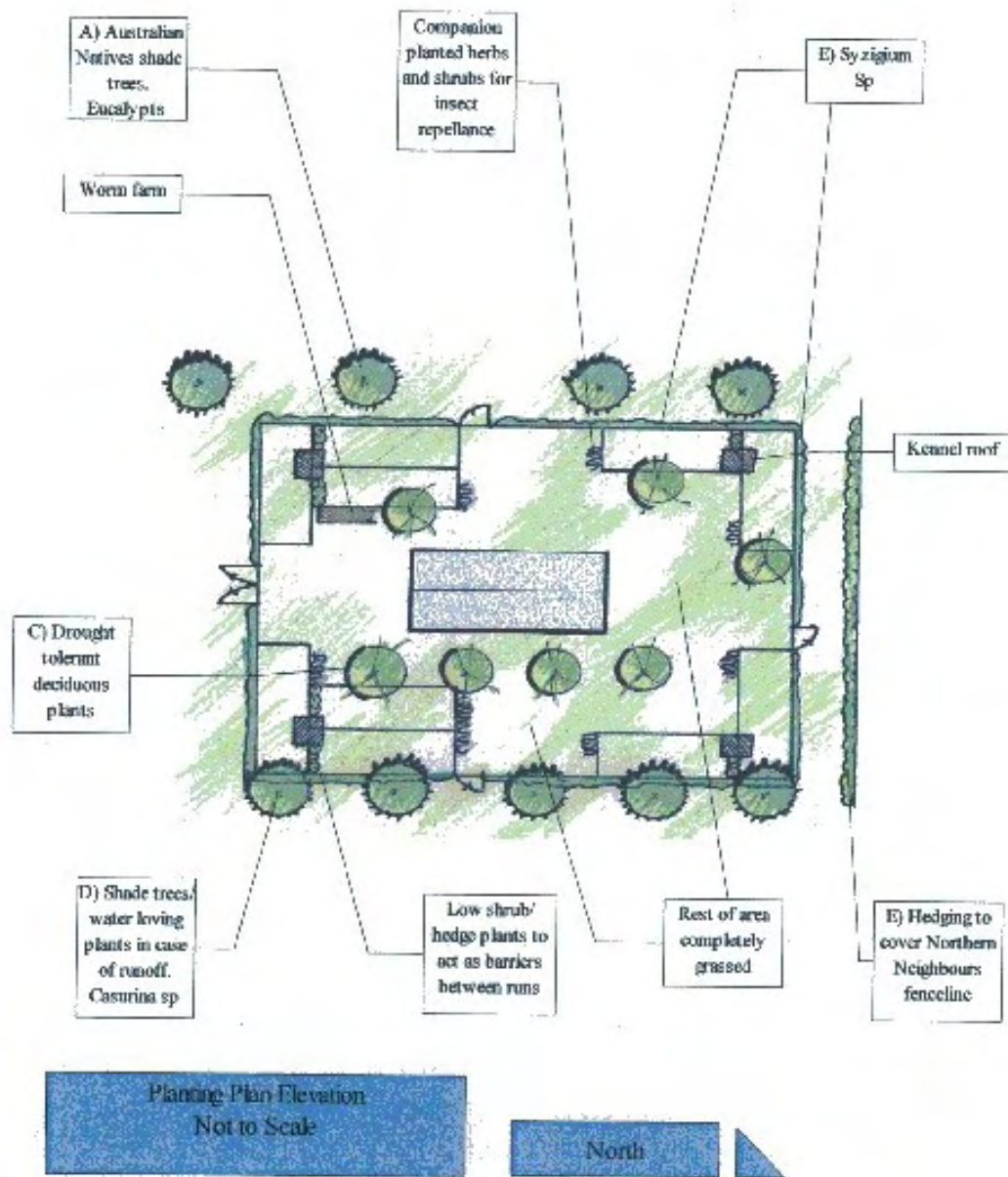




Site Elevation # 4, Dog site details, gates included

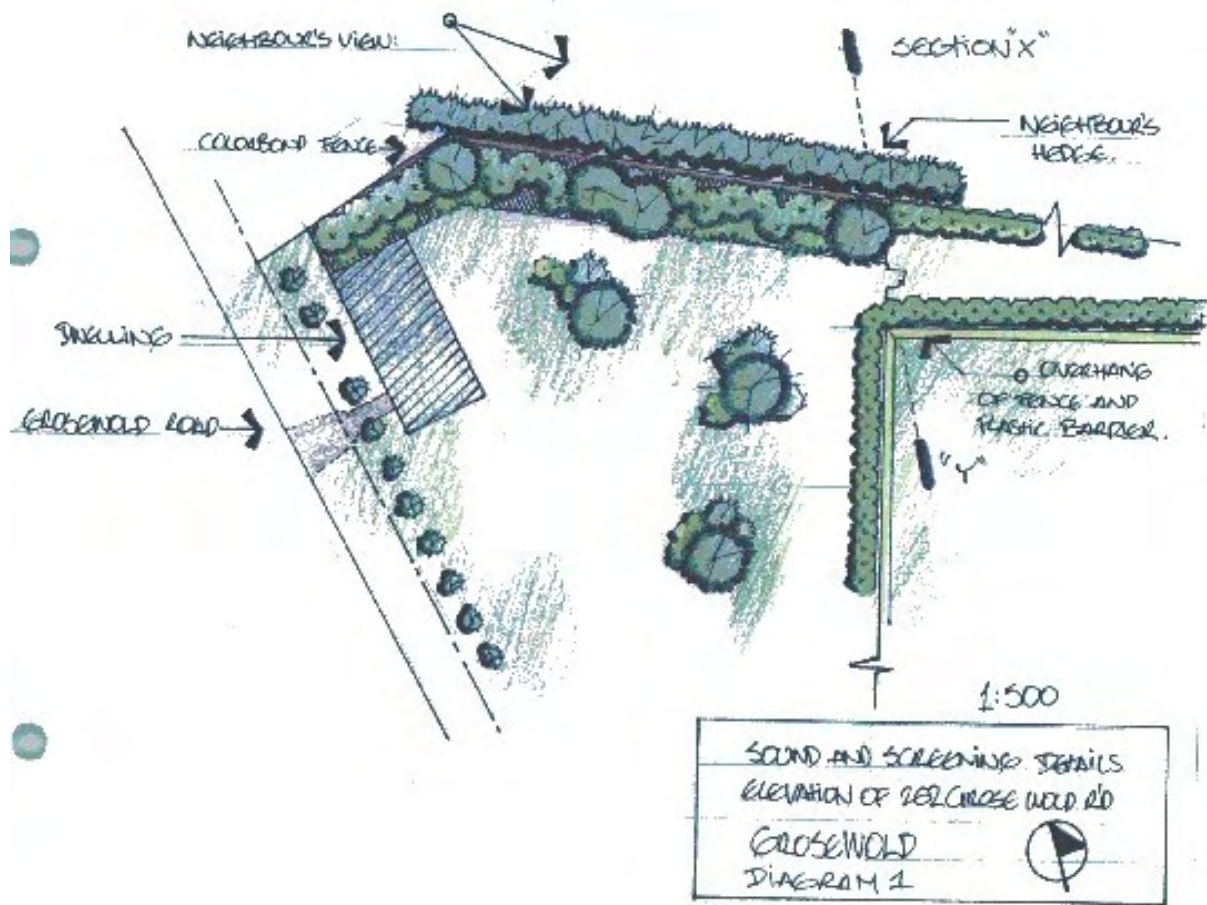


AT - 2 Landscaping and Planting Plan



- A) Various Australian Native tall trees, Eucalypts etc
- B) Various climbing species, Pandorea Jasminoides, Pandorea Pandorina. Planted first phase
- C) Deciduous trees that tolerate the heat and require little water, to shade in summer, Robinia sp
- D) Plants that tolerate wet feet, Casuarina Sp
- E) Hedging plants Aemena, Syzgium Sp, planted in first phase.

AT - 3 Sound and Screening Details for Northern Property Boundary



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Item: 208 **CP - Development Application - Three Lot Torrens Title Sub-division, Lot 2 DP212203 No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260, 1495)**

Development Information

Applicant: Montgomery Planning Solutions
Applicants Rep: Robert Montgomery
Owner: Mr L Georos
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 7.256ha
Zone: Hawkesbury Local Environmental Plan 1989
Rural Living
Environmental Protection - Agriculture Protection (Scenic)
Advertising: 7 May 2008 to 21 May 2008
Date Received: 28 April 2008

Key Issues: ♦ Departure from Minimum Allotment Size
 ♦ State Environmental Planning Policy No. 1 Objection Approval

Recommendation: Approval

REPORT:

Description of Proposal

Approval is sought for a three (3) lot Torrens Title subdivision of Lot 2 DP 212203, 220 Castlereagh Road Richmond. The proposed allotments will have the following areas:

Proposed Lot 1 – 2.1 ha
Proposed Lot 2 – 2.1 ha
Proposed Lot 3 – 2.759 ha

Access to all proposed allotments will be obtained from Castlereagh Road.

Description of the Land and its Surroundings

The existing lot has a total area of 7.257ha and is irregular in shape. The site currently contains an existing dwelling and rural shed with scattered clusters of vegetation. The land level ranges from 10m AHD to 23m AHD.

Matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act 1979:

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

Section 79C "Matters for Consideration" Comments	Section 79C "Matters for Consideration" Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "HLEP 1989", SEPP 1, SEPP 44 and SREP No. 20 in this report.
Section 79C (1) (a)(ii) – Provisions of any draft	THE PROPOSAL IS NOT INCONSISTENT WITH

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environmental planning instrument	THE PROVISIONS OF DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 153.
Section 79C (1) (a)(iii) – Provisions of any development control plan	REFER TO DISCUSSION ON HAWKESBURY DCP 2002 IN THIS REPORT
Section 79C (1) (a)(iii) – Provisions of the regulations	None applicable.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality.</p>
Section 79C (1) (c) – the suitability of the site for the development	<p>Location - The site is considered able to support the proposed subdivision.</p> <p>Physical - The site has sufficient area and dimensions, has suitable road access and is relatively free from environmental constraint. Therefore, the site is considered suitable for the proposed development.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There were no submissions made in accordance with the Act or Regs.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare.

Having regard to the requirements of SEPP No. 44 it is noted that the subdivision will not include the removal of any trees or disturbance of any natural habitats which would be considered as "core koala habitat". The subject land has already been developed and it is considered that the subdivision will not impact any potential core koala habitat areas.

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 1989 (LEP)

Clause 2 - Aims, objectives etc,

Comment: The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the LEP.

Clause 9A – Zone objectives

The subject land is comprised of two (2) separate zonings being partly zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Rural Living (land shown hatched on the map) under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

Rural Living zone

The stated objectives of the Rural Living zone are detailed as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The plans submitted in conjunction with the application detail the provision of three (3) rural residential allotments. The information submitted in conjunction with the application demonstrates that the proposal is able to satisfactorily dispose of wastewater on the site and satisfies the criteria listed in Planning for Bushfire Protection 2006.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities situated in the immediate area. In this regard it is noted that the subject land and that situated in the immediate area has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

- (c) *to minimise conflict with rural living land uses,*

Comment: It is considered that the proposal will not have an adverse impact upon existing rural living land uses.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The proposal will have the effect of fragmenting the subject site reducing the capacity of the land to accommodate future agricultural activities. As previously discussed the proposal is consistent with the character envisaged in the Rural Living zone.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: An appropriate condition has been included in the recommended consent requiring a suitable soil contamination report to be prepared certifying that the development areas associated with Proposed Lots 1 and 2 are suitable for residential use.

- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: It is considered that future buildings situated on Proposed Lots 1 and 2 would have minimal impact upon the existing rural landscape character.

- (f) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

Comment: There are no agricultural land uses proposed in conjunction with the application and as such this matter is not relevant in the consideration of the subject application.

- (h) *to ensure that development occurs in a manner:*

- (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- (ii) *that satisfies best practice guidelines and best management practices,*

Comment: It is noted that the site adjoins a series of wetland areas (Yarramundi Lagoon) adjacent to its north western boundary. In this regard an assessment demonstrating the capability of the proposed allotments to accommodate an on-site wastewater disposal system has been prepared by Toby Fiander & Associates. This assessment has detailed the provision of 1250sqm disposal areas that have been sited so as to account for constraints associated with the land.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposal will not create significant demand for such infrastructure.

Environmental Protection - Agricultural Protection (Scenic) zone

The stated objectives of the Environmental Protection - Agricultural Protection (Scenic) zone are detailed as follows;

- (a) *to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,*

Comment: The subject site contains a relatively small portion of land area within the Environmental Protection - Agricultural Protection (Scenic) zone, comprising approximately 16 240sqm or 22% of total site area. It is noted that this portion of the site has an average slope of 13% which restricts its agricultural potential. Accordingly, it is considered that the proposed subdivision will not have an adverse impact on the agricultural potential of the land zoned Environmental Protection - Agricultural Protection (Scenic).

- (b) *to ensure that agricultural activities occur in a manner:*
 - (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
 - (ii) *that satisfies best practice guidelines and best management practices,*

Comment: No significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision.

- (c) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: The land that is currently adjoined by agricultural land uses and the proposal involving the subdivision of land has the potential to introduce rural land use conflicts. In this regard it is noted that the majority of land immediately adjacent to this portion of Castlereagh Road has been zoned Rural Living and accordingly the proposal is considered to be consistent with the desired future character of the area.

- (d) *to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,*

Comment: The subdivision will change the current use of the property from agricultural to rural residential. However, it is considered that the subdivision will have minimal impact upon the existing landscape values of the locality.

- (e) *to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,*

Comment: The proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality. No new works are proposed.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,*

Comment: The proposed subdivision will have no significant or adverse impacts on hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

- (g) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

- (h) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The proposed subdivision does not involve outdoor advertising.

- (i) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,*

Comment: The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services to the site.

- (j) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: The site currently an existing dwelling and associated sheds, the proposed subdivision does not include any additional buildings.

- (k) *to encourage existing sustainable agricultural activities.*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities in the immediate area and changes the use of the existing property to rural residential. In this regard it is noted that the land has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

Clause 10 – Subdivision - general

The provisions of Clause 10 provide the following:

- 1) *Land to which this plan applies may be subdivided, but only with development consent.*

Comment: The applicant has applied for development consent in accordance with the provisions of this clause.

- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*

- (3) *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart therefrom only to a minor effect.*

Comment: The boundary between the Rural Living and Environmental Protection Agriculture Protection (Scenic) zones dissects Proposed Lot 3. Approximately 1.28ha (44%) of land area in this allotment is situated within the Rural Living zone. Given that the land contains suitable area for the existing dwelling free from environmental constraint it is considered that the departure is reasonable in this instance.

- (4) *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

Comment: The proposed subdivision will provide opportunity to address the issue relating to zone and land boundaries.

Clause 11 – Rural subdivision – general provisions

Clause 11 Rural subdivision - general provisions of Hawkesbury LEP 1989 provides the following:

- (1) *In this clause:*

commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) commenced.

endangered ecological community means any endangered ecological community referred to in Part 3 of Schedule 1 to the [*Threatened Species Conservation Act 1995*](#).

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
- (i) by 10, if the land is in the Mixed Agriculture zone, or
 - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

original allotment means an allotment in existence at the date on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) was gazetted.

regionally significant wetlands means any land shown as wetland on “the map” within the meaning of [*Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River \(No 2—1997\)*](#).

- (2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*

- (a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
- (b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Zone</i>	<i>Minimum allotment size if not lot averaging subdivision</i>	<i>Minimum allotment size if lot averaging subdivision</i>
<i>Mixed Agriculture (land shown hatched on the map)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Mixed Agriculture (other than land shown hatched on the map)</i>	<i>10 hectares</i>	<i>2.5 hectares</i>
<i>Rural Living (land shown hatched on the map)</i>	<i>2 hectares</i>	<i>Not applicable</i>
<i>Rural Living (other than land shown hatched on the map)</i>	<i>4 hectares</i>	<i>1 hectare</i>
<i>Rural Housing</i>	<i>Minimum lot size as shown on the map (otherwise not applicable)</i>	<i>1,500 square metres if the density control shown on the map is 5.0 per hectare</i> <i>2,400 square metres if the density control shown on the map is 3.0 per hectare</i> <i>3,750 square metres if the density control shown on the map is 2.0 per hectare</i>
<i>Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)</i>	<i>10 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Wetlands) 7 (a)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Scenic) 7 (d)</i>	<i>40 hectares</i>	<i>Not applicable</i>

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*Environmental
Protection—Mixed
Agriculture (Scenic)*

40 hectares

Not applicable

Comment: The proposal does not satisfy the minimum area provisions detailed above in that Proposed Lot 3, which is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic), is less than 10 hectares in size. In this regard it is noted that this allotment is partly zoned Rural Living.

The applicant has submitted an objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards. An assessment of this objection is detailed later in the following section of this report.

(3) *The Council may consent to the subdivision of land to which this clause applies only if:*

(a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment: The depth to width ratio proposed in conjunction with Proposed Lots 1, 2 and 3 satisfies the criteria contained in Hawkesbury Development Control Plan 2002 requiring a minimum depth to width ratio of 1:5. In addition, the submitted plans demonstrate that the site is able to accommodate a suitable development area comprising future dwelling footprint and wastewater disposal area. Given that the land is able to accommodate the above it is considered that the allotment configuration is satisfactory.

(b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Comment: The information submitted in conjunction with the application details that the proposal will not have a significant impact upon the adjacent watercourse or be subject to significant bushfire threat.

(c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

Comment: An assessment demonstrating that the proposal has suitable land area and characteristics to support on-site effluent disposal has been submitted in conjunction with the application.

(d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

Comment: The information submitted in conjunction with the application demonstrates that suitable building envelopes, asset protection zones and effluent disposal areas would be able to be provided to all proposed allotments.

(4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:*

(4A) *A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.*

(5) *Despite subclause (2), the Council may consent to a lot averaging subdivision of land*

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Comment: The application does not constitute a lot averaging subdivision therefore the provisions of these clauses do not apply.

- (6) *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*
- (a) *sufficient for the erection of a dwelling-house, and*
 - (b) *at natural surface level or at a level achieved by filling carried out with the consent of the Council.*

Comment: The north western portion of the subject site is affected by the predicted 1 in 100 year flood level as it contains land situated below 17.5m AHD. The remainder of the site is situated above the predicted 1 in 100 year flood level.

- (7) *Consent must not be granted to the subdivision of land in the Rural Village or Consolidated Land Holdings zone otherwise than to effect a minor boundary adjustment of the boundary between allotments that does not create more allotments than the number before the adjustment was made.*

Comment: The subject site is not zoned Rural Village or Consolidated Land Holdings.

- (8) *Consent must not be granted to the subdivision of land within Zone No 7(e).*

Comment: The subject site is not zoned Environmental Protection No. 7(e)

- (9) *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Comment: The proposed subdivision does not involve the creation of allotments for a public purpose or as neighboring property.

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

The proposed subdivision does not satisfy the minimum allotment size provisions of 10 ha in relation to land zoned Environmental Protection - Agriculture Protection (Scenic) contained in Clause 11 of Hawkesbury Local Environmental Plan 1989. In regard to the non compliance with this development standard the applicant has submitted an objection under the provisions of SEPP No. 1 – Development Standards.

The following comments have been prepared by the applicant having regard to whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

1. *Approximately 85% of the subject land is zoned Rural Living, which permits a minimum allotment size of 2 hectares.*
2. *A small portion at the rear of the land, which is not suitable for building or intensive agriculture due to the slope of the land is zoned Environmental Protection - Agriculture Protection (Scenic).*
3. *The split zoning is illustrated in the following extract from the Hawkesbury LEP Map.*
4. *Proposed Lot 3 (split zoning) has an established dwelling and outbuildings located within the flat area of the property which is zoned Rural Living. No dwellings or buildings will be erected within the Environmental Protection - Agriculture Protection (Scenic) zone.*

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5. *The proposed lots comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*
6. *The site plan and effluent disposal report demonstrate that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design, within each allotment.*
7. *The proposal will not create any land use conflict within the zone.*
8. *It is submitted that the departure from the development standard in this instance is a technical non-compliance only, as the zone boundary does not exactly follow property boundaries in this location.*

Comment: Clause 11 of Hawkesbury Local Environmental Plan requires that allotments have a minimum area of 2 ha within the Rural Living zone and 10 ha within the Environmental Protection - Agriculture Protection (Scenic) zone. It is noted that the land is capable of providing suitable development areas on all of the proposed allotments and the issue of non-compliance with the minimum allotment size criteria is the result of the zone boundary not corresponding with the property boundaries.

It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable and accordingly it is considered appropriate to support the variation sought under the provisions of SEPP No. 1 in this instance.

NSW Department of Planning

As the departure to the minimum allotment size criteria contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 exceeded 10% the Development Application and accompanying objection lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards was forwarded to the NSW Department of Planning for the concurrence of the Director-General pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

The Department have not provided a response to date however verbal advice has been received stating that processing of this application would be deferred until such time as Council has made its determination.

Clause 18 – Provision of water, sewerage etc. services

A report titled *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 3 March 2008 has been prepared by Toby Fiander. This report examines the feasibility of wastewater disposal for the subject proposal having regard to environmental constraints associated with the site and the adjacent watercourse.

The report provides that the site is capable of being subdivided and it is feasible to satisfactorily dispose of wastewater generated on the new proposed allotments without damage to adjoining land or nearby watercourse.

The subject site is serviced by a reticulated water supply. Electricity and telephone services are available.

Clause 21 – Danger of bushfire

The south eastern portion of the subject site (area adjacent to Castlereagh Road) has been mapped as Bushfire Prone Buffer on the Statutory Bushfire Prone Land Map. A bushfire hazard report titled *“Rural Bushfire Assessment”* prepared by Monaghan Surveyors Pty Limited was submitted in conjunction with the application detailing the bushfire threat associated with the subject site.

This report identifies that the proposed allotments generally comply with the provisions of Planning for Bushfire Protection 2006 and that any future dwelling could be constructed on the vacant land.

It is considered that the application is satisfactory having regard to the provisions of Clause 21 of Hawkesbury LEP 1989.

Clause 25 – Development of flood liable land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area.

Clause 37A – Development on Land Identified on Acid Sulfate Soils Planning Map

The subject land has been identified as containing Class 4 and Class 5 land on the Acid Sulfate Soils Planning Map. It is considered that the works associated with the proposed subdivision will not impact the watertable.

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended from 07 May 2008 to 21 May 2008. In response to this notification no written submissions were received.

Part C, Chapter 2 - Carparking and Access

Dwelling houses having a GFA in excess of 85qm are required to provide two (2) car parking spaces. It is noted that the existing car parking arrangements associated with the existing dwelling situated on Proposed Lot 3 are not proposed to be altered.

The application details that Proposed Lot 1 will have direct access to Castlereagh Road, while Lots 2 and 3 will each have a 4.5m Reciprocal Right of Carriageway and Easement for Services located running alongside north eastern (side) boundary of the land.

It is considered undesirable to place an additional access point adjacent to the existing driveway on the adjoining property situated in close proximity to the slip lane into Drift Road. It has been noted that vehicles turning into Drift Road have a tendency to move towards the shoulder before the actual start of the slip lane.

There is sealed shoulder approx 2-3 metres wide along the frontage of the property, which allows for vehicles to have a reasonably good site distance without the removal of additional vegetation at the site frontage.

In this instance it is considered appropriate that a consolidated access be provided for all three proposed allotments. Given the close proximity to the slip lane for left turn vehicle movements into Drift Road and the impact upon existing vegetation situated within the road reserve adjacent to the proposed access location a condition has been included in the recommended consent requiring the relocation of the reciprocal right of carriageway and easement for services to the south western (side) boundary of the land.

Part D, Chapter 3 - Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision.

Visual Amenity

Given that the proposal involves subdivision of land situated within an existing rural context it is considered that there would be minimal impact upon the existing visual quality of the area.

Heritage

There are no heritage items that have been identified on the subject or adjacent land.

Utility Services

The site benefits from appropriate services that will be able to be provided to all proposed allotments.

Flooding, Landslip and Contaminated Land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area. The site is not situated on land that has been identified as having a landslip risk. An assessment demonstrating the suitability of the land to accommodate residential development will be required to be prepared prior to the issue of the linen plan of subdivision.

Rural and Rural-Residential Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision. Clause 3.8.1 of Development Control Plan 2002 provides the following rules in relation to rural lot size and shape:

- a) *The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.*

Comment: The allotment area proposed in conjunction with Lot 3 does not accord with the minimum provisions contained in Hawkesbury LEP 1989. The applicant submitted a SEPP 1 Objection relating to the proposed variation that is discussed separately in this report.

- b) *Lots should be able to accommodate a building envelope of 2000sqm with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.*

Comment: The proposal is able to satisfy the building envelope requirements detailed above.

- c) *In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.*

Comment: The area calculations detailed on the submitted plans exclude the area of the battle axe handle.

- d) *The width to depth ratio of allotments should not exceed 1:5.*

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Comment: The width to depth ratio of the proposed development is described as follows:

Proposed Lot	Width to Depth Ratio
1	1:1.3
2	1:1.3
3	1:1.5

- e) *Lot layout shall consider the location, the watercourse vegetation and other environmental features.*

Comment: The subject land has minimal environmental constraints and the information submitted in conjunction with the application demonstrates that the land is capable of accommodating rural residential uses with appropriate zones for wastewater disposal and asset protection.

Bushfire Assessment

The provisions of Section 100B of the Rural Fires Act 1997 provide that a Bush Fire Safety Authority is required for a subdivision of bush fire prone land that could accommodate a residential or rural residential land use.

The south eastern portion of the subject land is partly mapped as Bush Fire Prone Buffer on the Bush Fire Hazard Mapping prepared by the NSW Rural Fire Service. The land is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Clause 9 of this instrument provides that dwelling-houses constitute a permissible land use within this zone subject to development consent.

Given that the applicant has not nominated that the application be processed as an Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act a condition requiring the applicant to obtain a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 has been included in the recommendation.

Roads and Traffic Authority

As Castlereagh Road is a classified road the application was referred to the Roads and Traffic Authority for concurrence in accordance with the provisions of Section 138 - Works and Structures under the Roads Act 1993. To date no correspondence has been received from the Roads and Traffic Authority and accordingly a condition has been included requiring any conditions/comments be incorporated in the consent.

Conclusion

The application has been considered having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies. As detailed within the main body of the report the departure to the minimum allotment size provisions is reasonable in this instance and the State Environmental Planning Policy No. 1 objection is supported. Based upon the above it is considered that the proposal represents a satisfactory form of development and is recommended for consent.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

ATTACHMENTS:

- AT - 1** List of likely development consent conditions.
- AT - 2** Locality Plan
- AT - 3** Subdivision Plan

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AT - 1 List of Likely Development Consent Conditions

ATTACHMENT 1 – List of likely Development Consent Conditions

The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development. It should be noted that Council will also consider any conditions/requirements from the Roads and Traffic Authority and incorporate these as conditions of consent.

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent: forward

Drawing Number	Dated
07015 - DA(3)	28 February 2008

Document Number	Dated
Statement of Environmental Effects - Lot 2 DP 212203 (No. 220) Castlereagh Road Agnes Banks Proposed Three Lot Subdivision	April 2008
Wastewater Disposal Report – Report No. TFA 3187/01	3 March 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The access arrangements associated with the site involving the Reciprocal Right of Carriageway and Easement for Services are to be relocated to the south western (side) boundary of the site.

Prior to Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

5. Construction of the accesses 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 of Environment and Development or an Accredited Certifier.
6. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.
7. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.

Prior to Commencement of Works

8. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
9. 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.
10. 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.
11. 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.
12. 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.
13. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
16. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
17. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.

18. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
19. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
20. The site shall be secured to prevent the depositing of any unauthorised material.

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21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. 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.
24. 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.

Prior to Issue of Subdivision Certificate

25. 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.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
29. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
30. 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.
31. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
32. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
33. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
 - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.
 - (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander

ORDINARY MEETING
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Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.

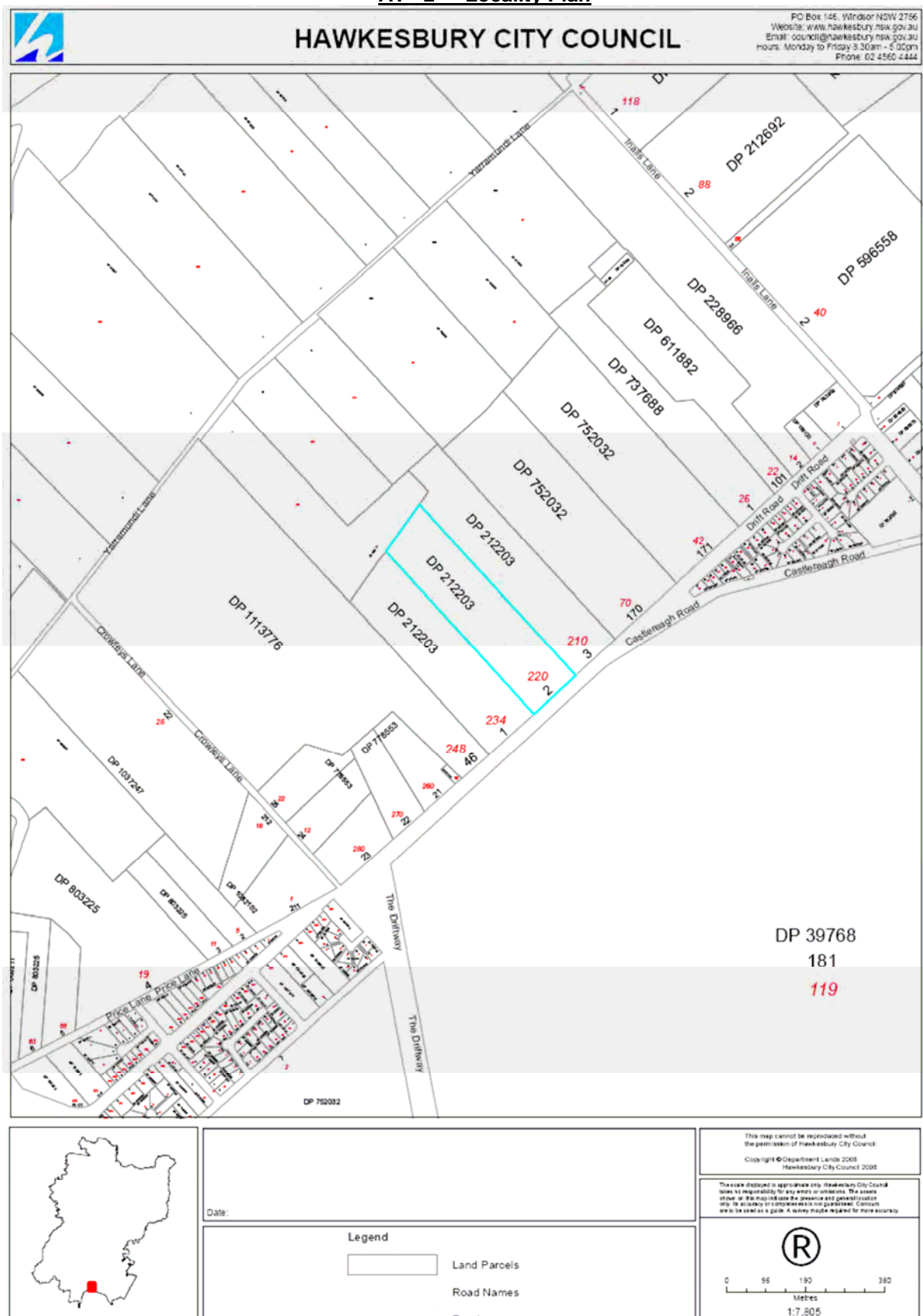
34. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.

Advice to Applicant

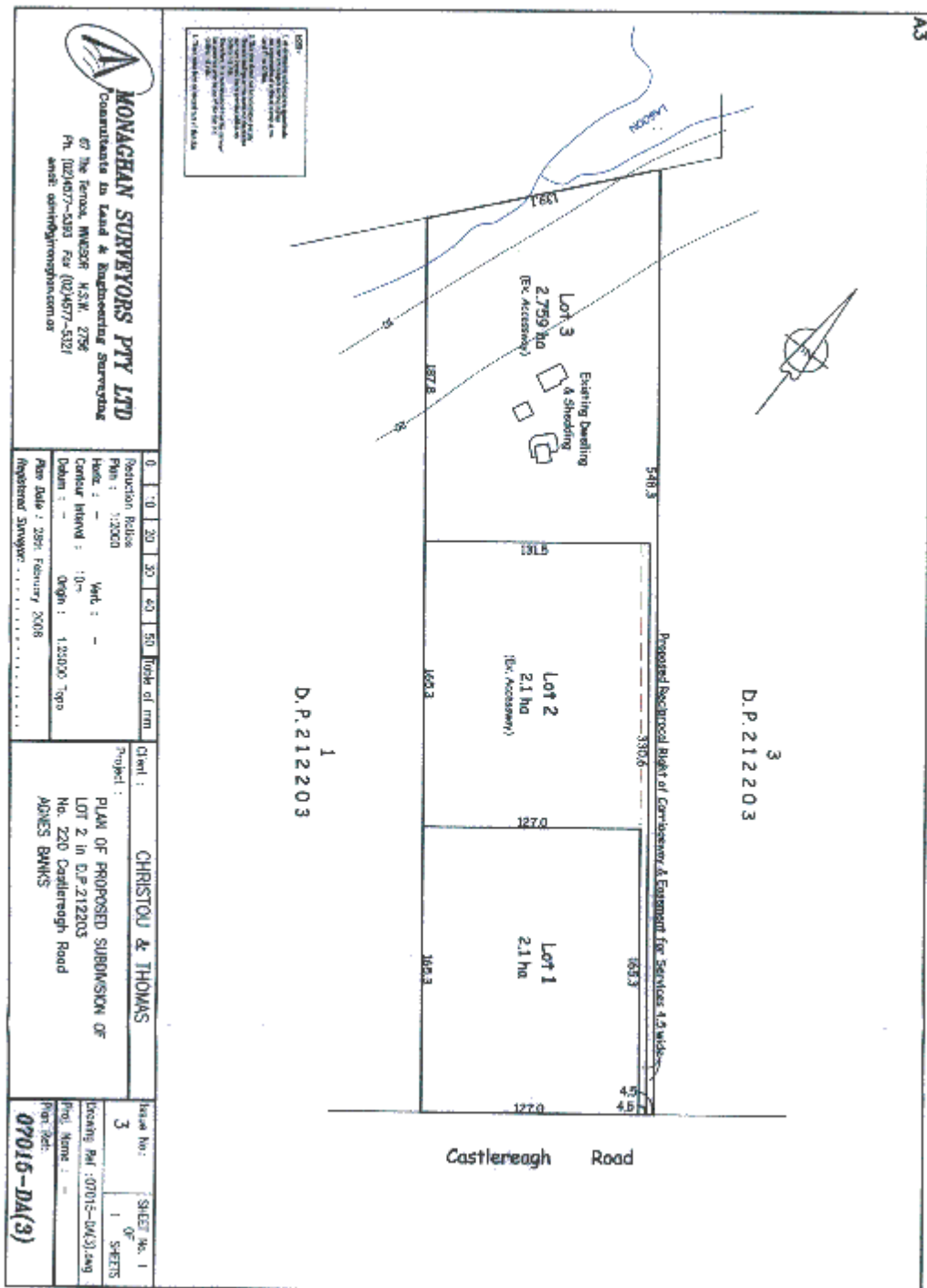
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The applicant is advised to consult with the necessary energy and telecommunication suppliers regarding 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 roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

<p align="center">ORDINARY MEETING</p> <p align="center">Reports of Committees</p>

AT - 2 Locality Plan



AT - 3 Subdivision Plan



oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 213 IS - Rural Fire Service Estimates 2009/2010 - Hawkesbury District - (95495, 79016, 73835)

REPORT:

The NSW Rural Fire Service has submitted their estimates for the 2009/2010 financial year for Council's consideration. The attached estimates consist of two components, the Rural Fire Fighting Fund (RFFF), which is submitted to the NSW Rural Fire Service, and a Council submission which is presented to Council for consideration. Council is obligated to contribute 13.3% of the RFFF budget. The Council submission is discretionary and is for Council to determine the appropriate funding commitment. There is an amount identified as "Provided by Council" which is the cost identified directly related to the Service Level Agreement between Council and the RFS which includes insurance of stations and vehicles, and Council rates in a total of \$61,000.

The RFFF estimates includes \$940,578 for the purchase and replacement of six fire fighting appliances, being two Category One Village vehicles (Oakville, Lower Portland), one Category Seven vehicle (Colo Heights), and three Category Nine vehicles (Bilpin, Lower MacDonald and St Albans). Inherent within the tanker trade-in process (\$289,400) the amount Council contributes towards will be reduced to \$651,178.

In the current financial year, Council's budget for all fire services is proposed at 1,008,657. Under Section 50 of the Fire Brigades Act, Local Government contributes 12.3% of the NSW Fire Brigades aggregate expenditure. Whilst formal advice of the 2008/2009 budget has not been received for the NSW Fire Brigades at this stage, based on the 2nd quarter invoice from that service (\$30,118) it is estimated that the expenditure for the Windsor Fire District will be \$979,447. Council's contribution (12.3%) for 2008/2009 is estimated at \$120,472.

Total fire fighting funding is made up of the 13.3% RFFF contribution, 12.3% NSW Fire Brigade contribution, salaries for part time and casual workers, Council's own internal overheads and any additional funding provided by Council in response to Fire Control's Council submission.

The "other programs" charges, which is a proportion of RFS statewide programs and insurances has been estimated at an amount of \$1,000,000. Reimbursement of 13.3% of these program charges can be sought as part of the budget process and this has been included within the documentation. It will be noted that the reimbursement amount is included within the RFS bid for the district budget.

The submission seeks discretionary Council funding on a range of programs totalling \$317,000. Of concern is the fact that submissions for funding after 31 October 2008 will not be considered by the NSW RFS. (This means that any discretionary funding not supported by Council after that date will not be able to be included within the RFFF bid.)

Council has provided funding for station and vehicle insurances of \$50,000, Council rates of \$11,000 and discretionary funding in an amount of \$252,000, totalling \$313,000 within the 2008/2009 Budget. It is suggested that while a commitment to discretionary funding for the 2009/2010 Budget should not be made prior to the budget process for that year, the RFS be advised that there will be no increase in discretionary funding above the current budget allocation, for the 2009/2010 financial year.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Work in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the city."

Funding

Consideration of funding will be required as part of the 2009/2010 Budget preparation.

RECOMMENDATION:

That:

1. The 2009/2010 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.
2. Consideration of the request for additional funding for the existing 2009/2010 Budget Allocation be deferred until Council's 2009/2010 Budget estimates are determined.

ATTACHMENTS:

AT - 1 Rural Fire Service Estimates 2009/2010

ORDINARY MEETING
Reports of Committees

AT - 1 Rural Fire Service Estimates 2009/2010

HAWKESBURY RURAL FIRE DISTRICT BID & ESTIMATES 2009 - 2010				
ACTION	RFS BID	COUNCIL BID	PROVIDED BY COUNCIL	COMMENTS
Station maintenance & repair	\$25,000.00			
Electrical Tagging & Fire Extinguisher Maint		\$10,000.00		
Station upgrades	\$40,000.00			Glossodia Roof Height
Part Time Wages - Cleaning / Admin		\$30,000.00		
Insurance stations			\$10,000.00	
Insurance vehicles			\$40,000.00	
Electricity stations	\$15,000.00			
Electricity Fire Control / WOOSH / Wilberforce				
Station / Stores	\$22,000.00			
Council rates			\$11,000.00	
Water - stations		\$1,000.00		
Water - Fire Control		\$1,000.00		
Staff vehicle changeovers (3)	\$37,500.00			FCO, FCO4, FMO
Authority cards	\$800.00			
Computer replacements	\$2,000.00			DAQ3 - Estimate only
Travel expenses	\$3,000.00			
Printing & stationery		\$35,000.00		
Vehicle running costs	\$50,300.00			
Telephone calls		\$13,000.00		
Telephone rental		\$12,000.00		
Catering		\$15,000.00		
Communications Platform	\$30,623.00			Estimate Only - TBA
PMR Site Costs	\$8,000.00			
GRN radio access fees	\$20,000.00			
Radio repairs	\$15,000.00			
Fuel	\$50,000.00			
Vehicle maint & repair	\$50,000.00	\$40,000.00		
Protective equipment	\$40,000.00			
Personnel carrier (1)	\$46,000.00			Replace Grose Vale
Tanker Replacement Programme	\$940,578.00			O2, CH7, LP2, B9, LM9, SA9
Equipment	\$100,000.00			Replace FG Radios. Replace Pagers, Chargers for Group Vehicles
Group Officer vehicle replacement (2)		\$45,000.00		GC8, GC1
Mitigation works		\$10,000.00		
Community Education Activities	\$4,000.00			
Training		\$7,000.00		
Field Day		\$12,000.00		
MyRFS contribution	\$13,140.00			
Information Services & GIS Contribution	\$32,116.00			Estimate Only - TBA
Wages - Casual		\$25,000.00		
TOTALS	\$1,646,067.00	\$266,000.00	\$61,000.00	
LESS TANKER TRADE IN	\$289,400.00			
TOTAL	\$1,266,667.00			
Plus RFS Programme Charges (EST)	\$1,000,000.00			
TOTAL	\$2,266,667.00			
Reimbursement of Council 13.3% Programme Charges	\$133,000.00			
TOTAL BID to RFS (EST)	\$2,388,667.00			
Councils Statutory Contribution 13.3% (EST)		\$300,002.38		
COUNCIL CONTRIBUTION (EST)		\$617,002.38		
Less Reimbursement of 13.3% Programme Charges(EST)		\$122,175.42		
TOTAL COUNCIL CONTRIBUTION (EST)		\$494,826.96		

oooO END OF REPORT Oooo

Item: 214 **IS - Conservation Management Plan for Wilberforce Cemetery - (79354)**

Previous Item: 207, Ordinary (9 October 2008)

REPORT:

Following community requests to reopen the Wilberforce Cemetery, a budget of \$10,000 was allocated in the 2006/2007 Capital Works Program to develop a Conservation Management Plan for the site. Hubert Architects in conjunction with Ian Jack Heritage Consulting were the successful Heritage Consultants engaged for this project.

A draft plan was developed and reported to Council's Ordinary meeting of 9 October 2007, where it was resolved:

"That the Draft Conservation Management Plan for Wilberforce Cemetery be:

- 1. Forwarded to the Department of Lands for their information and comment; and*
- 2. Placed on public exhibition for a period of 28 days and be further reported to Council following this process."*

The Wilberforce Cemetery Draft Conservation Plan attracted fifteen responses whilst on public exhibition. All comments received were in favour of the plan, in particular items such as re-opening the cemetery, the drainage issues to be addressed and the cemetery be nominated for heritage listing. Within this support there were some comments on the content which included:

- A suggestion to rewrite the executive summary;
- Rezoning of the former Wesleyan section to Special Uses (a) which would make the whole cemetery consistent. Currently it is 6(a) - open space;
- To fence off the Wesleyan section and to close off the road through the cemetery that runs to St Thomas Church.

(Note the Wesleyan section is the area located immediately adjacent to the north east of the current access road from Old Sackville Road to the rear of the church.)

All comments were forwarded to the consultants for consideration within the final document.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Establish a framework to define and equitably manage the infrastructure demands of the City."

Funding

Funding for works identified within the plan are proposed to be provided within future Capital Works Programs.

RECOMMENDATION:

That the Conservation Management Plan for Wilberforce Cemetery be adopted.

ORDINARY MEETING
Reports of Committees

ATTACHMENTS:

AT - 1 The Wilberforce Cemetery Conservation Management Plan - Volumes 1 and 2 - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

Item: 215 IS - Underbelly II - Filming Application - (79354)

REPORT:

UB II Pty Ltd is seeking permission to film scenes for their forthcoming series of "Underbelly II" within the Richmond township and Freemans Reach areas on Tuesday 28 October and Wednesday 29 October 2008.

"Underbelly II" begins by looking at the shooting of the anti drugs campaigner Donald Mackay in Griffith in 1977. The series is on a limited budget and therefore the company are unable to travel out of the Sydney basin to film these scenes. The Hawkesbury provides this production with a rich streetscape close to the production base.

The filming on Tuesday, 28 October 2008 proposes the closure of Windsor Street, Richmond, between East Market and West Market Streets, from 6am – 11am. The production is a period piece and thus it is essential to have only vehicles from that era within the filming. Windsor Street will be reopened with filming moving to West Market Street, where intermittent interruption to traffic for no more than two minutes at a time will occur. It is estimated that filming will finish at 6pm. Filming will continue in West Market Street on 29 October where again the intermittent delay of traffic for no more than two minutes will occur. Other areas of Richmond will be used on this day but traffic should not be affected

The production company have consulted with every shop owner/occupier within the area affected by the road closure, collecting signatures from each shop indicating that they have been briefed on the proposed filming on 28 and 29 October and that they have no objection to the filming proposal. The general consensus from all shop proprietors has been very positive. The production company has also indicated that they will use the local media and newspaper advertisements to inform the community of the road closure and directing people to park within the car parks at the rear of these businesses, allowing residents to still access shops as required.

Consultation has also been undertaken with representatives from the Chamber of Commerce, who have also provided written support for the filming and proposed road closure. The filming will have minimal impact in the Freemans Reach area (Gorricks Lane and Freemans Reach Road) with traffic being held up for no more than two minute intervals on 29 October 2008.

Noting the support of the affected shop owners and the Chamber of Commerce, it is recommended that permission be granted for Windsor Street, Richmond between East Market Street and West Market Street be closed on 28 October between 6-11am.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."

Funding

Potential income from filming in accordance with fees and charges.

RECOMMENDATION:

That:

1. Permission be granted to UB II Pty Ltd to close Windsor Street, Richmond, between East Market Street and West Market Street, on 28 October 2008 between the hours of 6am -11am for the purpose of filming.
2. All filming be in accordance with Council's Standard Filming Conditions.

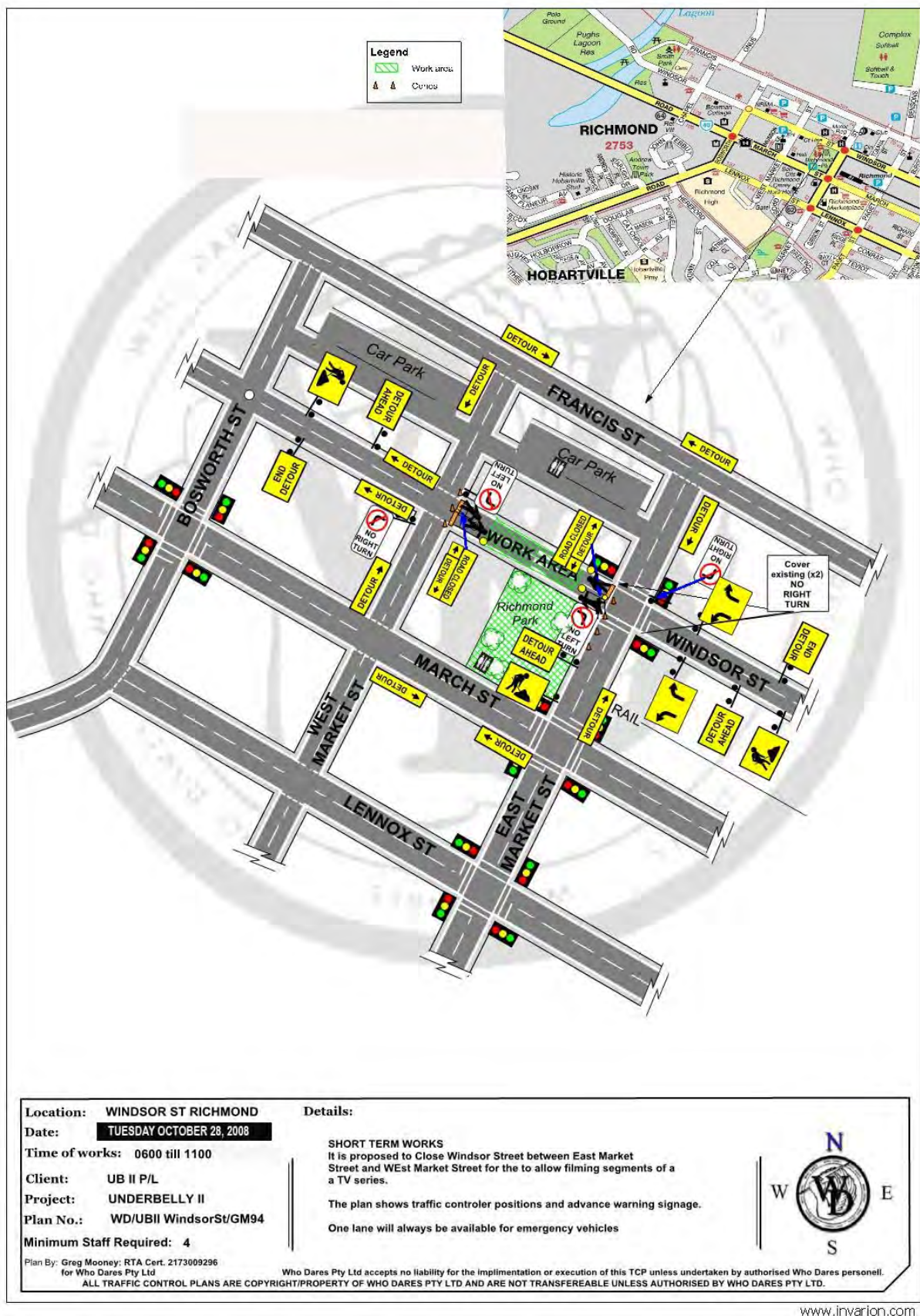
ATTACHMENTS:

- AT - 1** Traffic Management Plan – "Underbelly II"
- AT - 2** Letter of support from the Chamber of Commerce

ORDINARY MEETING

Reports of Committees

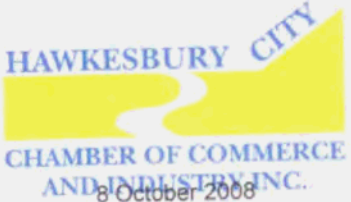
AT - 1 Traffic Management Plan – “Underbelly II”



ORDINARY MEETING

Reports of Committees

AT - 2 Letter of support from the Chamber of Commerce



HAWKESBURY CITY
CHAMBER OF COMMERCE
AND INDUSTRY INC.

Hawkesbury City
Chamber of Commerce & Industry Inc.
Shop 5 Magnolia Mall Richmond NSW 2753
Telephone: **02 4578 7878** Facsimile: 02 4578 3548
Email: membership@hawkesburychamber.com.au
Web: www.hawkesburychamber.com.au

8 October 2008

Ms Lauren Cooper
Location Co-Ordinator; Underbelly II
UBII Pty Limited
Shed 7 CRFC
1 Canal Road
LEICHHARDT NSW 2040

Dear Lauren

RE: UNDERBELLY 2 IN RICHMOND – LOCATION FILMING

Thank you for your recent attendance at my office with Phillip. The Hawkesbury City Chamber of Commerce Executive has discussed the matter by email and can now inform you as follows:

The salient points to note are:

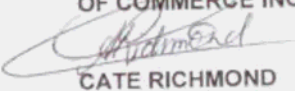
- The road closure in Richmond is short and in fact has a duration of two hours during normal business hours. There will be no road closures in the Windsor to Freemans Reach filming.
- Location shoots in both Windsor (Freemans Reach) and Richmond will be recognised in the film credits.
- Underbelly II will conduct discussions with business houses in the Richmond area with respect to any disruption to their normal business and seek to mitigate any issues. Please give some additional consideration to retrieving mail from the post office boxes in that area.
- Underbelly II will create interest in the Richmond and Windsor (Freemans Reach) communities and for visitors to the area which will ultimately benefit businesses in the Richmond and Windsor areas by increased visitations.

As a result, we are able to indicate that the Chamber is supportive of the filming in the Richmond location with road closure.

We wish Underbelly II every success and look forward to your next contact.

With kind regards.

Yours sincerely
**HAWKESBURY CITY CHAMBER
OF COMMERCE INC**



CATE RICHMOND
President

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
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