



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 13 May 2008

location: council chambers

time: 5:00 p.m.



mission  
statement

***“To create opportunities  
for a variety of work  
and lifestyle choices  
in a healthy, natural  
environment”***

## **How Council Operates**

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

### **Public Participation**

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at [fsut@hawkesbury.nsw.gov.au](mailto:fsut@hawkesbury.nsw.gov.au).

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

### **A Point of Interest**

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

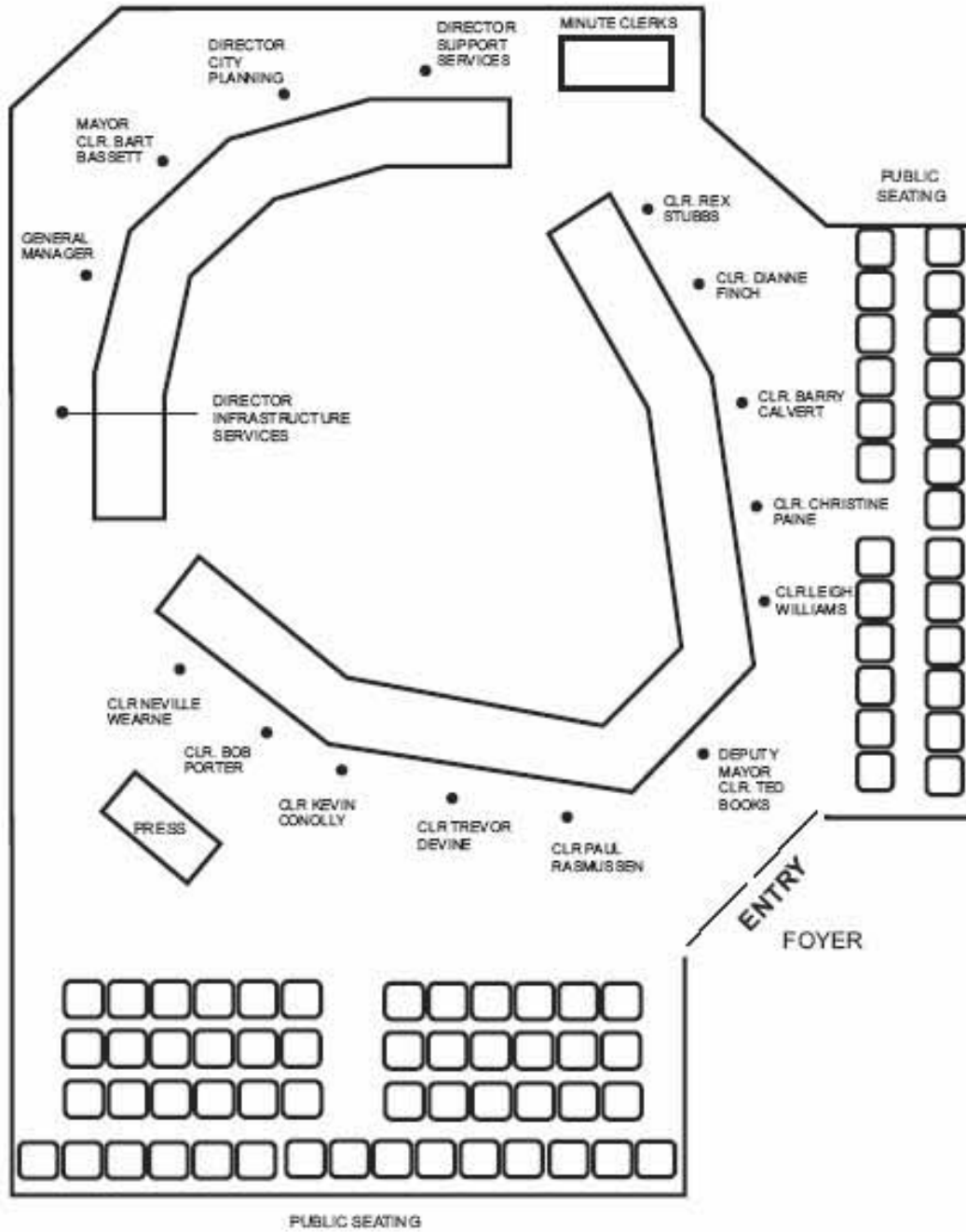
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

# council chambers



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- **INTRODUCTION OF WIZARDS SWIM TEAM AND ACKNOWLEDGEMENT OF ACHIEVEMENTS**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
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  - Infrastructure Services**
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**SECTION 2 - Mayoral Minutes**

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

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**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.

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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.

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.



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

**To View This Image,  
Please Refer to the Separate  
Attachments Document (Maps)**

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**AT - 2 Letter dated 26 September 2007 from the then Shadow Minister for Defence, J Fitzgibbon  
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**AT - 3 Article from The Australian Financial Review, Friday 2 May 2008, titled "Military Bases may be closed"**

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

**Image Removed**

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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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**oooO END OF MAYORAL MINUTE Oooo**

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**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 95** CP - Shed less than 170m<sup>2</sup> - Proposed New Shed Plus Annex to Existing Shed - Lot 4 DP 244901, 3 Putland Place, Vineyard - (DA0697/07, 10203, 10204, 96329, 95498)

**Previous Item:** 44, Ordinary (11 March 2008)

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**Development Information**

**Applicant:** Julie Patricia and Robert James Sinclair  
**Owner:** Julie Patricia and Robert James Sinclair  
**Area:** 2.466H  
**Zone:** Rural Living  
Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 7 November 2007 to 21 November 2007  
**Date Received:** 19 October 2007

**Key Issues:** ♦ Consent for Rural Industry Activity

**Recommendation:** Approval

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**REPORT:**

**Introduction**

At the Ordinary meeting of Council held on 11 March 2008 a report was considered by Council regarding the determination of Development Application 0697/07 involving the demolition of an existing shed, the construction of a new shed and the use of an existing unlawful annex for the purpose of providing shelter over an existing loading area. At that meeting, it was resolved by Council to conduct a site inspection.

The site inspection was held on 18 March 2008. The inspection commenced at the applicant's property and was attended by the Mayor and Deputy Mayor, Councillors Stubbs, Calvert, Paine, Devine and Porter, the applicants, General Manager, Peter Jackson, Director City Planning, Mr Owens, and Council's Senior Building Surveyor, Mr Miles. The inspection then moved to the objector's property and was attended by the same persons, with the exception of the applicants, and also by Mr Bowd, the owner of that property and his consultant, Mr Montgomery.

Attendees at the site inspection discussed a variety of options for the proposal in relation to screening and location of the shed. The inspection has resulted in amendments being made to the proposed development as detailed in "The Proposal" section of this report. This report follows the submission of amended plans and amended details in support of Development Application DA0697/07.

The initial assessment report, dated 11 March 2008, is attached to this report.

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### The Proposal

As a result of discussions held at a site meeting, the proposed development has been amended in the following way:

- a) The proposed shed is reduced in size from 97.5 square metres (7.5 metres by 13 metres) to 67.5 square metres (7.5 metres by 9 metres). The proposed shed will be the same floor area as the existing shed.
- b) The shed is to be relocated five (5) metres from the property boundary adjacent to the neighbours dam. The original proposal was four (4) metres.
- c) A screen nib wall is proposed to be constructed to the front of the annex. The nib wall is proposed to be 2.4 metres in length and 3.6 metres high and will be constructed of colourbond steel.
- d) The colours of the shed are: Walls - sand; Trim - Green; Roof - Sand.
- e) Security lighting will be provided outside the shed and standard internal lighting will be provided. The security lighting will face into the subject property towards the existing factory building.

The remainder of the proposal is unchanged.

By way of review, the amended proposal involves the demolition of an existing metal clad shed (approximately 67.5 square metres in area), the construction of a new metal clad shed (approximately 67.5 square metres in area), the use of an existing structure as an annex which is located to the side of an existing (approved) shed and the addition of a colourbond screen wall (3.6m high x 2.4m long) to the northeastern corner of the annex structure . The annex is currently used to provide weather protection for an approved loading/unloading area.

The loading area and rural industry on the land have been approved under a previous development consent - MA0380/98.

The new shed is not proposed to be used for any processing associated with the rural industry. However, the new shed will be used in the same manner as the existing shed for some storage. The applicant has stated in the application that there is no intensification in the use of the premises proposed by this application.

### Planning Assessment

With regard to the proposed changes, the following comments are provided respectively:

- (a) As the proposed shed is now reduced in size to be consistent with the size of the shed to be demolished, there is no resultant increase in building footprint on the land. This is considered to be satisfactory as there is no alteration from the current situation.
- (b) The proposed five (5) metre setback from the boundary will give adequate room for landscaping to become established.
- (c) The nib wall will assist in blocking light spill from inside the annex to the adjoining property. The wall will also assist in reducing noise emanating from the area due to existing approved loading and unloading operations.
- (d) The colours of the walls and trim are considered satisfactory as they blend with the existing building on-site.
- (e) Security lighting is not unreasonable for a private shed and given that the lighting will face back towards the existing factory building, the lighting is not considered to have any adverse impacts - particularly for the respondent.



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

**a) the provisions of:**

**i) any environmental planning instrument ( i.e LEPs, REPs & SEPPs)**

The proposal is not inconsistent with the relevant Planning Instruments.

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

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

**iii) any development control plan applying to the land**

The table below shows assessment against the Rural Shed Chapter of Hawkesbury Development Control Plan.

<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
<b>Siting</b>		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The proposed shed is to replace an existing shed on the same location.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	300mm of fill proposed.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	The site is relatively flat.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	No vegetation exists in the site of the proposed shed.	Yes
<b>Size</b>		
The maximum of sheds in the 1(c) and 1(c1) zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	The cumulative total of sheds exceeds this value.	<b>No. See comment in report.</b>
<b>Height</b>		
The total height of a rural sheds erected in Rural 1(c) and 1(c1) 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.	The height of the shed is 5.5 metres above ground level. (300mm of fill included).	<b>No. See comment in report.</b>
The total height of "barn style" sheds may exceed 5m based on individual merit.	N/A	N/A
<b>Form</b>		
Rural sheds with standard roof form will be limited to rectangular shapes.	Rectangular shape proposed.	Yes.

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<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
<b>Colour</b>		
The colour of a rural shed will match or blend in with those of existing buildings.	The colour of the existing shed on site is cream. The new shed will match the existing shed. Walls - Sand Trim - Green Roof - Sand	Yes.
On vacant land the colour for rural sheds shall be taken from the natural environment.	N/A	N/A
<b>Type of Building Materials</b>		
Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective	All new colourbond materials proposed.	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.	Building complies.	Yes.
<b>Landscaping</b>		
Plantings are to be a mix of trees, shrubs and ground cover.	Landscape plan provided.	Yes.
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Suitable species proposed.	Yes.
Shrub mass shall provide adequate screening.	Suitable species proposed.	Yes.
Plants endemic to the area are to be chosen.	Suitable species proposed.	Yes

The issues of non-compliance or concern are addressed below.

**Size**

Hawkesbury Development Control Plan requires that the cumulative total of all shed buildings on the subject property shall not exceed 170sqm. The cumulative total of all sheds on the subject site is currently 355 square metres. As the existing shed to be demolished is the same size as the proposed shed, the proposed cumulative total remains unchanged at 355 Square

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metres. This represents no increase in the cumulative total of sheds on site. This is considered to be satisfactory as there is no increase in building footprint on the land.

### Height

With regard to the height of the structure, the ridge of the shed will be 5.5 metres above ground level. The general ground level in the area is flat, however, in the location of the proposed shed, the ground level varies by up to 300mm. The purpose of the fill material is to level the building site.

It is considered that strict compliance with this provision regarding height, will not achieve any significant or worthwhile benefit given the spatial separation distance between the proposed shed and the respondents residence - a distance of approximately 50 metres.

### Landscaping

The applicant has provided a landscaping plan which was submitted for the original proposal. Now that the amended plan indicates the shed being five (5) metres from the property boundary, it is considered there is ample room for the provision of the proposed landscaping. This landscaping will provide adequate screening of the proposed shed.

#### iv) any matters prescribed by the regulations

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

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

The development is not considered to be out of character with the surrounding landscape and it is unlikely that the development - being a replacement shed and an annex and screen wall - will have any adverse environmental impact on the locality.

Noise is not considered to be an issue, as the hours of operation were the subject of a previous approval issued by Council for the rural industry and this application involves the construction of a new shed and use of an existing structure as an annex. Despite this, the proposed screen wall is likely to provide additional noise attenuation.

#### Site Design And Internal Design

The shed position has been determined as being the most appropriate location to screen the lights of the existing annex. The additional height of the shed also serves to address the issue of light spill. The lights are a source of complaint regarding the approved use of the shed.

#### c) the suitability of the site for the development

The site is suitable for the development.

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

One submission was received from Montgomery Planning Solutions on behalf of the owners of No. 52 Chapman Road - a Mr and Mrs Bowd. The issues raised are addressed in the previous report. It should also be noted that the amended plans would assist with addressing the issues raised by the submission.

#### e) the public interest

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

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**Conclusion**

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and that where non-compliances exist, they are justified in this case. The application does not propose to intensify the existing rural industry on site but rather to replace an existing shed with another shed of the same area although larger in height. The activities and scale of the rural industry will remain the same. It is considered, the matters raised by the respondent do not warrant refusal or amendment of the application.

**RECOMMENDATION:**

That the application for the replacement of the existing shed, the use of the structure as an annex for loading and unloading and a screen wall at Lot 4 DP244901, 3 Putland Place, Vineyard be approved subject to the following conditions:

**General**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
5. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
6. A Section 149A Building Certificate application is required to be lodged with Council, within sixty (60) days of the date of this consent, for the existing annex structure.
7. All landscaping is to be completed within a period of sixty (60) days of the issue of an occupation certificate for the new shed.
8. The development shall be completed in accordance with the approved colours and finishes, as listed below, and shall not be altered.
  - a Roof material: Metal Colour: Sand
  - b Wall material: Metal Colour: Sand
  - c Trim material: Metal Colour: Green

**Prior to Commencement of Works**

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. 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.
11. 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.

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12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### ***During Construction***

13. 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.
14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. 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.
16. 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.
17. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.

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- (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (k) No material is to be burnt on site.
18. Filling shall be comprised of only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
19. Stormwater from the roof of the shed shall be disposed of to a water storage vessel. The overflow from the water storage vessel shall be disposed of to a rubble pit of suitable size. The rubble pit shall be located a minimum of three (3) metres from the property boundary and any structure or driveway on the site.

### **Inspections**

20. 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) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) steel reinforcement prior to pouring concrete;
- (d) external sewer or stormwater lines, prior to backfilling;
- (e) prior to occupation of the building;

### **Use**

- 21. No internal or external alterations shall be carried out without prior approval of Council.
- 22. The development shall be limited to the area shown on the submitted plans.
- 23. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 24. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

### **Advice**

The applicant is advised that this approval does not permit the expansion or alteration of the Rural Industry use approved by MA0380/98.

**ORDINARY MEETING**

**Meeting Date:** 13 May 2008

**ATTACHMENTS:**

There are no supporting documents for this report.

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor Plan - Proposed Shed
- AT - 4** Elevation - Proposed Shed
- AT - 5** Floor Plan and Elevation - Existing Annex and Nib Wall
- AT - 6** Landscape Plan
- AT - 7** Light spill representation
- AT - 8** Applicants Response to Councillor queries on site
- AT - 9** Initial Report to Council - 11 March 2008

**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 1 Locality Plan**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 2 Site Plan**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 3 Floor Plan - Proposed Shed**

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**Meeting Date: 13 May 2008**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 4 Elevation - Proposed Shed**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 5 Floor Plan and Elevation - Existing Annex and Nib Wall**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 6 Landscape Plan**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 7 Light spill representation**

**Existing arrangement**

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**Meeting Date: 13 May 2008**

**Proposed arrangement**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**Likely arrangement for suggested 10 metre setback**

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**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 8 Applicants Response to Councillor queries on site**

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## ORDINARY MEETING

Meeting Date: 13 May 2008

### AT - 9 Initial Report to Council - 11 March 2008

ITEM: Ordinary Meeting Agenda - 13 May 2008

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#### Development Information

**Applicant:** Julie Patricia and Robert James Sinclair  
**Owner:** Julie Patricia and Robert James Sinclair  
**Area:** 2.466H  
**Zone:** Rural Living  
Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 7 November 2007 to 21 November 2007  
**Date Received:** 19 October 2007

**Key Issues:** ♦ Consent for Rural Industry Activity

**Recommendation:** Approval

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#### REPORT:

##### Introduction

The application seeks approval to construct a shed and to use an existing unlawful structure as an annex. The purpose of the annex is to provide shelter over an existing loading area.

The application was called to Council by Councillor Devine.

##### Background

18 November 1998 Development application MA 380/98 approved for a rural industry for the growing, processing and packaging of lettuces at the subject property.

7 April 2004 Development application DA 904/03 proposing fill importation for growing of lettuces which was refused.

4 June 2007 Complaint received from the adjoining owner regarding the use of the existing shed on site and issues involving light and noise from operations and vehicle movements associated with the approved use of the shed for lettuce processing and packaging.

19 October 2007 Development Application DA 0697/07 is lodged with Council.

##### The Proposal

The proposal involves the demolition of an existing metal clad shed (approximately 68 square metres in area), the construction of a new metal clad shed (approximately 97.5 square metres in area) and the use of an existing structure as an annex which is located to the side of an existing (approved) shed. The annex will be used as a loading/unloading area.

The loading area is currently used in conjunction with the approved use of the shed for the purpose of a rural industry. The annex consists of a roof and two walls to enclose the area adjacent to the shed which is used for a rural industry. The annex is constructed of cool-room insulated sandwich panel and provides a protected area for the loading and unloading of trucks associated with the rural industry.

The use of the proposed shed involves mainly the storage of personal items and equipment and the housing of vehicles. This shed will replace a smaller existing shed on the site. The applicant has stated

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that if required, a small portion of the new shed may be used for the storage of packing boxes for the lettuces, as these boxes are not permitted inside the processing shed due to NSW Department of Primary Industries and NSW Department of Health requirements. The applicant has stated that this is likely to be a maximum of ten pallet loads of boxes at a time.

The applicant has also stated that a small desk and photocopier will be provided inside the new shed for clerical office functions associated with the business. This home office is currently located inside the dwelling and is to be moved to allow for additional room within the dwelling.

The size of the existing shed to be demolished is 68 square metres and the proposed shed is 97.5 square metres in area. Approximately 300mm of fill is to be imported to the site to create a level building platform. The overall height of the shed structure is proposed to be 5.5 metres from natural ground level.

The new shed is not proposed to be used for any processing associated with the rural industry. The applicant has stated in the application that there is no intensification in the use of the premises proposed by this application.

### **Statutory Situation - Unlawful structures - (Annex to existing shed)**

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

"1. *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*

*(b) the granting of development consent to that use."*

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

### **Community Consultation**

The proposal was notified in accordance with Hawkesbury Development Control Plan. One submission was received from Montgomery Planning Solutions acting on behalf of the owner of No. 52 Chapman Road, Vineyard.

The issues raised in the submission are addressed in the report.

### **Planning Assessment**

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

#### **a) the provisions of:**

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

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

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

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- Sydney Regional Environmental Planning Policy No.20.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

*Comment:* The proposal is not inconsistent with the relevant Planning Instruments as the development involves the demolition and construction of a shed for storage purposes and housing of vehicles. The proposal also involves the use of an unlawfully constructed annex as a loading area. Such structures and uses are permitted in the Rural Living Zone.

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

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

**iii) any development control plan applying to the land**

The table below shows assessment against the Rural Shed Chapter of Hawkesbury Development Control Plan.

<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
<b>Siting</b>		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The proposed shed is to replace an existing shed on the same location.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	300mm of fill proposed.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	The site is relatively flat.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	No vegetation exists in the site of the proposed shed.	Yes
<b>Size</b>		
The maximum of sheds in the 1(c) and 1(c1) zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	The cumulative total of sheds exceeds this value.	<b>No. See comment in report.</b>
<b>Height</b>		
The total height of a rural sheds erected in Rural 1(c) and 1(c1) 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.	The height of the shed is 5.5 metres above ground level. (300mm of fill included).	<b>No. See comment in report.</b>
The total height of "barn style" sheds may exceed 5m based on individual merit.	N/A	N/A
<b>Form</b>		
Rural sheds with standard roof form will be limited to rectangular shapes.	Rectangular shape proposed.	Yes.

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<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
<b>Colour</b>		
The colour of a rural shed will match or blend in with those of existing buildings.	The colour of the existing shed on site is cream. The new shed will match the existing shed.	Yes.
On vacant land the colour for rural sheds shall be taken from the natural environment.	N/A	N/A
<b>Type of Building Materials</b>		
Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective	All new colourbond materials proposed.	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.	Building complies.	Yes.
<b>Landscaping</b>		
Plantings are to be a mix of trees, shrubs and ground cover.	Landscape plan provided.	Yes.
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Suitable species proposed.	Yes.
Shrub mass shall provide adequate screening.	Suitable species proposed.	Yes.
Plants endemic to the area are to be chosen.	Suitable species proposed.	Yes

The issues of non-compliance or concern are addressed below.

**Size**

The size of the current shed to be demolished is 67.5 square metres and is in a dilapidated state. The existing shed is used for the storage of personal items and equipment. There is no provision in the existing shed for vehicle storage and access to stored items is difficult as the existing shed is filled to capacity. The proposed replacement shed is to be 97.5 square metres in area.

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The cumulative total of all sheds on the subject site is currently 355 square metres. The proposed cumulative total is 385 Square metres. This represents an increase of 30 square metres or 8%. This increase is not considered to be demonstrable upon the amenity of the area.

### Height

With regard to the height of the structure, the ridge of the shed will be 5.5 metres above ground level. The general ground level in the area is flat, however in the location of the proposed shed, the ground level varies by up to 300mm. The purpose of the fill material is to level the building site.

The applicant has advised that he has chosen to import the fill (as opposed to cut and fill earthworks) to slightly increase the height of the structure in an attempt to address an issue of complaint, from the adjoining property, over light spill from the lettuce processing shed. The applicant considers the additional height will ensure that any light spill towards the respondents dwelling, is blocked by the proposed shed.

It is considered that strict compliance with this provision regarding height, will not achieve any significant or worthwhile benefit given the spatial separation distance between the proposed shed and the respondents residence - a distance of approximately 50 metres.

### Landscaping

The applicant has advised they are prepared to provide landscaping and to relocate the shed four (4) metres from the respondent's boundary (as opposed to two (2) metres as originally proposed) in order to accommodate suitable landscaping. A landscape plan has been submitted with the application. This landscaping will provide adequate screening of the proposed shed.

#### iv) any matters prescribed by the regulations

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

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

The development is not considered to be out of character with the surrounding landscape and it is unlikely that the development will have any adverse environmental impact on the locality. Noise is not considered to be an issue, as the hours of operation were the subject of a previous approval issued by Council for the rural industry and this application involves a new shed and use of a structure as an annex.

#### Site Design And Internal Design

The shed position has been determined as being the most appropriate location to screen the lights of the existing annex. The lights are a source of complaint regarding the use of the shed.

#### Cumulative Impact

The cumulative impact of the sheds is not considered to be demonstrable, as the landscape is rural and there are a number of sheds in the locality which are of similar size and scale.

#### c) the suitability of the site for the development

The site is suitable for the development.

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

One submission was received from Montgomery Planning Solutions on behalf of the owners of No. 52 Chapman Road - a Mr and Mrs Bowd.

The matters raised are:

1. *"The existing colourbond shed has been used for the purposes of a rural industry since at least 1998, which has caused continual disturbance to my clients due to activities taking place generally between midnight and 4.00am."* The respondent further states that a diary of truck movements demonstrating late night and early morning operations has previously been submitted and that such operations are unacceptable and affecting the health of the occupants of No. 52 Chapman Road. The submission claims there is no sense in screening the respondents property from the development by building another shed and expanding the rural industry.

*Comment:* The rural industry operating in the colourbond shed has previously been approved (MA0380/95) and is operating generally in accordance with the conditions of development consent. The current application before Council does not intensify the rural industry on the site.

The original application, as approved, stated the following operating hours:

- a) *Loading - 2am to 3am Monday to Saturday inclusive.*
- b) *Production - 7.30am to approximately 4.30pm Monday to Saturday inclusive."*

Information submitted to Council by the respondent indicates that the approved operation may be operating outside these hours.

The noise matters and operating hours are the subject of an investigation by Council's Regulatory Branch as they relate to MA0380/98 and not this current application.

2. *"Rural industry is a prohibited land use in the Rural Living Zone and the current activity does not have approval."* The submission further states that Council officers report for the development application for the rural industry (MA 0380/98) does not make any assessment of this component of the application and therefore in the consultants opinion, the use was never approved.

*Comment:* Development Consent (MA 0380/98) granted approval for a rural industry for the growing, processing and packaging of lettuces at the subject property as well as the establishment of hydroponic growing tables for lettuces. The hours of operation of both the loading and production components of the activity were identified in the documentation accompanying that application. No conditions were imposed upon the consent to limit the hours of operation beyond those stated in the application.

Council has received legal advice from Councils solicitor Pike Pike and Fenwick which indicated that the rural industry was approved by MA0380/98. In summary, this advise states that whilst the description of the development, as shown on the Notice of Determination, does not specifically mention the existing rural industry, the application and assessment report clearly addresses this aspect of the application. It is considered that the officer assessment report should be regarded as the development consent. (This is supported by *Kindimindi v Lane Cove Council (2007) 150 LGERA 333* where the Court of Appeal held that the development consent is essentially the assessment report rather than the subsequent Notice of Determination).

Condition 1 of the consent (MA 0380/98) includes all the detail submitted with the application, including the operating hours, as per the following:



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*"To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application as amended in red and as modified by these further conditions."*

3. *"The proposed new shed is to be used as an extension to the rural industry."* The submission states that the use of the land involving the rural industry is the source of continual disturbance to the respondents and to expand that industry is absurd.

*Comment:* The application does not propose to intensify the rural industry currently operating on-site. The applicant has stated that he may store some excess boxes used for transporting the finished lettuce product from time-to-time, in the proposed shed when limited storage exists in the annex structure and also a small office may be set-up inside the shed. The boxes are not permitted to be stored in the processing shed due to health regulations. The applicant has advised that 12 pallet spaces are currently utilised in the existing shed. With the new shed this will be reduced to 10 pallet spaces. This is not considered to be an intensification of the business, as the shed is expected to be accessed once a month for the purpose of re-stocking the annex. This activity would occur during daylight hours.

The office is being relocated from the main dwelling and as such the office is not an expansion but merely a relocation.

4. *The shed is proposed to replace an existing shed, yet it is 50% larger and some 3.5 metres higher than the existing shed."* The submission states that the replacement shed is 1.5 times larger and 2.5 times higher than the shed it replaces.

*Comment:* The proposal is permissible in the zone and satisfies the aims of the Rural Shed Chapter of Hawkesbury Development Control Plan. The Rural Shed Chapter seeks to limit rural sheds to a maximum size of 170 square metres. The proposal will increase the cumulative total of shed space on the land by 30 square metres which is an increase of approximately 8%. As the rural industry is operating in an approved shed, it is considered reasonable that the owner of the property have a shed of an appropriate size, to store personal items, equipment and vehicles.

5. *The development does not comply with the Rural Sheds Chapter of Hawkesbury Development Control Plan."* Specifically, the submission highlights that the total area of all sheds on the property exceeds 170 square metres and if approved will result in a cumulative total of 385 square metres.

*Comment:* The existing sheds on site exceed 170 square metres in total. The proposed work involves an 8% increase in the cumulative total of sheds on the site.

6. The submission states in conclusion that the proposal appears to be an attempt to resolve an ongoing conflict between the two parties and that expanding the rural industry will not achieve this. Further, the source of the conflict is the rural industry during the early hours of the morning. The author of the submission suggests that the rural industry is unlawful and is now prohibited in the zone and cannot be approved. The author further suggests that should Council be of the opinion that the use is lawful, then the hours of operation should be restricted to between 6.00am and 6.00pm given the rural residential character of the area.

*Comment:* The application does not seek to intensify the rural industry on the site.

The annex does not, in and of itself, contribute to an intensification of the rural industry. The trucks would be loaded and unloaded in this area in any case. The annex simply provides weather protection during the loading and unloading period.

The original application for the rural industry indicated that *"We deliver the finished salad mix product six days per week on one delivery run utilising a 2 tonne truck, refrigerated, which*

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*leaves at 3.00am. The hours of operation are: A) Loading - 2.00am to 3.00am Monday to Saturday inclusive; B) Production - 7.30am to approx. 4.30pm Monday to Saturday inclusive."*

Given the proposed hours of operation of both the loading area and the production component of the rural industry were identified by the applicant and subsequently approved by Council under DA0380/98, it cannot be construed that this current application before Council seeks to alter any hours of operation or intensify the use of the site or the rural industry.

As mentioned previously, it seems from the objector submission that the hours of loading, whilst approximately 1 hour duration, may, at times be outside the above times, ie, outside the 2am to 3am approved time. This compliance matter is being addressed separately.

### e) the public interest

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

### Conclusion

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and that where non-compliances exist, they are justified in this case. The application does not propose to intensify the existing rural industry on site but rather to replace an existing shed with a slightly larger shed. The activities and scale of the rural industry will remain the same. It is considered, the matters raised by the respondent do not warrant refusal or amendment of the application.

### RECOMMENDATION:

That the application for the proposed shed and the use of the structure as an annex for loading and unloading at Lot 4 DP244901, 3 Putland Place, Vineyard be approved subject to the following conditions:

#### *General*

25. 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.
26. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
27. The development shall comply with the provisions of the Building Code of Australia at all times.
28. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
29. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
30. A Section 149A Building Certificate application is required to be lodged with Council, within sixty (60) days of the date of this consent, for the existing annex structure.
31. All landscaping is to be completed within a period of sixty (60) days of the issue of an occupation certificate for the new shed.

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### *Prior to Commencement of Works*

32. 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.
33. 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.
34. 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.
35. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### *During Construction*

36. 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.
37. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
38. 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.
39. 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:
  - (d) 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.
  - (e) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (f) 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.
40. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - (l) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - (m) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - (n) The site shall be secured at all times against the unauthorised entry of persons or vehicles.

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- (o) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (p) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (q) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - (r) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - (s) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (t) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - (u) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (v) No material is to be burnt on site.
41. External brick piers exceeding 1.2 metres in height shall be certified by a Practising Structural Engineer as being structurally adequate and provide lateral bracing for the proposed loads and a certificate provided for Council's records prior to frame inspection.
42. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
43. Stormwater from the roof of the shed shall be disposed of to a water storage vessel. The overflow from the water storage vessel shall be disposed of to a rubble pit of suitable size. The rubble pit shall be located a minimum of three (3) metres from the property boundary and any structure or driveway on the site.

### *Inspections*

44. 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) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) steel reinforcement prior to pouring concrete;
- (d) external sewer or stormwater lines, prior to backfilling;
- (e) prior to occupation of the building;

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**Meeting Date:** 13 May 2008

***Use***

45. No internal or external alterations shall be carried out without prior approval of Council.
46. The development shall be limited to the area shown on the submitted plans.
47. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
48. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor Plan - Proposed Shed
- AT - 4** Elevation - Proposed Shed
- AT - 5** Floor Plan and Elevation - Existing Annex
- AT - 6** Landscape Plan

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**Meeting Date:** 13 May 2008

AT - 1 Locality Plan

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AT - 2 Site Plan

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AT - 3 Floor Plan - Proposed Shed

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**Meeting Date: 13 May 2008**

AT - 4 Elevation - Proposed Shed

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AT - 5 Floor Plan and Elevation - Existing Annex

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AT - 6 Landscape Plan

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**Item: 96 CP - Urban Sustainability Grant Funding - Final Report - (95498)**

**Previous Item:** 79, Ordinary (29 April 2008)

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**REPORT:**

Hawkesbury City Council was awarded an Urban Sustainability Seed Funding grant of \$20,000 from the NSW Environmental Trust in mid 2007. Council used these funds to engage the Institute for Sustainable Futures - University of Technology Sydney (ISF), to assist with the preliminary work for the preparation of a sustainability planning strategy.

The general aims of the project were to:

- assess the current situation with regard to sustainability planning – including the identification of any gaps in Council’s approach to addressing sustainability.
- identify opportunities to integrate sustainability into Council’s governance framework and planning processes.
- embed the community’s vision into council’s approach to sustainability.
- increase the understanding of and commitment to sustainability (as a holistic framework with environmental, social and economic dimensions) among Council staff and Councillors.
- developing a strategic approach to sustainability, to guide and inform Council planning processes over the longer term.

To meet these general aims, ISF worked both independently and in collaboration with Council’s City Planning Strategic Team to assess the current situation of Hawkesbury City Council, and to understand the sustainability challenges and opportunities that it faces. Given the limited funds available it was recognised that it would not be possible to prepare a full sustainability strategy for Council. As such, the project was redefined so that, rather than produce a full strategy, the report would provide a framework for the incorporation of sustainable principles into the preparation of Council strategies and general operations. It was also considered that this approach would be timely given that Council has recently commenced the preparation of the Community Strategic Plan.

ISF were requested that the final report have a targeted set of recommended strategies/principles that reflect the priority issues identified by the community survey results and the existing Council documents, be based on best practice, and provide practical suggestions for ‘how to do this’, including referencing existing models or examples from other Councils.

In summary the report contains:

- A series of **sustainability principles**. These are based on leading-edge thinking about sustainability, and can be used to guide the high-level strategic approach to sustainability at Hawkesbury City Council. These principles would also function as a ‘check’ on planning and decision-making by assisting in determining which option will most effectively implement the sustainability aims of the Council and the community.
- A number of **sustainability objectives** for Hawkesbury City Council to work towards.
- Suggested **strategic directions** for Hawkesbury City Council. With reference to the sustainability principles and to the particular challenges and opportunities facing Hawkesbury City Council, a series of suggested directions is provided as a guide to demonstrate a variety of approaches that Council might take in working towards the sustainability objectives.

- A range of **implementation examples**. These are specific actions that could be taken under each of the strategic directions. The implementation examples are suggestions only and are not intended to be actions for adoption by Council – there are numerous other actions that could be taken in support of a given strategic direction that would be developed by Council when required.

The principles, objectives and directions in the report are designed to assist in focusing the preparation, or review, of future Council strategic documents and the day to day operational functions of Council. The recommendations of the report can be used as a guide in the short term and ultimately as a basis for the preparation of a more detailed sustainability strategy.

The report is not intended to be a strategic plan for Council, that outlines the full range of existing and new actions that should be carried out. The report suggests a strategic sustainability framework for Council and provides a set of objectives and suggested directions and implementation examples that would build on what already exists in Council. The intention is that the report provides the framework as a basis for the precise details of implementation to be appropriately refined depending on the situation.

### **Conformance to Strategic Plan**

Making a commitment to sustainability entails adopting a framework for planning and decision making would be considered as an integral part of Council's Strategic Plan. The report 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**

Conditions of the grant funding stipulate that Council must send to the Trust the final Plan endorsed by the Council by 31 May 2008, or such other date as is approved in writing by the Trust.

The preparation of a detailed Sustainability Strategy will require a significant amount of staff and monetary resources. The extent of resources required will depend on the form and focus that Council may wish to pursue. Currently there is no specific budget allocation for the preparation of a Hawkesbury City Council Sustainability Strategy. It is considered that the subject report is adequate to assist, in the short term, with the incorporation of sustainability principles into documents currently being reviewed or prepared.

It is not proposed to undertake the preparation of a full Sustainability Strategy for Council at the moment as this may be a significant cost, depending on the detail required. It is considered that the current report contains sufficient detail for Council to commence the implementation of sustainability principles into strategic planning. There may be some scope for further grant funding from the Department of Conservation and Climate Change or the NSW Environmental Trust. However, to qualify for this Council would be required to demonstrate a commitment to the incorporation of sustainability principles, and their implementation, into all of Council's planning and operations. The endorsement of the current Sustainability Planning Report that the Urban Sustainability Seed Funding grant of \$20,000 funded would be the first step.

### **RECOMMENDATION:**

That the:

1. Final Report "Sustainability Planning for Hawkesbury City Council" be endorsed as a guide to inform Council's planning and strategy review.
2. Principles and Objectives contained in the final Report "Sustainability Planning for Hawkesbury City Council" not be used separately or out of context, but be refined as part of the process of integrating sustainability into Council's governance framework and planning processes.

**ORDINARY MEETING**

**Meeting Date:** 13 May 2008

**ATTACHMENTS:**

- AT - 1** Sustainability Planning for Hawkesbury City Council Final Report prepared by Institute for Sustainable Futures For Hawkesbury City Council. Funded by the NSW Environmental Trust Urban Sustainability Seed Grants - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**SUPPORT SERVICES**

**Item: 97            SS - Goods and Services Tax Compliance Certificate 2008 - (96332, 95496)**

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**REPORT:**

The Department of Local Government previously required councils to have an independent Goods and Services Tax (GST) review undertaken and a GST Audit Review Report prepared by an external auditor and lodged with the Department of Local Government.

Effective from the 2004/2005 financial year, the Department of Local Government has changed the requirements, now requesting councils to provide a certificate of confirmation signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, in lieu of an independent review. For the following years after 30 June 2005, the certificates are to be for the period 1 May to 30 April each year, to enable the Department to provide more accurate and current information to NSW Treasury.

The certificate of confirmation requires Council to certify that:

- Hawkesbury City Council has paid voluntary GST for the period 1 May 2007 to 30 April 2008.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Management confirms that all voluntary GST has been paid for the period from 1 May 2007 to 30 April 2008, that appropriate internal controls and systems are in place to account for Council's GST liabilities and that no GST non-compliance event has been identified or raised with the Australian Taxation Office.

A copy of the Goods and Services Tax Certificate for the period from 1 May 2007 to 30 April 2008 is attached to this report.

**Conformance to Strategic Plan**

Not applicable.

**Funding**

Nil affect on budget.

**RECOMMENDATION:**

That the Goods and Services Tax Certificate for the period from 1 May 2007 to 30 April 2008 be endorsed in accordance with Department of Local Government Circular 05/26.

**ATTACHMENTS:**

**AT - 1** Goods and Services Tax Certificate

**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**AT - 1 Goods and Services Tax Certificate**

**COUNCIL OF THE CITY OF HAWKESBURY**

**GOODS AND SERVICES TAX CERTIFICATE**

**Payment of Voluntary GST 1 May 2007 to 30 April 2008**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Hawkesbury City Council for the period 1 May 2007 to 30 April 2008.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on the 13 of May 2008.

.....  
**Bart BASSETT**  
**MAYOR**

.....  
**Ted BOOKS**  
**DEPUTY MAYOR**

.....  
**Peter JACKSON**  
**GENERAL MANAGER**

.....  
**Rob STALLEY**  
**RESPONSIBLE ACCOUNTING**  
**OFFICER**

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**Meeting Date: 13 May 2008**

**CONFIDENTIAL REPORTS**

**Item: 98                    IS - Tender No.014/FY08 - Reconstruction of the Unsealed Section of Racecourse Road - (95495, 79344)    CONFIDENTIAL**

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**Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**

**Meeting Date:** 13 May 2008

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 7 April 2008 - (86589)**

The meeting commenced at 4.01pm.

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**Present:** Councillor Trevor Devine (Chair)  
Councillor Ted Books  
Councillor Bob Porter  
Councillor Neville Wearne  
Mr Kevin Jones  
Mr David Avery  
Mr Geoffrey Bessell  
Mr John Miller  
Mr David Scott  
Mr Les Sheather  
Mr Bill McMahon  
Snr Inspector Robert Bowman

**Apologies:** Councillor Kevin Conolly  
Mr Peter Cinque

**In Attendance:** Mr Matt Owens  
Mr Philip Pleffer  
Mr Chris Amit  
Ms Robyn Kozjak - Minute Secretary

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**REPORT:**

**APOLOGIES**

Apologies for absence were received from Councillor Conolly and Mr Peter Cinque.

**RESOLVED** on the motion of Councillor Porter and seconded by Mr Les Sheather that the apologies be accepted.

**CONFIRMATION OF MINUTES:**

**RESOLVED** on the motion of Mr John Miller and seconded by Councillor Porter that the Minutes of the Floodplain Risk Management Advisory Committee held on the 4 February 2008, be confirmed.

**To View This Image,  
Please Refer to the Separate  
Attachments Document (Maps)**

**SECTION 3 - Reports for Determination**

**Item: 1 Attendance of Observers at the Committee Meetings**

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**MOTION:**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Books.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. An invitation to attend the Hawkesbury Floodplain Risk Management Advisory Committee, as observers, be extended to relevant local State and Federal Government members.
2. The minutes of the Hawkesbury Floodplain Risk Management Advisory Committee be forwarded to the same relevant local State and Federal Government members.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the FORESHADOWED motion of Mr Les Sheather, seconded by Mr Geoffrey Bessell.

That State and Federal Government members be advised of Clause 5 (i) of the Floodplain Risk Management Advisory Committee Constitution and be co-opted as additional members of the Committee from time to time.

**SECTION 4 - Reports for Information**

**Item: 2 Correspondence from Department of Water and Energy - Operation of Howes River Gauge**

**Previous Item:** 1, FRMAC (16 July 2007)

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**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Councillor Books.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the information be received.

**Item: 3 Correspondence from NSW Maritime - Depth of Hawkesbury River**

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**DISCUSSION:**

- Enquiry was raised as to DECC's stance on dredging the river. Mr Avery reported the Department was opposed to dredging of the river due to adverse impact on the environment. Information was sought as to studies carried out in this regard. It was suggested an invitation to attend the next FRMAC meeting be extended to Mr David Miller, (Estuary Management Unit of DECC), to present information on various issues raised.
- Discussion arose re the availability and currency of data collected from river surveys conducted by DECC. It was advised results of river surveys could be provided by Mr David Miller.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Councillor Wearne.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. Mr David Miller, Manager of Estuary Management Unit, DECC, be invited to the next Floodplain Risk Management Advisory Committee meeting and to the River Summit.

**Item: 4 Workshop of Draft Consultant's Brief for Flood Risk Management Study and Plan**

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**MOTION:**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Books.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. Staff finalise and cost the brief with staff from the DECC and that the Committee be advised of the outcome of these discussions.
3. A meeting be arranged between representatives from this Committee and Mr Brian Dooley of DECC to discuss the issues raised in his correspondence to HCC of 18 February 2008, such representations to be reported back to the Committee.



**SECTION 5 - General Business**

- Mr Owens tabled an email from Mr Alex Gooding to Councillor Bassett comprising the EMC resolution from the Mayor's request to WSROC that a regional response to flood mitigation issues be developed and raised with Federal and State Ministers.

**MOTION:**

RESOLVED on the motion of Councillor Devine, seconded by Mr Les Sheather.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the information be received.

**DISCUSSION:**

- Enquiry was made as to the current status of the proposed Thorley Street (Bligh Park) Flood Evacuation Route Project. It was advised an updated costing has been requested.
- Mr David Avery noted Council, to date, has not formally approached DECC for financial assistance re this project.

**MOTION:**

RESOLVED on the motion of Councillor Devine, seconded by Councillor Books.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the Floodplain Risk Management Advisory Committee recommend Council pursue the possibilities of grant funding through DECC for the further upgrade of the Thorley Street (Bligh Park) Flood Evacuation Route Project.

The meeting terminated at 5.36pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees



ordinary  
meeting

end of  
business  
paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.