



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 30 October 2007

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”***

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 214 **GM - Department of Local Government - Term of Appointment of Mayors Elected by Councillors & Term of Appointment of Temporary Staff - (79351)**

REPORT:

Circular No. 07-46 dated 25 September 2007 has been received from the Department of Local Government inviting councils to make submissions/comments on two proposals, namely:

Proposal 1: Term of Appointment of Mayors Elected by Councillors

Proposal 2: Term of Appointment of Temporary Staff

A copy of the abovementioned circular is included as Attachment 1 to this report.

It will be noted that the Department's Circular indicates that the Ministerial Advisory Council, established to advise the Minister for Local Government, the Hon Paul Lynch MP, on current issues relating to Local Government, is considering proposals in relation to these matters and is seeking the views of councils in this regard.

Proposal 1:

Currently, Section 230 of the Local Government Act 1993 provides that a mayor can be elected by and from the councillors for a period of one year although mayors that are elected by the community are elected for four years.

The Department's Circular suggests that issues that may be canvassed by councils in relation to this include the consistency of leadership under a longer incumbency and that the role of the mayor is the same whether they are elected by the councillors or the electorate.

If a proposal such as this were to be implemented the question also arises as to when a council would determine the period for which a mayor is elected, i.e., at the time of each mayoral election, at the commencement of the term of the Council for the whole of that term or for a specified number of terms.

Proposal 2:

The issues surrounding this proposal, as suggested by the Ministerial Advisory Council, are outlined in the Department's Circular.

In addition, it is suggested that the availability of such an arrangement has the following benefits to councils:

- Allows greater flexibility for using existing staff to fill a maternity relief vacancy.
- Allows opportunities for the General Manager to allow a number of internal staff to fill in the maternity relief vacancy for a longer period eg. 4 different staff for a 6 month term each.

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- The longer period makes it more attractive for the recruitment of a temporary or casual external person to fill a vacancy created by the transfer of an internal staff person to the maternity relief position.
- Allows additional time for internal staff to gain additional skills and experience.

From an administrative point of view, it is considered that there would be advantages if councils were to be given the opportunity to make temporary appointments for up to 24 months in respect of parental leave replacements without the requirement to advertise the position and may also enhance the ability to provide staff development opportunities.

Conformance to Strategic Plan

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

"Establish processes and develop flexible plans that will enable the city to respond to change."

Funding

Any changes will not have an effect on Council's budget.

RECOMMENDATION:

That Council:

1. Determine if it wishes to make a submission in respect of Proposal 1 and, if so, the basis of that submission.
2. Indicate its support for Proposal 2 on the basis suggested by the Ministerial Advisory Council and the additional benefits referred to in the report in this regard.

ATTACHMENTS:

AT - 1 Circular No. 07-46 from Department of Local Government

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AT - 1 Circular No. 07-46 from Department of Local Government



Circular No. 07-46
Date 25 September 2007
Doc ID. A113480

Contact Tempe Lees
02 4428 4160
tempe.lees@dlg.nsw.gov.au

TERM OF APPOINTMENT OF MAYORS ELECTED BY COUNCILLORS & TERM OF APPOINTMENT OF TEMPORARY STAFF

Background

The Ministerial Advisory Council was established to advise the Minister for Local Government, the Hon Paul Lynch MP, on current issues relating to local government. The Chair of the Ministerial Advisory Council is the Hon Ernie Page OAM. Members of the Council include Mayors, General Managers, Union representatives and the Presidents of the Local Government and Shires Associations of NSW. Representatives from the Department of Local Government also attend the meetings.

At the July 2007 meeting of the Ministerial Advisory Council the matters that are the subject of this circular were raised for discussion. At that meeting it was recommended that the Department consult with the sector to seek comments and views on the propositions outlined below.

Purpose

The purpose of this circular is to invite comments and submissions on the following propositions:

1. That consideration is given to amending the *Local Government Act 1993* to extend the term of Mayors elected by councillors from one year to two.
2. That consideration is given to amending s351 the *Local Government Act 1993* to allow for temporary appointments of up to 24 months to fill vacancies arising from an employee taking parental leave.

These proposals are discussed in more detail below.

Proposal 1 - Term of Appointment of Mayors Elected By Councillors

The *Local Government Act 1993* currently allows two methods for the election of mayors. Mayors can be elected by:

- councillors post council election, or by
- electors at the council ordinary elections.

Mayors elected by the popular vote of the community are elected for the term of the council, which is four years. By contrast, mayors elected by the councillors are elected for a one-year term. There is no limitation on the number of one-

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year terms a councillor elected mayor may serve. Additionally the mechanism by which a mayor is elected does not change the function of the mayor.

The Ministerial Advisory Council considered the advantages and disadvantages of extending the term of mayors elected by the councillors from one year to two, with a view to enhancing consistency in leadership. The Ministerial Advisory Council took into account the current difference in term of mayors depending upon the manner in which they were elected, and the fact that there is no difference between the functions of mayors regardless of how they are elected. The Ministerial Advisory Council recommended that the views of the sector were sought on the proposal.

Submissions invited on Proposal 1

Councils are invited to make submissions on the proposal that the *Local Government Act 1993* should be amended to extend the term of councillor elected mayors from one year to two. Submissions should be sent to the Department of Local Government – see details below.

Proposal 2 - Term of Appointment of Temporary Staff

Currently section 351 of the Local Government Act provides that where a council or general manager directly appoints a person to a vacant position without advertising the position externally, the person may not continue in that position for a period of more than 12 months.

The Local Government (State) Award 2004 allows staff to be granted parental leave for a period of up to 24 months.

It has been suggested that the provisions of the Act be amended to allow for persons to be directly appointed to a position without advertisement for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave.

The Ministerial Advisory Council considered the suggestion, taking into account matters such as skills shortages, the difficulty some councils have in attracting staff, career development opportunities for staff and the costs associated with external recruitment. The Advisory Council recommended that the sector be given the opportunity to comment on the proposal.

Submissions invited on Proposal 2

Local councils are invited to make submissions on the proposal that the Act be amended to allow for temporary appointments for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave. Submissions should be sent to the Department of Local Government – see details below.

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Submissions

Comments on these proposals should be marked "**MAC Proposals**" and sent to:

Deputy Director General
Department of Local Government
Locked Bag 3015
NOWRA NSW 2541

Or by email to: dlg@dlg.nsw.gov.au.

The closing date for submissions is 30 November 2007.



Garry Payne AM
Director General

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 220 **CP - Change of Use - Storage of Manufactured Transportable Buildings and use of Existing Structure as Office - 3 Box Avenue, Wilberforce - (DA0288/07, 95498, 96329, 105580)**

Development Information

Applicant: Independent Portable Buildings
Owner: Messers Perriott & Nalder
Zone: Industrial 4(a) General
Advertising: Not Required
Date Received: 29 May 2007

Key Issues: ♦ BCA Compliance

Recommendation: Approval

REPORT:

Introduction

The applicant is seeking the approval for the use of the site and existing structure. The existing structure (office) has no Development or Construction approval.

In accordance with the Council's recent resolution, in respect to retrospective approvals, the application is being reported to Council.

Background

The site has been the subject of previous approvals for industrial and other uses.

Description of Proposal

The application seeks approval to change the use of the above property

The activities associated with the use involve:

- Storage of manufactured transportable buildings;
- Fit out and repair of transportable buildings on site, and;
- Hire of transportable buildings.
- Use of the existing building as an office.

Statutory Framework - Unlawful Structures

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:*

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(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.

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 Industrial General 4(a)

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

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

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

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

Hawkesbury Development Control Plan 2002

The relevant chapters are

- Industrial Development
- Car parking
- Landscaping

The use and structure complies with the requirements of the above chapters.

iv) any matters prescribed by the regulations

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

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

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

c) the suitability of the site for the development

The site is suitable for the development.

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

The application did not require notification under the provisions of the DCP.

e) the public interest.

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

Conclusion

The proposed development complies with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental Impact.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"; and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on Budget.

RECOMMENDATION:

That Development Application DA0288/07 for Change of Use - Storage of Manufactured Transportable Buildings and use of the Existing Structure as an Office at Lot 4 DP 260028, 3 Box Avenue, Wilberforce, be approved subject to the following conditions:

General Conditions

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 development shall comply with the provisions of the Building Code of Australia at all times.
3. Where 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.
4. An application under S149 (d) Building Consent is to be submitted for the existing office building located on site within 30days from the date of the consent.
5. The proposed workshop and material store building is not approved as part of this Development Consent but will require the lodgement of a separate Development Application.

Prior To Issue Of Occupation Certificate

6. Compliance with all conditions of this development consent.

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7. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent within 30 days from the date of this consent:

1. Fire Blanket

FSM1i Installation

Compliance with the following, as appropriate:

1. Manufactured in accordance with AS3504.
2. Installed near proximity of hazard (kitchen area, sleep area, etc)

FSM1m Maintenance

1. Visual, locality, acceptable standard of dispenser and fire blanket (not damaged)

2. Portable Fire Extinguishers

FSM2i Installation

Compliance with:

1. Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
2. AS 2444 "Portable Fire Extinguishers and Fire Blankets - Selections and Locations".
3. AS 1841 "Portable Fire Extinguishers".
4. AS 1850 "Portable Fire Extinguisher - Classification Rating and Performance Testing."
5. AS 4265 "Wheeled Fire Extinguishers".

FSM2m Maintenance

Compliance with the following, as appropriate:

1. AS 1851.1 "Maintenance of Fire Protection Equipment, Portable Fire Extinguishers and Fire Blankets".
2. AS/NZS 1851.13 "Maintenance of Fire Protection Equipment - Wheeled Fire Extinguishers".

3. 5. Exit Signs

FSM5i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
2. AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
3. AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

FSM5m Maintenance

Compliance with:

1. AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

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6. Emergency Lighting

FSM6i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
2. AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
3. AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

FSM6m Maintenance

Compliance with:

1. AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance".

Prior to Occupation:

8. Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:

- (a) has been installed and assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Annually:

The Fire Safety Measures are to be regularly serviced/maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

- (a) Been assessed by a properly qualified person, and
- (b) Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

Use Of The Development

9. No internal or external alterations shall be carried out without prior approval of Council.
10. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
11. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.

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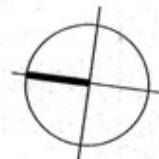
12. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
13. The development shall be limited to the area shown on the submitted plans.
14. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
15. All transportable buildings being serviced, repaired, stored or displayed shall be contained within the subject property and not on adjacent footpaths or roadways.
16. All vehicles being loaded or unloaded shall stand entirely within the property;
17. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
18. All waste materials shall be regularly removed from the property.
19. Landscaping shall be planted in the areas as shown on the approved stamped plans and amended in red.

Advisory Notes

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

ATTACHMENTS:

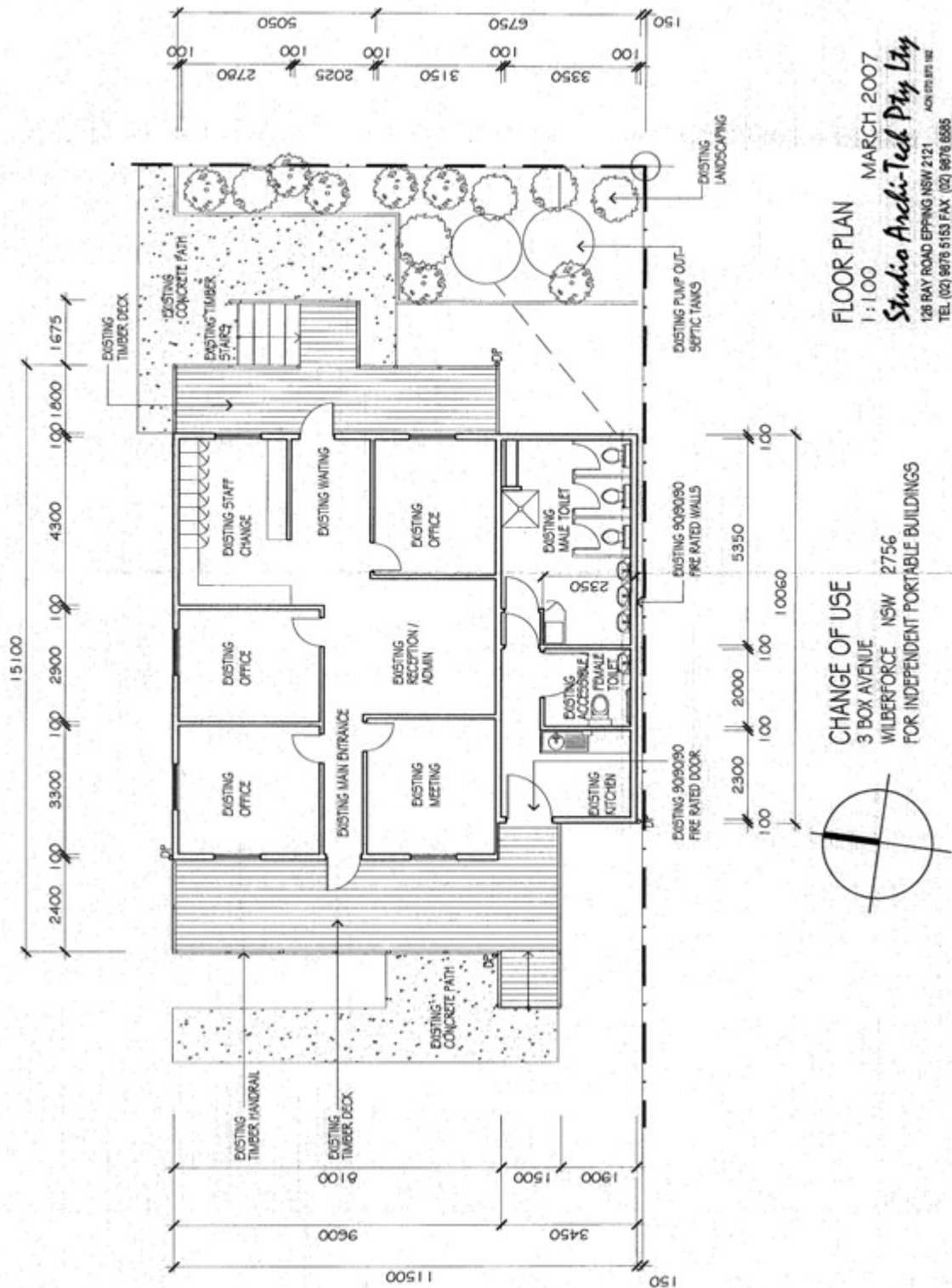
- AT - 1** Site Plan
AT - 2 Floor Plan
AT - 3 Elevations



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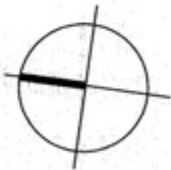
AT - 2 Floor Plan



DAO2 A

FLOOR PLAN
1:100
MARCH 2007
Studio Archi-Tech Pty Ltd
128 RAY ROAD EPPING NSW 2121
TEL (02) 9876 5153 FAX (02) 9876 6585

CHANGE OF USE
3 BOX AVENUE
WILBERFORCE NSW 2756
FOR INDEPENDENT PORTABLE BUILDINGS



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oooO END OF REPORT Oooo

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Item: 221 **CP - Modification to Development Consent - Lot 7 DP 226968, 159 Pitt Town-Dural Road, Pitt Town - (DA0118/06A, 95498, 96329, 82278, 100026)**

Development Information

Applicant: Neville Lawrence Conway
Applicants Rep: G Zerk
Owner: Mr NL Conway & Ms EM Stuart
Area: 2.287 H
Zone: Rural Living under Hawkesbury Local Environmental Plan 1989
Advertising: Not Required Section 96 (1a)
Date Received: 30 November 2006

Key Issues: ♦ Retrospective approval of works

Recommendation: Approval

REPORT:

Introduction

The applicant seeks to modify Development Consent DA0118/06, details of the modification are set out in the "Description of Proposal" section in this report.

The works have already been carried out without consent and the applicant now seeks approval of this work.

In accordance with the Council's recent resolution, in respect of retrospective approvals, the application is being reported to Council.

Background

Development consent for the erection of a barn style shed was approved by Development Consent 118/06, on 24 February 2006.

A Section 96 application to modify the consent was received on 30 November 2006. The following inspection revealed works had been undertaken without consent.

This application seeks to obtain consent for these works.

Description of Proposal

The applicant seeks to modify the Development Consent in the following manner

- Install additional windows and sliding doors to all elevations .
- Provide double entrance doors to the south elevation.
- Provide roller door to the north elevation.
- Provide internal shower wc and basin, in internal room.
- Provide access to a central mezzanine.
- Line the shed internally.
- Install sewerage management facility.

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The application is also accompanied by a written submission stating the building will be used to store equipment to maintain the land and pursue their hobbies on the property which include;

- Artistic painting, restoration of horse drawn vehicles, maintenance to saddles, motorbikes and making leather vests to wear.

The applicants have also provided statutory declarations that they will not "live" in the shed

Photographs of the shed are available in the Council Chambers

Assessment of Section 96

The proposed amendments to the shed are considered to be substantially the same development as approved by Development Consent 118/06.

The amendments will have a minor environmental impact on the surrounding area.

The proposed amendments can be considered under S96[1a] of the Environmental Planning and Assessment Act

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;

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

Comment: The proposal is not inconsistent with the relevant Planning Instruments and relevant provisions. Whilst a dwelling cannot be approved on the site due to the existing natural surface level and the flood levels, a non-habitable shed has been approved by DA118/06.

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

Hawkesbury Development Control Plan 2002

The relevant chapters are; Chapter 8 Erection of Rural Sheds

The amendments comply with the requirements set out in the DCP

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

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

c) the suitability of the site for the development

The site is suitable for the development as a non-habitable, Rural Shed.

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

The application did not require notification under the provisions of the DCP.

e) the public interest.

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

Conclusion

The proposed development complies with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental Impact.

The applicant has confirmed in writing and with a Statutory Declaration that the shed will not be used as a dwelling or for any habitable purposes

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"; and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on Budget.

RECOMMENDATION:

That the modification application DA0118/06A for a Rural Shed be approved subject to the following additional conditions:

- 20a] The first floor door to the South Elevation to be permanently sealed closed.
- 20b] All materials used in the construction of walls and floors are to be capable of immersion in flood waters without effecting the structure of the building.
- 20c] All the existing plasterboard lining installed is to be removed and disposed at a licensed refuse collection area and replaced with water compatible materials.

Condition 22 to be amended to read:

- 22 The shed shall not be occupied for human habitation / residential, industrial or commercial purposes **and is not approved for overnight accommodation.**

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ATTACHMENTS:

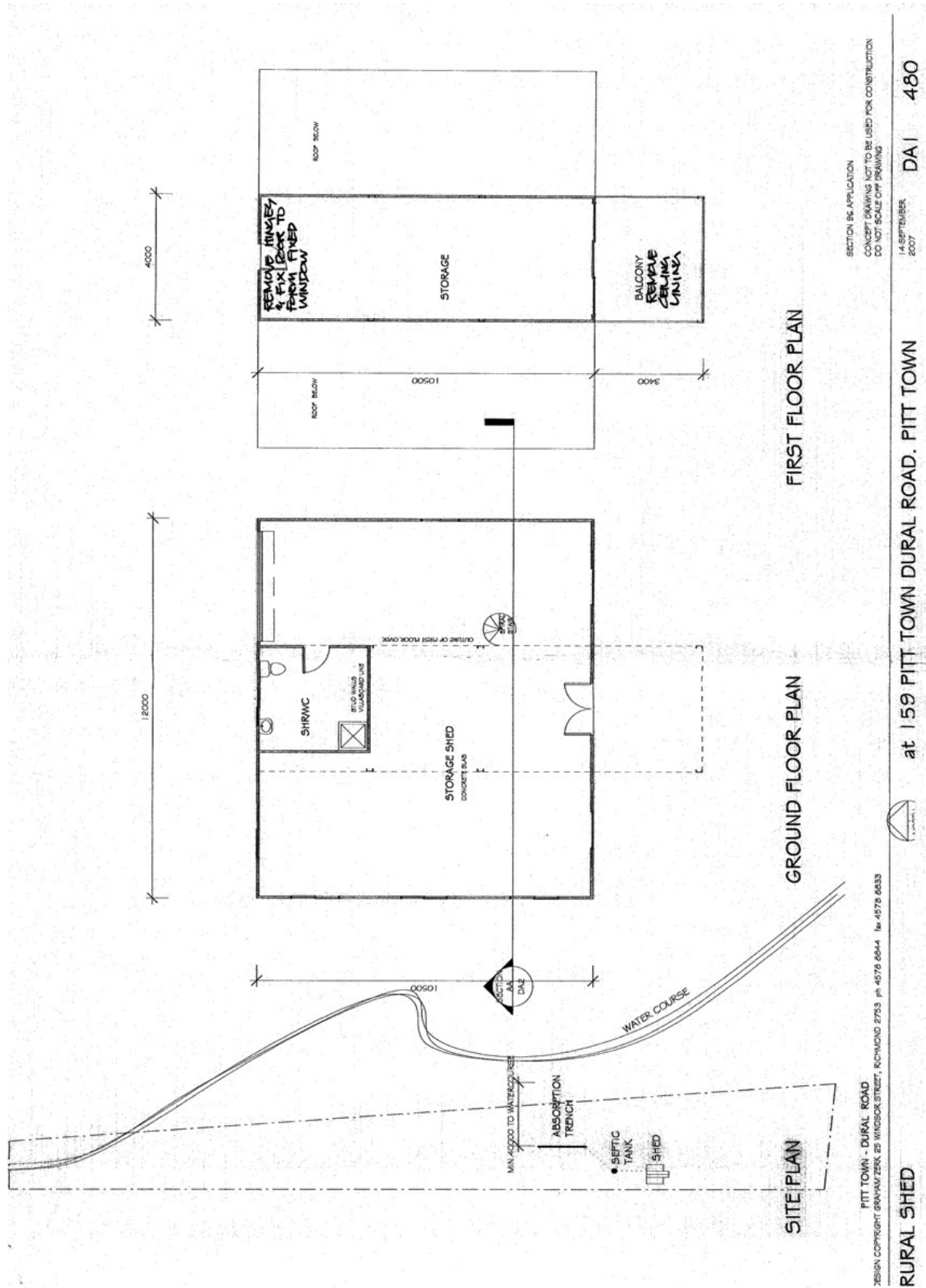
- AT - 1** Locality Plan
- AT - 2** Site and Floor Plans
- AT - 3** Elevations Plan

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AT - 2 Site and Floor Plans



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Item: 222 **CP - Modification to Development Consent - Riverview Shopping Centre, 5 Johnston Street, Windsor - (DA0098/04, 74987, 8736, 95498,96329)**

Development Information

Applicant: Leffler Simes Pty Ltd Architects
Owner: Pirasta Pty Limited
Zone: 3(a) Business General
Advertising: 16 July 2007 to 30 July 2007
Date Received: 17 November 2007

Key Issues: ♦ Noise

Recommendation: Approval

REPORT:

Introduction

This report relates to an application under Section 96 of the EPA Act, to modify the approved Riverview Shopping Centre (DA0098/04), which incorporates some changes and design refinements.

The application is being reported to Council due to the previous DA being determined by Council.

Background

At a Special Meeting on 4 May 2004, Council resolved to issue a deferred commencement consent for demolition of existing buildings, erection of a shopping centre and roadworks.

The deferred conditions were satisfied and the consent became operational on 19 November 2004. The Shopping centre was completed and occupied in December 2006.

Description of Proposal

A number of modifications are sought which comprise altered internal layout due to the new DA, design enhancements and general improvements. The modifications are detailed by the applicant as follows:

Car Park Level

- Relocation of the disabled parking closer to the vertical transporter.
- Relocation of store rooms
- Relocation of the taxi setdown/pickup area adjacent to the entry
- Dry clean setdown/pick up area
- Modification of vehicle crossing for the loading dock in Johnston Street
- Modify the substation/fire control room
- Provision of carparking spaces for parents with prams

Retail Level

- New pedestrian crossing and footpath area to main entry in George Street
- Revised mezzanine layout to shops facing George Street
- Internal changes to mall area, service passage, exit doors and speciality shops receiving dock
- Shop tenancy subdivision

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No 17 Johnston St

- Amended acoustic design and facility to be installed.

Some of the proposed modifications have already been constructed.

A full set of the plans showing the proposed amendments are available in the Council Chambers.

Statutory Considerations

SEPP 11 - Traffic Generating Developments

The original DA0098/04 was referred to the RTA-Sydney Regional Development Advisory Committee. The Committee endorsed the development subject to a number of requirements, which were included in conditions of consent. The proposed modifications are minor changes, which will not alter the traffic impacts of the overall development.

SREP 20 - Hawkesbury - Nepean River

The site is within the SREP 20 but is not in a Scenic Corridor. The aim of the policy is to protect the environment of the Hawkesbury-Nepean River System by ensuring the impacts of future land use are considered in the regional context.

The relevant specific considerations for the site are water quantity, part 2(6)(2) and cultural heritage, part 2(6)(5). These matters have been previously assessed in DA0098/04. The current applications are only minor alterations. The objectives and specific matters are satisfied by the proposed modifications

Hawkesbury LEP 1989

The site is zoned Business General 3(a) and the proposed modifications are permissible with consent. Relevant clauses are clause 25 - Development of Flood Liable Land and clause 28 - Development in the Vicinity of Heritage Items. The requirements of the LEP are satisfied with the proposed modifications which are minor.

Hawkesbury DCP

The relevant chapters of the DCP are Notification and Car Parking. The development satisfies the DCP requirements.

Community Consultation

The application was placed on public exhibition from 16 to 30 July 2007.

Letters were sent to adjoining and surrounding landowners and occupants as well as persons who made submissions on the original application.

During the notification period no submissions were received.

Planning Assessment

The modifications are relatively minor, in terms of the overall proposal. The main matters for assessment are therefore minimised.

Section 96

The provisions of EPA Act allows Council to modify a development consent providing the development as modified is substantially the same development as approved.

The modified application has been notified in accordance with the provisions of the Councils DCP.

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The proposed modification are substantially the same development as approved.

The proposed modifications can be considered under S96 of the EPA Act.

Car Parking

The amendments propose a minor change to the car parking layout to improve functionality.

The centre generates a requirement for 312 spaces in accordance with the car parking chapter of the DCP the amended layout provides the required car parking numbers on site.

Building Design/Heritage Impact

The modifications involve internal changes that will have no impact on the surrounding or adjoining heritage items and streetscape.

Noise (17 Johnston St)

The application proposes to amend the acoustic treatment for No 17 Johnston St.

The applicant has held discussions with the property owner of No 17 Johnson St in respect to the acoustic treatment.

The original condition 81 required the provision on an acoustic fence constructed of clear polycarbonate or acrylic material along the north west and south west boundaries.

The wall height would be between 3.3 to 4.5m high.

The proposed modifications have maintained an acoustic fence which is modified by:

1. Enclosing of the small shops dock
2. Negotiation with the property owners of No.17 Johnston St for noise attenuation measures.

The acoustic fence is now proposed to be a concrete dwarf wall approximately 1metre high with a treated timber fence above.

Attached to the north west, south west and north east facing windows of No 17 are acoustic and security shutters for optional use by the occupants to further reduce any potential noise generated by the loading dock.

The south west acoustic fence is substituted by the enclosure of the car park with a blockwall to the extent of the originally proposed fence.

The applicant has indicated the benefits of the new concept are:

1. Enclosing of small shop dock activities to reduce noise transmission.
2. Enclosing of car park to reduce noise transmission
3. Reduce the enclosing nature of the DA designed acoustic fence
4. Provides a less commercial acoustic barrier solution.

The original application was accompanied by noise reports.

The reports concluded the impact of noise on the surrounding residential area is acceptable with the implementation of attenuation measures. Two (2) noise reports were submitted by the applicant, with the second one providing an update on the findings of the first report which concluded the development would have an adverse impact on No. 17 and No. 19 Johnston Street.

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Some comments from the second report are:

- (i) Loading Dock -noise levels from dock to be 51dB(A), with no noise wall. The noise wall submitted with application would further reduce noise levels to comply with EPA limits. Requirements for habitable areas of the rear yard of No.17 Johnston Street is a noise wall approximately 3 metres high which could compromise of transparent Perspex or polycarbonate panels on top of a masonry wall.

Loading dock use to be restricted to 7am to 10pm.

- (ii) Car park - noise from the car park can comply provided:

- A solid wall is provided to the boundaries of No. 17;
- A 3 (three) metre masonry screen wall is provided to No. 19 Johnston Street;
- Restricting use of Union Lane adjacent to No. 19 Johnston Street to eliminate sleep arousal. The driveway should not be used after 10.00pm at night or before 7.00am; and
- The floor of the car park slab to be finished using a rough grade concrete or asphalt, with no sealer to minimise tyre squeals and speed humps to be solid one-piece construction.

The report indicated that all the above measure should comply with set noise limits for this development.

The applicant has submitted a further noise report for the modification of the acoustic fence and noise measures.

The report concludes

- *The reduced height of the boundary fence between the loading dock and the residence at 17 Johnston Street and the addition of a small shops dock, have been offset by enclosing the dock and providing operable window shutters to bedroom and living area windows.*
- *A solid rear boundary fence at 19 Johnston Street and full height internal walls near the Union Lane entrance have been provided to mitigate car park noise to acceptable levels.*

Comment

The applicant's original and amended noise reports demonstrates that the impact of noise transmission for No. 17 and No. 19 Johnston Street is apparent and noise attenuation measures will have to be implemented to comply with noise limit requirements set by the EPA.

The original acoustic fence had the potential for adverse aesthetic impacts of a 4.5 metre high wall. The height of the wall which will be visible above the shopping centre trading floor would vary from 3.3 metres to 4.5 metres. It was proposed that the top of the wall will be constructed from clear polycarbonate. This would still allow views to be obtained to the north west while providing adequate acoustic screening. Given that the commercial zone allows the buildings to be constructed at the boundary, the proposed clear polycarbonate acoustic wall was considered an acceptable solution in the original DA.

The applicant has now negotiated the proposed solution (reduced acoustic wall height and window shutters for the dwelling) with the property owner of No 17 Johnson St and they have signed the submitted plans as owners of the property.

The amended noise mitigation measures provides a better visual outcome for the locality while still achieving the required noise reduction to comply with the requirements set by the EPA.

The noise report provided with the application to modify the Development Consent has used noise data before the operation of the shopping centre commenced.

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Council officers requested that more up to date noise data be provided for the centre as currently operating.

In response the applicant has argued the following

- *The noise consultant's report has been developed from their professional assessment of the manufacture's shutter specifications.*
- *The centre has been operating since early November 2006 with the loading dock area being used and during this period to date neither Council or the Centre Management has received a noise complaint from the residential occupants of No.17 Johnston St in respect to the operation of the shopping centre.*
 1. *The existing effective acoustic measures adopted and implemented such as*
 - a. *Enclosing of small shop loading bay*
 - b. *Enclosing of the carpark area*
 - c. *Enclosing timber perimeter fencing*
 - d. *Surfacing of the carpark in bituminous material to avoid tyre screech, and*
 - e. *The installation of the roller shutters will now exceed the original intent and further contribute to the noise abatement measures already adopted.*

The applicant has also agreed to undertake any further noise assessment in the event that Council receives further concerns in respect to noise related issues.

The centre has been operating since late November 2006 and during that time Council has not received any complaints concerning noise related matters which may suggest that the noise measures implemented are working and the implementation of the additional measures (roller screens) at 17 Johnson St will only further reduce any potential noise impact.

The response from the applicant is reasonable and the need to provide further noise testing data is not necessary at this stage.

A suitable additional condition will be imposed requiring the centre management to undertake further noise assessment if in the future Council receives a number of concerns in respect to noise related issues.

The applicant has advised that the roller shutters have been manufactured ready for installation once the S96 application has been approved.

Condition 81 currently reads:

"An acoustic screen wall is to be provided in accordance with the stamped approved plans. The sections of these screens which will be visible above the shopping centre trading floor level are to be constructed of clear polycarbonate or acrylic material with sufficient mass to prevent direct noise transmission to adjoining residential properties. Landscaping including mature trees and shrubs is to be incorporated with the screen wall. The acoustic wall shall extend from Johnston Street along the north and west boundaries of No. 17 Johnston Street and return to the building wall."

Proposed amended Condition 81 is to read:

"Implementation of the acoustic measures as identified in the report prepared by Renzo Tonin and Associates P/L Ref TA263-06F01 (Rev 2) Acoustic Report for S96 doc dated 19 September 2005."

Condition 90 be amended to read:

"The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings."

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In this regard if Council receives several written complaints from the occupants of No. 17 Johnson St concerning noise generated by the shopping centre the owner and or centre management will undertake the necessary noise assessment report to investigate the noise concerns raised by the occupants.

The noise assessment report is to be prepared in consultation with Council officers and any recommendations of the report are to be implemented."

Conclusion

The proposed modifications sought are relatively minor compared to the overall development. The modifications provide a better layout, a number of minor changes and a better acoustic solution that will have less of a visual impact.

A suitable condition has been imposed to protect the future noise amenity for the occupants of 17 Johnston Street which has been proposed by the applicant. Accordingly to application is recommended for approval.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City."

Funding

No impact on budget.

RECOMMENDATION:

That the Development Modification Application DA0098/04 for Lot 1 DP 586790, Lot 51 DP 1073306, 5 Johnston Street, Windsor be approved as follows:

1. Reimposition of the original development consent conditions with the following amendments:
2. Condition No.1 of schedule B is amended as follows:

"1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development application No DA0098/04 and any supportive documentation, except as modified by plans GA96/1/01, GA96/1/02, GA96/1/03, GA96/1/04 and GA 12 GA96-2_S02 issue H, GA96-2_S02 issue C, GA 12 issue H, GA96/2/01 issue D and Noise report from Renzo Tonin and Associates ref TA263-06f01 (REV 2) dated 19 September 2005."

3. Condition 81 now to read

"81. Implementation of the acoustic measures as identified in the report prepared by Renzo Tonin and Associates P/L Ref TA263-06F01 (Rev2) Acoustic Report for S96 doc dated 19 September 2005"

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4. Condition 90 now to read

"90. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.

In this regards if Council receives several written complaints from the occupants of No 17 Johnston St concerning noise generated by the shopping centre the owner and or centre management will undertake the necessary noise assessment report to investigate the noise concerns raised by the occupants.

The noise assessment report is to be prepared in consultation with Council officers and any recommendations of the report are to be implemented. "

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Plans Lodged with Application

Meeting Date: 30 October 2007

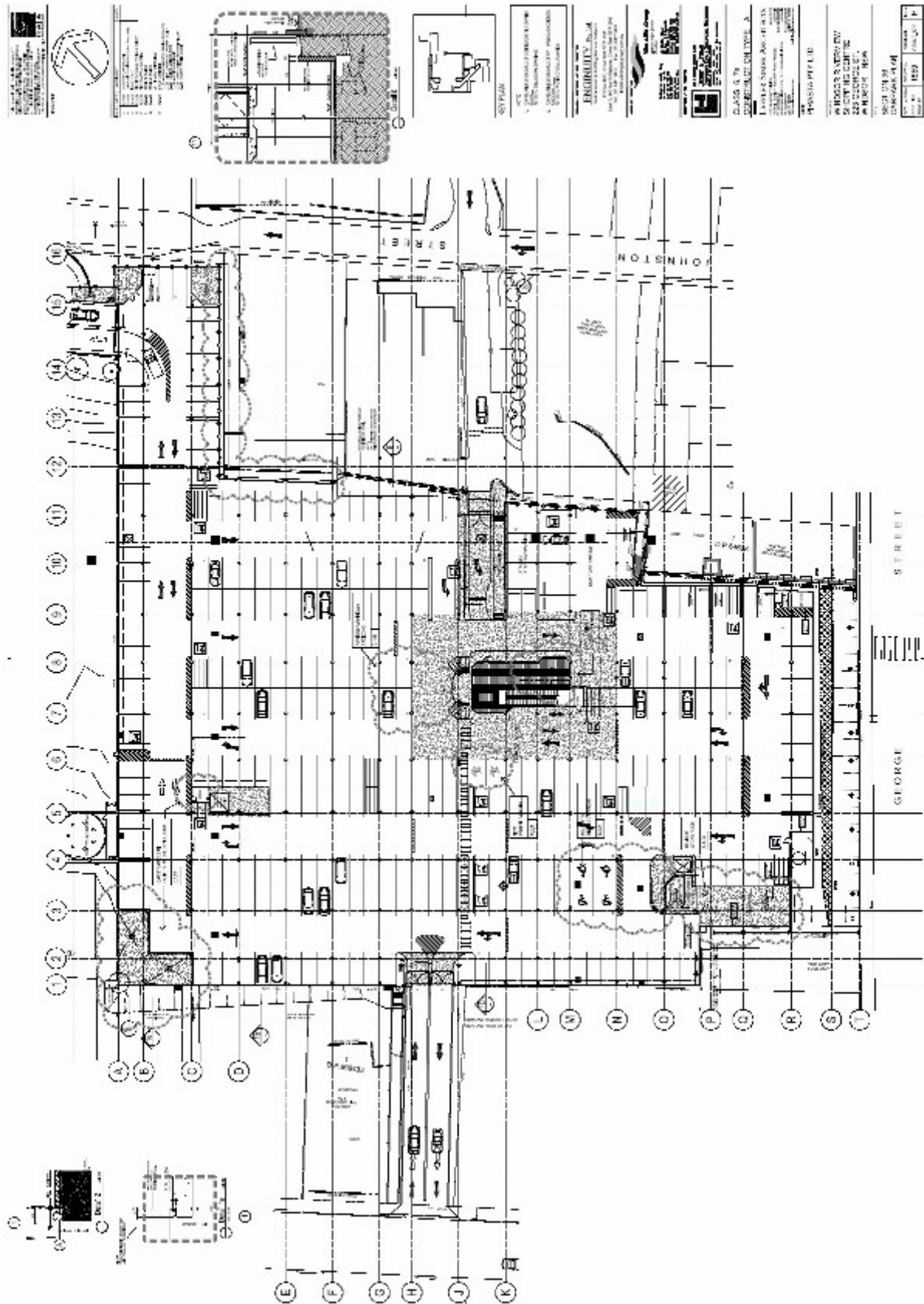
AT - 1 Locality Plan



ORDINARY MEETING

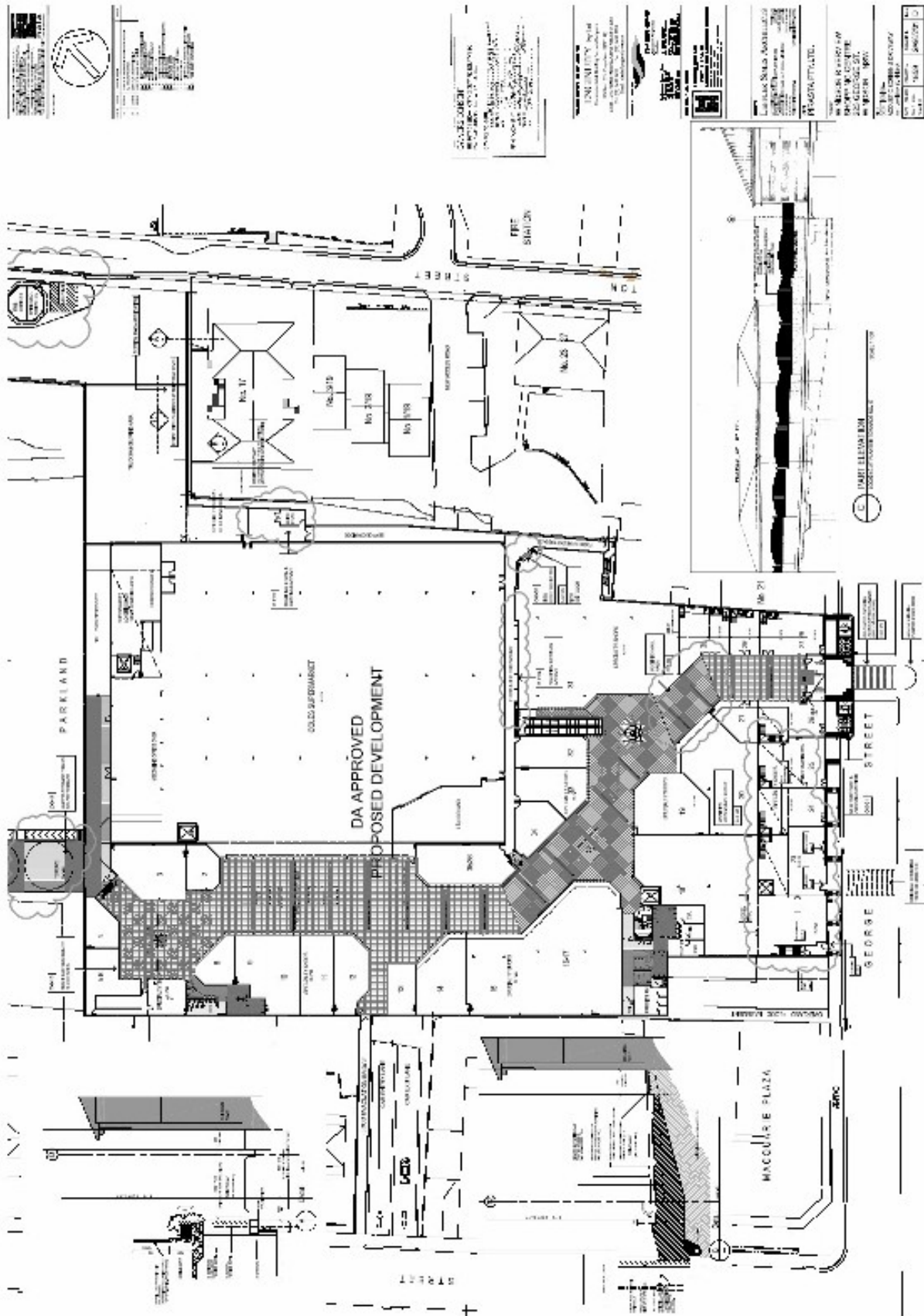
Meeting Date: 30 October 2007

AT - 2 Plans Lodge with Application



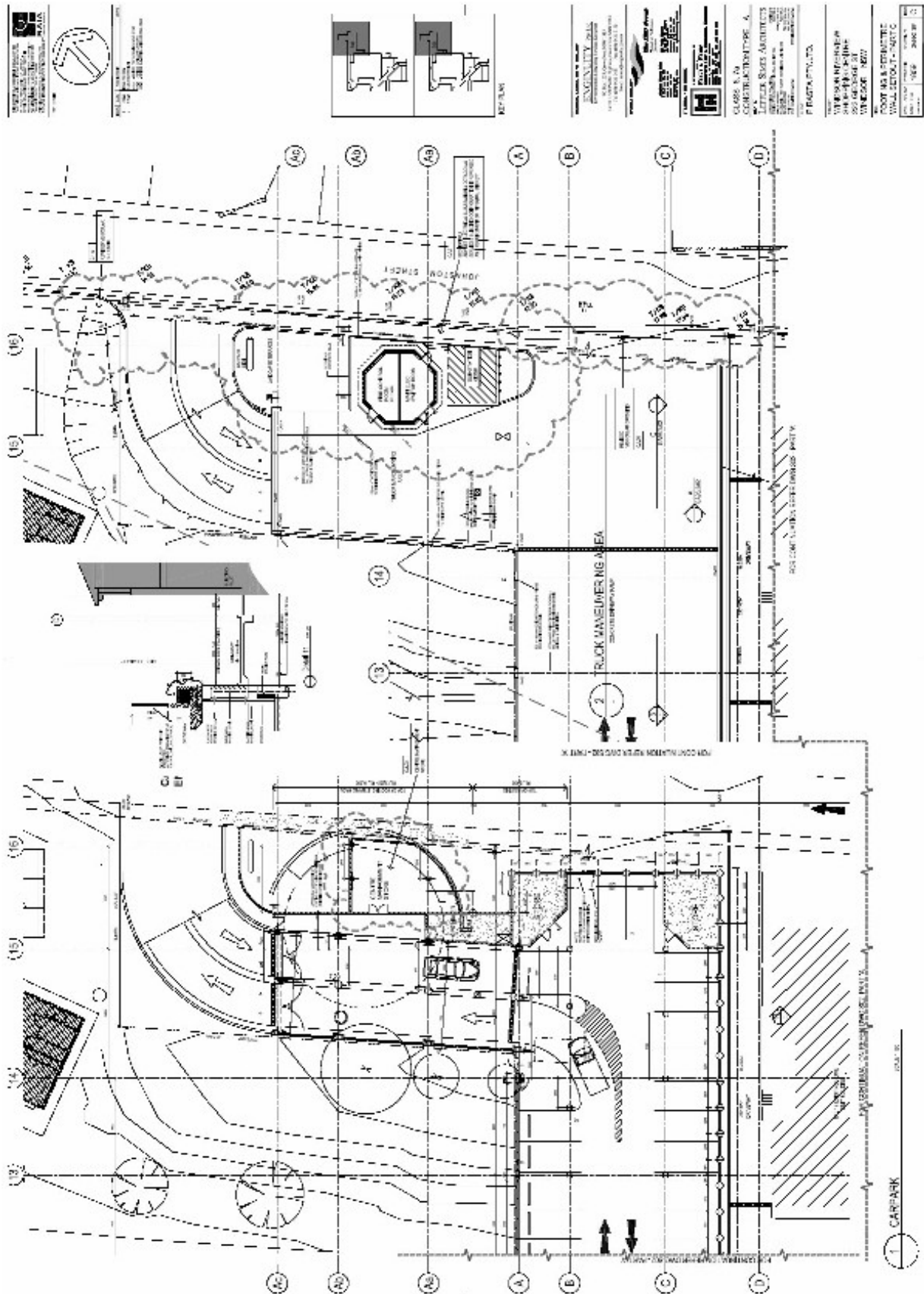
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Meeting Date: 30 October 2007



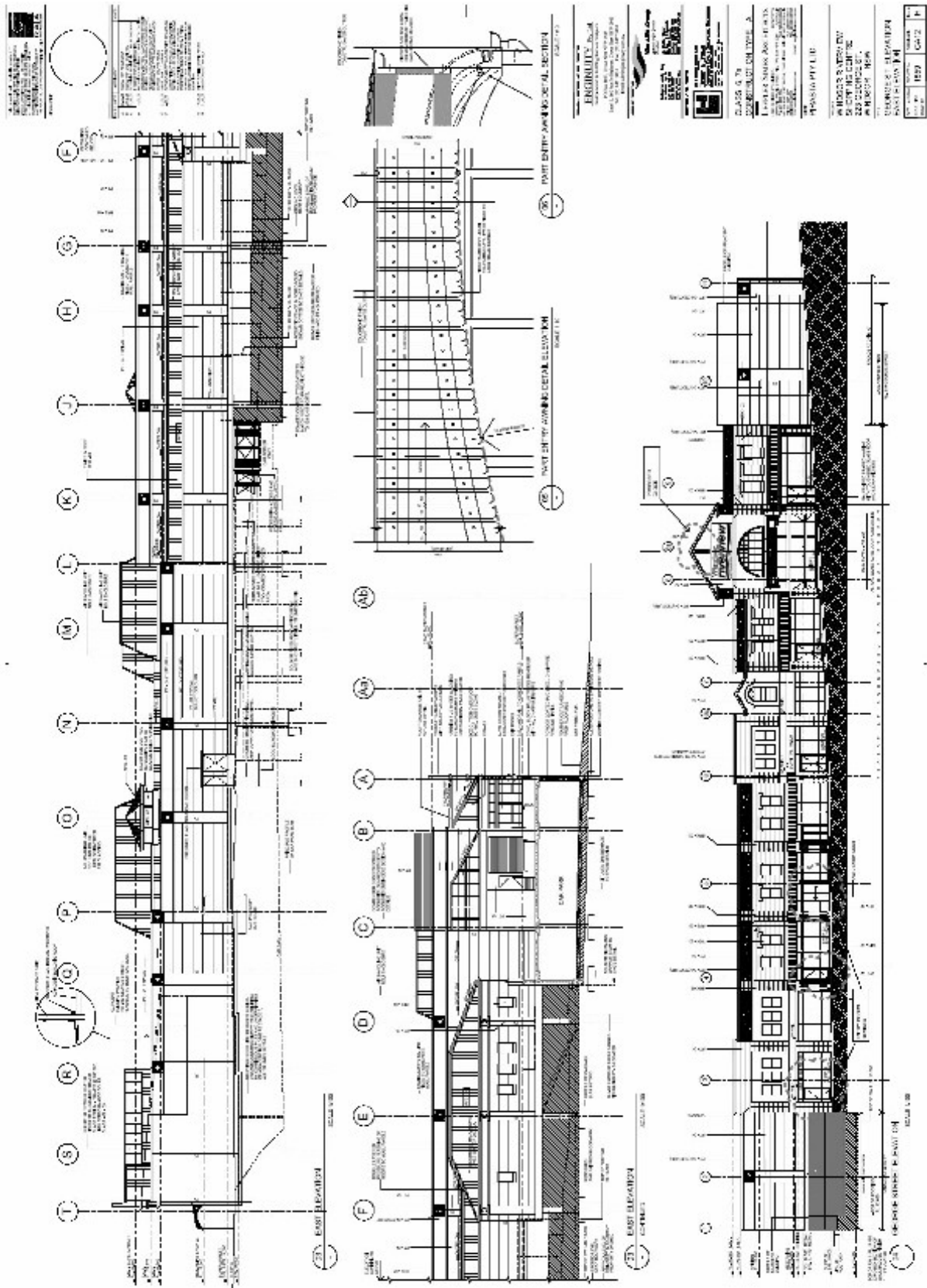
ORDINARY MEETING

Meeting Date: 30 October 2007



ORDINARY MEETING

Meeting Date: 30 October 2007



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 October 2007

Item: 223 **CP - Approval Sought in Retrospect - Dwelling - Lot 490 DP 751665, 32 Argents Road, Wilberforce - (DA0427/07, 13551, 13552, 95498, 96329)**

Development Information

Applicant: Mr Victor & Mrs Carmen Tabone
Owner: Mr Victor & Mrs Carmen Tabone
Stat. Provisions: Environmental Planning and Assessment Act 1979
Local Government Act 1993
Hawkesbury Local Environmental Plan 1989
Area: 11.330 H
Zone: Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Advertising: Not required to be notified
Date Received: 25 July 2007

Key Issues: ♦ Development without prior consent

Recommendation: Approval

REPORT:

Introduction

Development consent is sought for the use of an existing structure as a dwelling. The structure that is the subject of this application is currently in existence and has not previously received development consent.

In accordance with Council's resolution in respect to retrospective approvals, the application is being reported to Council.

Description of Proposal

The application involves the use of an existing structure as a dwelling. The application also requires consent for an attached carport and the use of two other masonry outbuildings for non-habitable purposes.

The existing structure to be used as a dwelling consists of two prefabricated relocatable buildings joined together by a conventionally built infill structure. The application also provided certification of various elements of the construction and a report on compliance with the Building Code of Australia which is considered satisfactory.

The works, the subject of this application, have already been constructed.

Background

The applicant has advised that the structure was constructed and occupied in 1999.

Statutory Framework - Unlawful Structures

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:

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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 149A 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 149A 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 from the date of issue.

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:

a) the provisions of:

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

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

Hawkesbury Local Environmental Plan 1989

It is considered that the proposal is consistent with the aims and objectives of the 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 draft environmental planning instruments that relate to the land or affect the proposal.

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

Hawkesbury Development Control Plan 2002 applies to the land. The relevant chapters are:

- Residential

The application has been assessed under this chapter and the only matter of non-compliance relates to the provision of on-site water storage. The site is not serviced by reticulated water and relies upon on-site water storage. Hawkesbury Development Control Plan requires a minimum of 100,000 Litres be provided for all new dwellings. The applicant is only proposing 25,000 Litres be provided to serve the dwelling.

The applicant has stated that the 25,000 litre water storage vessel has been utilised for the past eight years whilst the structure has been in existence. The owner has been content with the level of storage provided and does not wish to increase the storage volume.

The owner has advised that he has plans for a new dwelling to be constructed in a different location on the site and will seek development consent for that work and provide the required

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amount of 100,000 Litres for that proposal. The owner does not wish to go to the expense of installing a compliant tank, for little benefit in the short term.

This request for a variation to the Development Control Plan is considered reasonable in the circumstances of the case.

However, the NSW Rural Fire Service requires a dedicated minimum 20,000 Litre water supply be provided for fire fighting purposes. This storage would be additional to the storage for domestic use. This will be required to be installed as a condition of consent.

iv) any matters prescribed by the regulations

There are no matters discernable that are prescribed by the regulations that apply to 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 proposal is located in a rural landscape and the development does not detract from the context and setting of the landscape or the rural character of the area. There is no increased impact in terms of access, traffic or transport. There are no heritage listed items in the vicinity of the proposal and there is no likely adverse impact upon water or soils resources.

The likely impacts of the development are considered to be minor and would not result in any demonstrable impact upon the natural or built environment.

c) the suitability of the site for the development

The site is considered to be bushfire prone land and the proposal does not meet the minimum requirements for Asset Protection Zones from the NSW Rural Fire Service document '*Planning for Bushfire Protection*'. Consequently, the application was referred to the NSW Rural Fire Service for comment. Suitable comments and conditions of approval were received from the Rural Fire Service.

The site is considered suitable for the development.

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

The application was not required to be notified under Hawkesbury Development Control Plan. No submissions were received.

e) the public interest

The proposal is not contrary the public interest.

Conclusion

The proposed development will have only a minor impact and is consistent with the relevant Council requirements.

Conformance to Strategic Plan

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

"Objective: Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City"; and

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City."

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Funding

No impact on budget.

RECOMMENDATION:

That the structure at Lot 490 DP751665, 32 Argents Road, Wilberforce be approved for use as a dwelling subject to the following conditions of development consent:

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. A Section 149A Building Certificate Application is to be lodged with Council for the structure within 30 days from the date of this consent.

NSW Rural Fire Service

3. The development shall comply with AS 3959 - 1999 'Construction of Buildings in Bushfire Prone Areas'. Level 1 construction shall apply.
4. Unrestricted access shall be provided around the property for fire-fighting personnel.
5. The property around the dwelling to a distance of thirty (30) metres, or to the property boundary, whichever is lesser, shall be maintained as an Inner Protection Zone (IPA) in accordance with Chapter 4.1.3 and Appendix 2 of Planning for Bushfire Protection 2006 and RFS Standards for Asset Protection Zones (available electronically at www.rfs.nsw.gov.au).
6. Landscaping and maintenance of the property should follow the principles mentioned in Appendix 5 of Planning for Bushfire Protection 2006.
7. In recognition of no reticulated water supply, within 30 days from the date of this consent, the property shall have a dedicated minimum 20,000 Litre static water supply capacity for use during bushfires in accordance with chapter 4.1.3 of Planning for Bushfire Protection 2006. In addition, the water supply shall have a minimum of 3 kW (5hp) petrol, diesel or generator powered pump, hose (capable of reaching all aspects of the dwelling) and fittings.

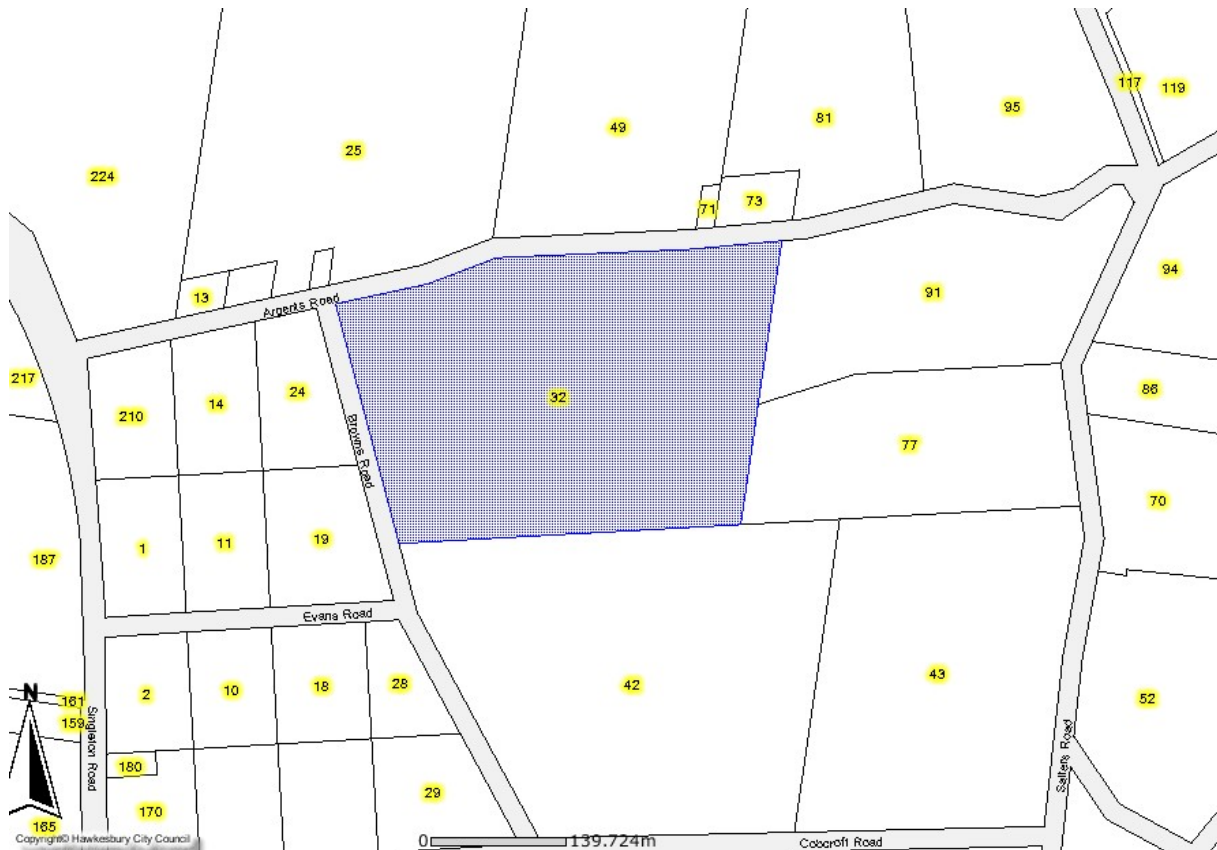
Use

8. No internal or external alterations shall be carried out without prior approval of Council.
9. The development shall be limited to the area shown on the submitted plans.
10. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
11. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes.

ATTACHMENTS:

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

AT - 1 Locality Plans



Meeting Date: 30 October 2007

LOT 490
DP 751865
(No. 32 ARGENTS RD)
LAND SIZE 11.4Ha

ARGENTS ROAD
195.84m
99.02m

BROWNS ROAD
254.18m
349.99m

EXISTING RECYCLED CEMENT TILE DRIVEWAY
ACCESS TO BROWNS ROAD

NEW CLAD / METAL ROOF DWELLING WITH ATTACHED CARPORT
- REFER TO DRAWINGS 002, 004 & 005

EXISTING LAUNDRY / STUDY EXTENDED BY 8.98m x 1.5m
- REFER TO DRAWINGS 003-005

25000L ABOVE GROUND WATER TANK FOR DOMESTIC USE

EXISTING BLOCKWORK / METAL ROOF STABLE / DOMESTIC STORAGE

40m LONG RUBBLE PIT FOR SEPTIC OVERFLOW

SEPTIC TANK

EXISTING W/C

EXISTING STANDS OF GUM TREES

BALANCE OF PROPERTY MOWED / GRAZED GRASSES

POST AND WIRE FENCING

PART SITE PLAN 1:500 (A3)

LOCALITY PLAN 1:500 (A3)

Itemref	Quantity	Title/Name, designation, material, dimension etc	Checked by	Approved by - date	File name	Date	Scale (A3)
DM						15/07/2007	1:500

AREAS

TOTAL SITE AREA	= 114000m ²
DWELLING FLOOR AREA	= 131m ²
LAUNDRY / STUDY FLOOR AREA	= 45m ²
CARPORT AREA	= 43m ²
TOTAL BUILDING AREA	= 219m ²

RevNo		Revision note		Date	Signature	Checked
5						
6						
7						
8						

PROPOSED DWELLING - SITE PLAN

V & C TABONE

32 ARGENTS RD WILBERFORCE

001

TRUE NORTH PROJECT NORTH

LOCALITY PLAN 1:500 (A3)

NTS (A3)

001

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FINISHES SCHEDULE

ITEM	DESCRIPTION
1	200mm BLOCKWORK
2	PAINTED 'WHEAT' WITH HERITAGE RED TRIMMINGS
3	200mm BLOCKWORK
4	PAINTED 'WHEAT' WITH HERITAGE RED TRIMMINGS
5	200mm BLOCKWORK
6	PAINTED 'WHEAT' WITH HERITAGE RED TRIMMINGS
7	200mm BLOCKWORK
8	PAINTED 'WHEAT' WITH HERITAGE RED TRIMMINGS

LEGEND:
 B.I.R. BUILT-IN ROBE
 C.E.L. CEILING LINING
 D.P. DOWNPIPE
 F.L. FLOOR LINING
 F.W. FLOOR WASTE
 P.A.W. PRESSURE WATER
 S/A CEILING MOUNTED SMOKE ALARM (TO AS3786-1993)

SECTION 1/75 (A3)

NORTH ELEVATION 1/75 (A3)

WEST ELEVATION 2/75 (A3)

PROPOSED DWELLING - ELEVATIONS (1/2)

V & C TABONE

32 ARGENT'S RD WILBERFORCE

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 October 2007

Item: 224 **CP - Approval Sought in Retrospect - Carport and Change of Garage to a Habitable Space - Lot 129 DP 255868, 21 Scarvell Avenue, McGraths Hill - (DA0407/07, 76842, 97933, 96329, 95498)**

Development Information

Applicant: Richard and Belinda Liston
Owner: Mr RI & Mrs BA Liston
Area: 550.00m²
Zone: Housing under Hawkesbury Local Environmental Plan 1989
Advertising: 14 September 2007 to 28 September 2007
Date Received: 17 July 2007

Key Issues: ♦ Alterations and additions without prior consent

Recommendation: Approval

REPORT:

Introduction

The Applicant is seeking the approval for the use of the existing garage for habitable purposes and the use of the structure as a carport. The applicant has stated that the alterations were required for an additional child. The applicant has claimed that they were "unaware that Council would need to be involved". An application for a building certificate has also been lodged.

In accordance with Council's resolution in respect of retrospective approvals the application is being reported to Council.

Description of Proposal

The conversion of the garage involved the wall between the garage and the living area being removed, opening up the living space. The area at the rear of the original garage has being converted into an office. This work only involved internal, non structural alterations. A new window was installed to the front of the residence and a new glass sliding door was installed to provide access to the rear yard. Photos of the alterations are available in the Council Chambers.

A structure, 3.6m x 5.7m was constructed to the front of the dwelling and located behind the building line. The roof has been cut into the existing roofline creating the appearance of one structure. The structure is used as a carport.

Statutory Framework - Unlawful Structures

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.

ORDINARY MEETING

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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.

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 Housing under Hawkesbury Local Environmental Plan 1989.

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

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

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

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

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

iii) any development control plan applying to the land

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

iv) any matters prescribed by the regulations

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

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

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

c) the suitability of the site for the development

The site is suitable for the development.

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

The application was notified to adjoining properties during the period from 14 September 2007 until 28 September 2007. During this time no submissions were received.

ORDINARY MEETING

Meeting Date: 30 October 2007

e) the public interest

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

Conclusion

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental impact.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"; and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on Budget.

RECOMMENDATION:

That application DA0407/07 for Lot 129 DP 255868, 21 Scarvell Avenue, McGraths Hill, for the use of a garage as a habitable use and the use of a structure as a carport be approved subject to the conditions in the attached consent:

General

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

During Construction

5. 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) prior to occupation of the building

Use of Development

6. No internal or external alterations shall be carried out without prior approval of Council.

ORDINARY MEETING

Meeting Date: 30 October 2007

Advisory Notes

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

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.

ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Front Elevation
- AT - 3 Rear Elevation

ORDINARY MEETING

Meeting Date: 30 October 2007

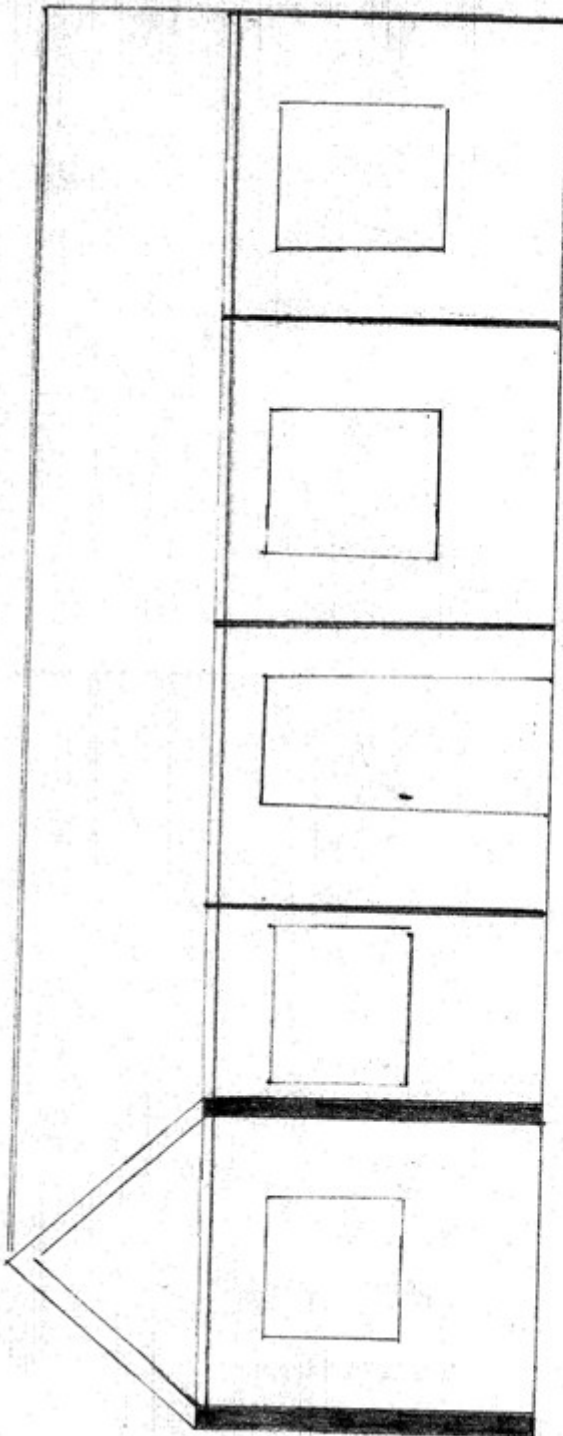
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 30 October 2007

AT - 2 Front Elevation

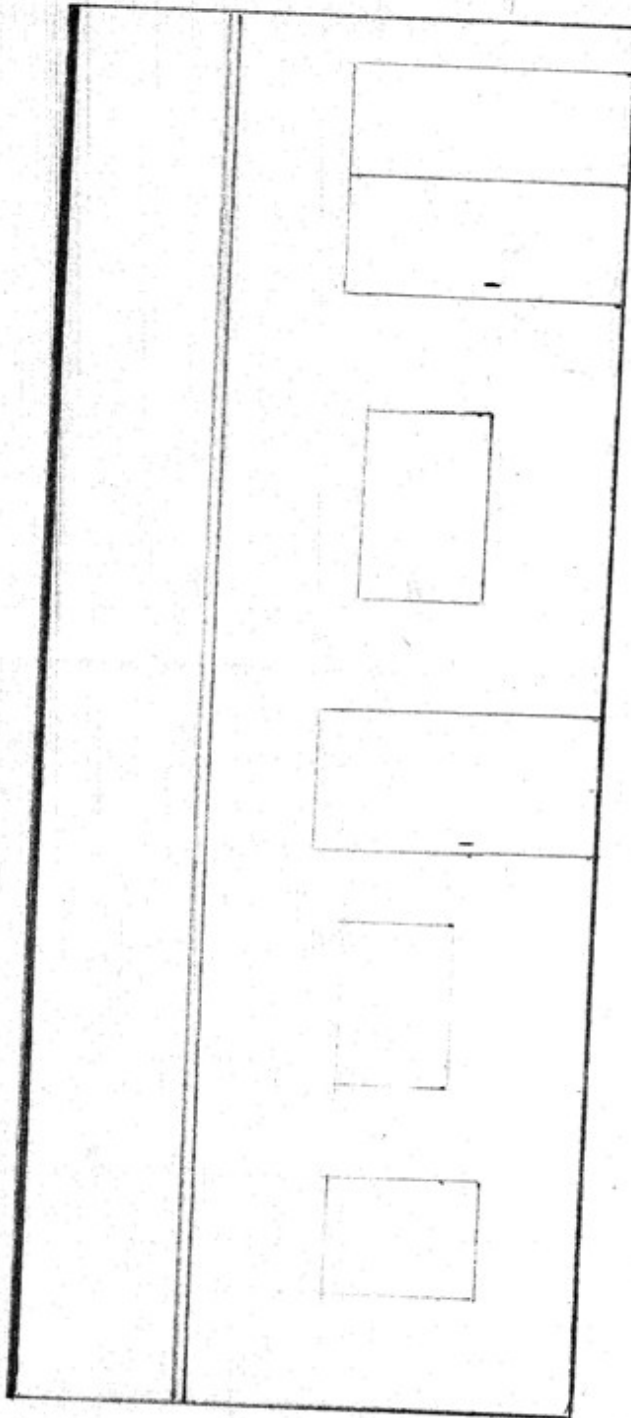


Front Elevation for 21 Scarvell Avenue McGraths Hill

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Meeting Date: 30 October 2007

AT - 3 Rear Elevation



Rear Elevation for 21 Scarvell Avenue McGraths Hill

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 October 2007

Item: 225 **CP - Approval Sought in Retrospect - Spa, Lower Deck, Chimney and Lower Floor Alterations - Lot 32 DP 39352, 559 Settlers Road, Lower Macdonald - (DA0445/07, 23769, 95498, 96329)**

Development Information

Applicant: Raymond John Doyle
Owner: Mr RJ Doyle
Stat. Provisions: Sydney Regional Environmental Planning Policy 20
Hawkesbury City Council Local Environmental Plan 1989 (HLEP)
Area: 809.000m²
Zone: Rural Village under Hawkesbury Local Environmental Plan 1989
Advertising: Not required
Date Received: 1 August 2007

Key Issues: ♦ Development without prior consent

Recommendation: Approval

REPORT:

Introduction

The applicant is seeking the approval for the use of a lower deck, chimney alteration and lower floor internal alterations and spa installation.

In accordance with Council's resolution in respect of retrospective approvals the application is being reported to Council.

Description of Proposal

The works as completed are:

- Chimney alteration, including the installation of a slow combustion fire and the structural supports for the installation.
- Creation of a lower floor storeroom and lockable store by the addition of an internal wall and door and the addition of a glass sliding door to the open area on the lower level.
- Rear timber deck 14.65m X 5.25m, located with minimum side boundary setback and 18m to the river. This deck is a maximum of 1.5m high.
- The Spa and fence on the lower floor, located in the corner of the existing open area does not require Council approval as it is exempt.

Background

The deck and the fireplace works were in place when the property was originally purchased in 1997. The occupants installed the Spa and safety fence. The spa does not require Council approval as it is a relocatable structure and exempt. The fence complies with the Pool Safety Act.

The deck is located adjacent to both boundaries. This has been done in order for access to be created in the form of stairs from the living level to the lower level. Along the eastern boundary is Council's reserve and the structure is screened from the reserve by the reserve trees. Under CI 3.7.1.9 of the BCA landings are permitted to encroach into the 900mm side boundary setback and under CI 3.7.1.3 the landing and stairs comply with the BCA as the side adjoins an open public space.

Statutory Framework - Unlawful Structures

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 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.

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 Village

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

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

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

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

Hawkesbury Development Control Plan 2002

The structure complies with the relevant requirements of the Hawkesbury Development Control Plan.

iv) any matters prescribed by the regulations

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

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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

The application did not require notification under the provisions of the Hawkesbury Development Control Plan. No submissions were received.

e) the public interest

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

Conclusion

The proposed development complies with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental Impact.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"; and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on Budget.

RECOMMENDATION:

That development application DA0445/07 for Spa, Lower Deck, Chimney and Lower Floor Alterations at Lot 32 DP 39352, 559 Settlers Road, Lower Macdonald be approved subject to the following conditions:

General

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

ORDINARY MEETING

Meeting Date: 30 October 2007

During Construction

5. 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) prior to occupation of the building.
6. A boundary Survey Certificate, prepared by a Registered Surveyor, of the structure showing the position of the deck in relation to the boundary shall be submitted to Council within 30 days from the date of this consent. No work is permitted to be located over the boundary.

Use of the Development

7. No internal or external alterations shall be carried out without prior approval of Council.

Advisory Notes

*** 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 is advised to consult, if relevant, with:

- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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.

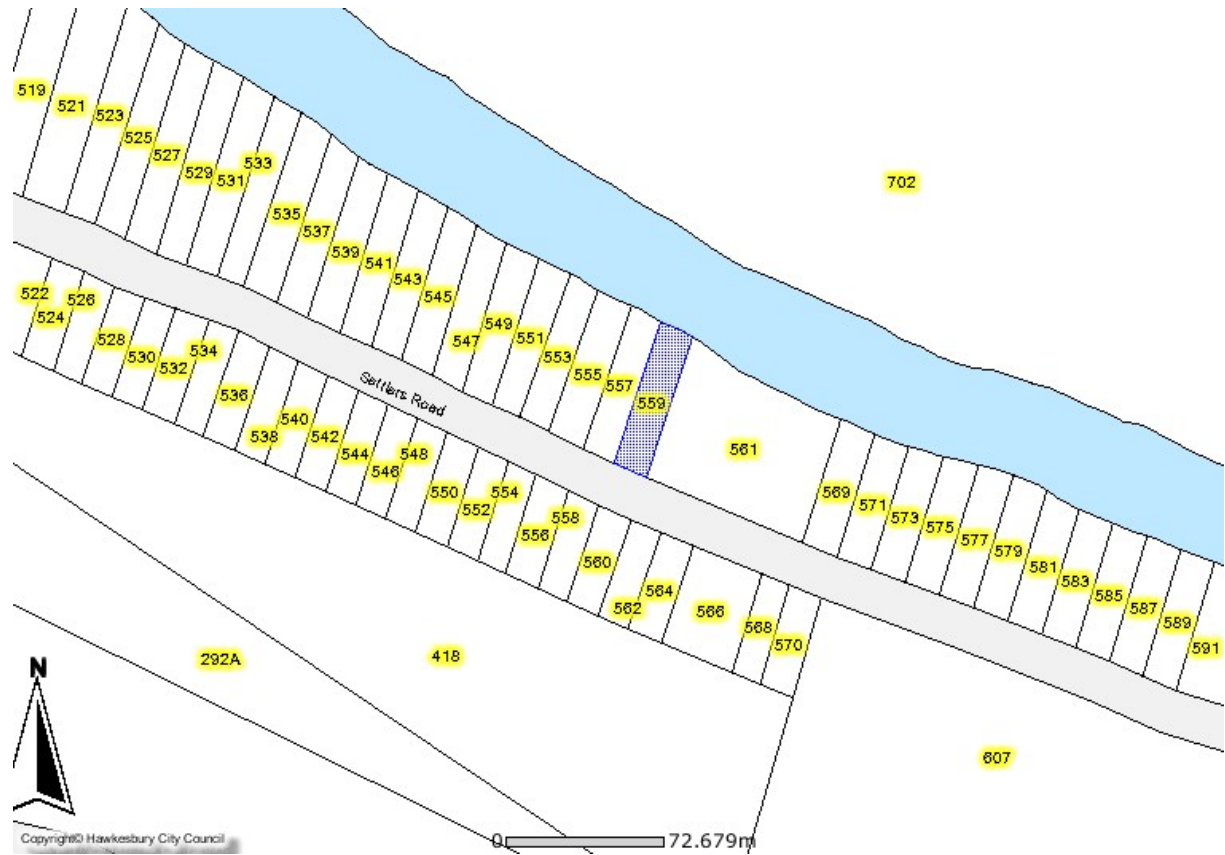
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Site Plan
- AT - 3 Floor Plans
- AT - 4 Elevations

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Meeting Date: 30 October 2007

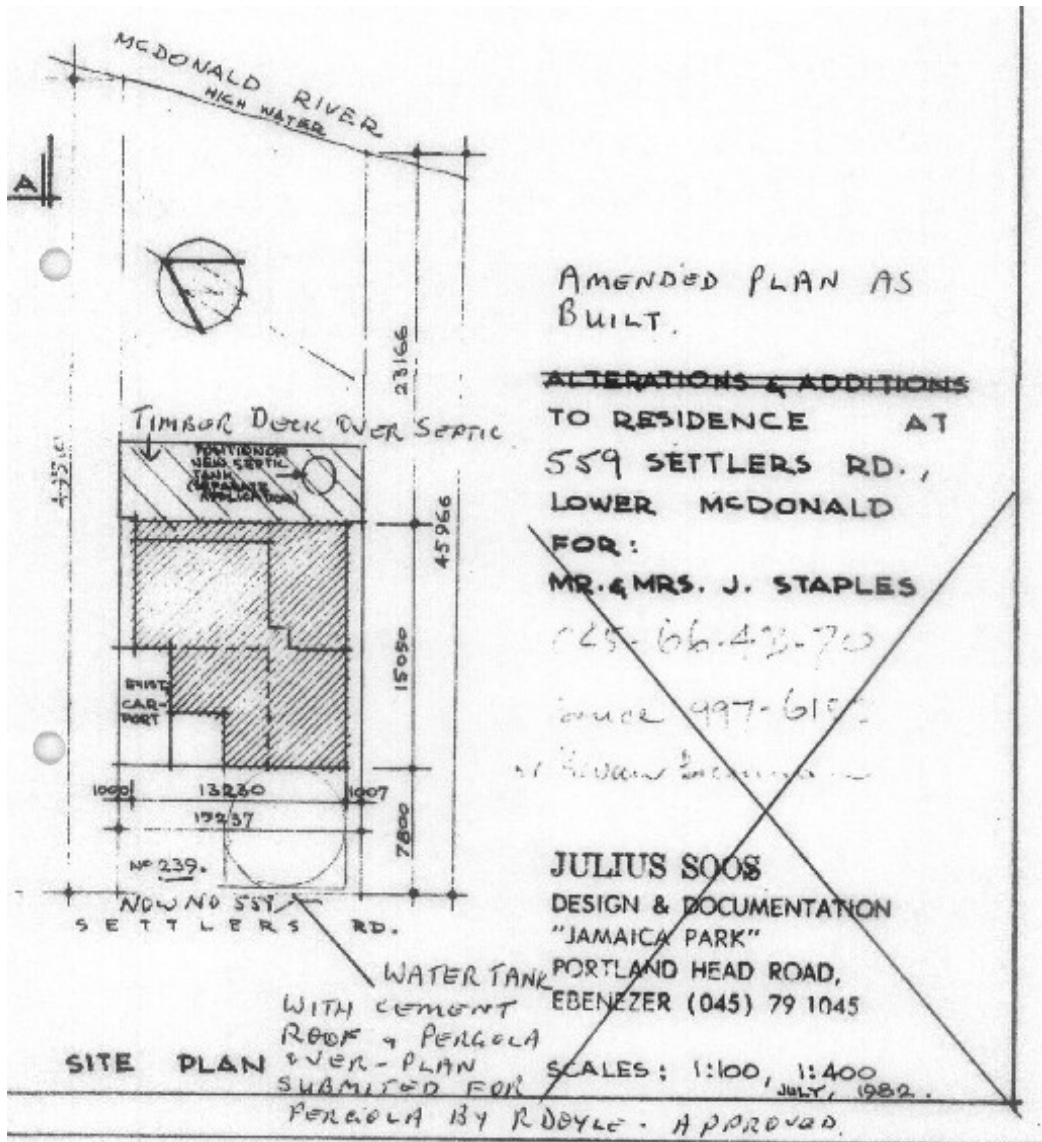
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 30 October 2007

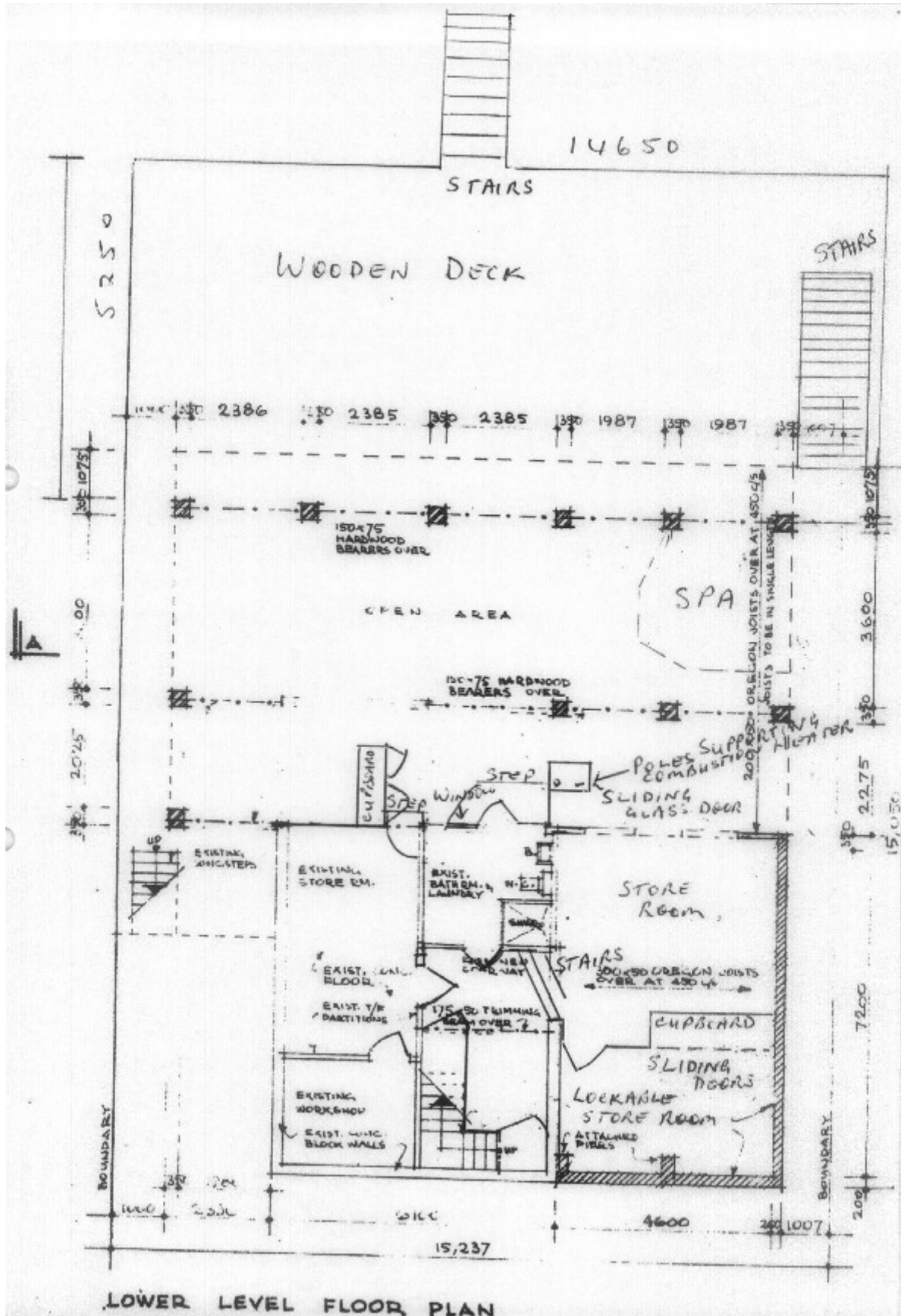
AT - 2 Site Plan



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Meeting Date: 30 October 2007

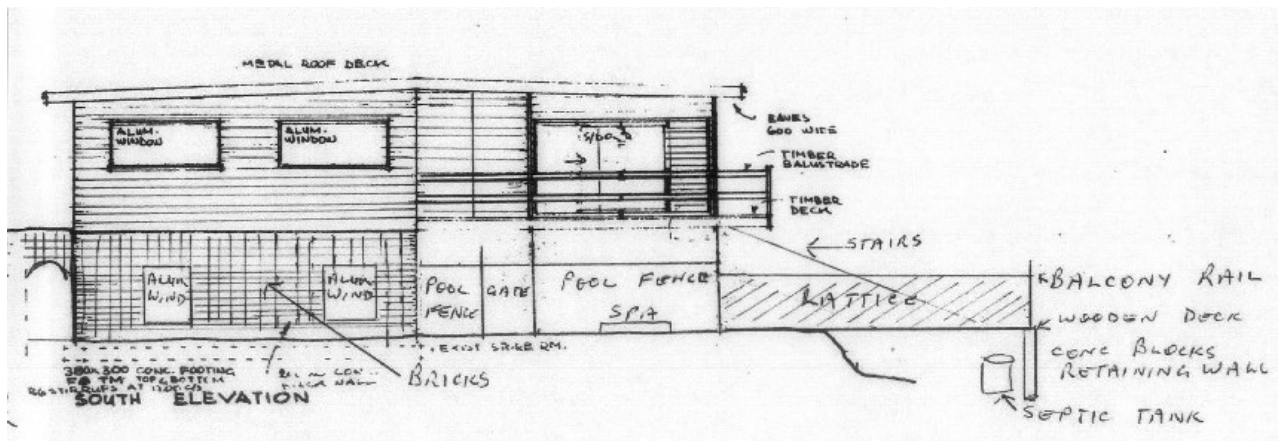
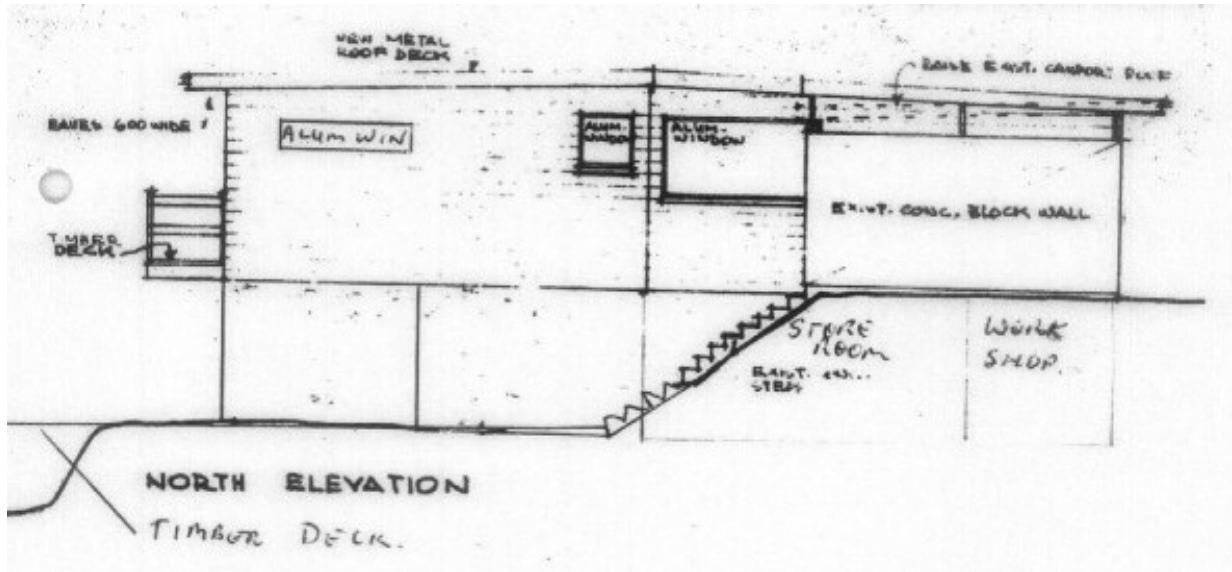
AT - 3 Floor Plans



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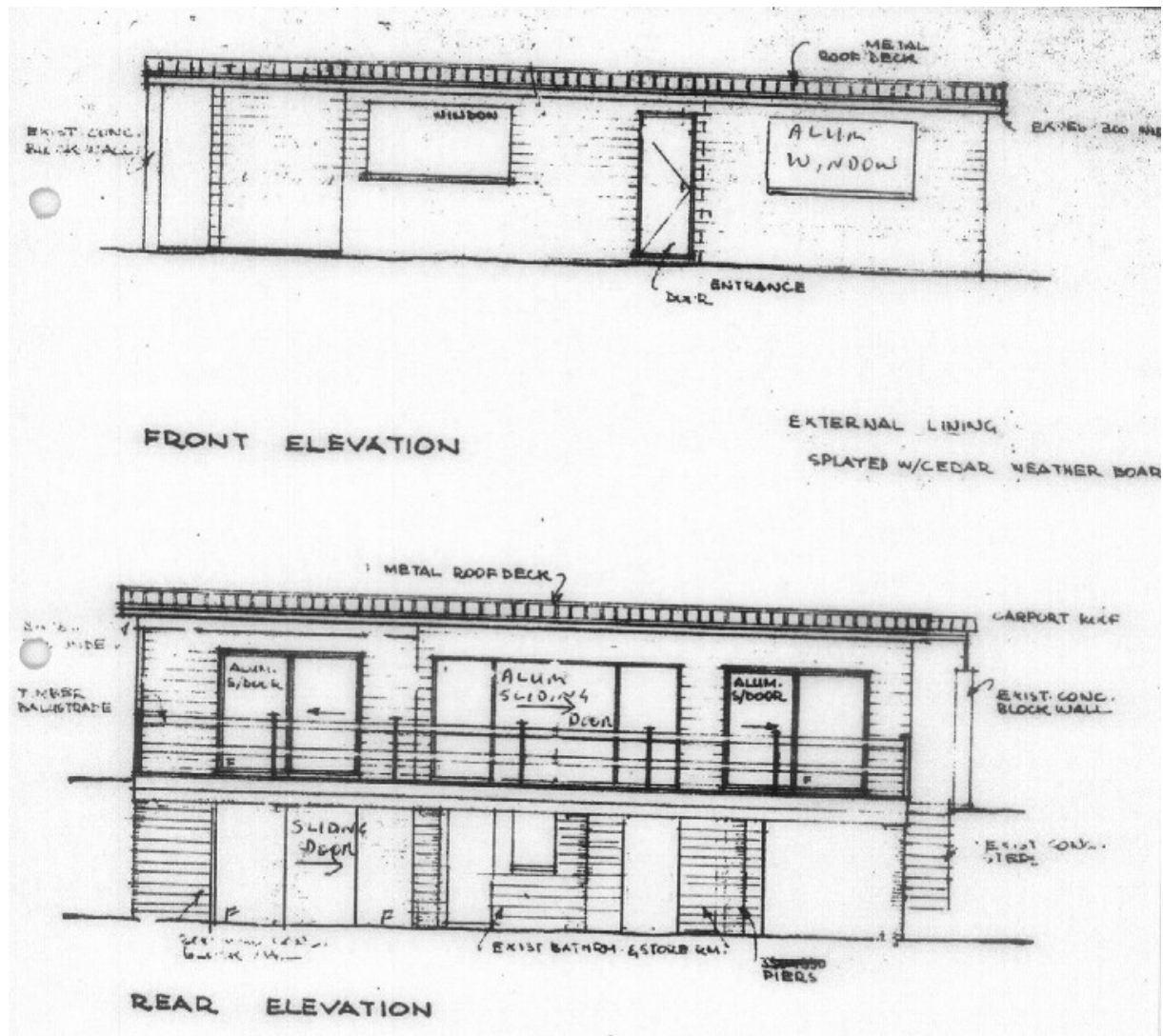
Meeting Date: 30 October 2007

AT - 4 Elevations



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Meeting Date: 30 October 2007



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 October 2007

Item: 226 **CP - Approval Sought in Retrospect - 14 Tourist Cabins - Lot 1 DP 1099922, Lot 2 DP 1080830, Lot 77 DP 211935, Lot 70 DP 753828, Part Lot 61 DP 753828, Part Lot 51 DP 753828, Chaseling Road North, Webbs Creek - (DA0447/07, 27638, 106311, 27637, 95498)**

Development Information

Applicant: W McNamara
Applicants Rep: Robert Montgomery
Owner: Bebrovo Holdings Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
State Environmental Planning Policy No. 1
Area: 164.388 H
Zone: Environment Protection - Mixed Agriculture (Scenic) under Hawkesbury Local Environmental Plan 1989
Advertising: 22 August 2007 to 5 September 2007 - No submissions received
Date Received: 1 August 2007
Key Issues: ♦ Development without prior consent
Flood Prone Land

Recommendation: Approval

REPORT:

Introduction

An application has been received seeking retrospective consent for the construction of 14 cabins on Lot 1 DP 1099922, Lot 2 DP 1080830, Lot 77 DP 211935, Lot 70 DP 753828, Part Lot 61 DP 753828, Part Lot 51 DP 753828, Chaseling Road North, Webbs Creek.

In accordance with Council's resolution in respect to retrospective approvals, the application is being reported to Council.

Background

In June 1977, the then Colo Shire Council approved a resort known as the Del Rio Riverside Resort at Wisemans Ferry. The approved resort was proposed in 4 stages, with Stage 1 consisting of a 225 site caravan park, associated roads, supporting amenities, sewage treatment plant, caretaker's residence, swimming pool, tennis court, launching ramps and beaches, stables and dressage arena. The proposed development is located within the caravan park approved under Stage 1.

As a result of Council Officers becoming aware of the construction of cabins, without development consent, within the Del Rio Caravan Park, an Intention to Serve an Order was issued on 18 October 2006, followed by an Order being served on 27 February 2007 to

"Remove the manufactured homes and cabins from the flood liable land that are not capable of being registered under the Roads Transport (Vehicle Registration) Act 1997."

The owners of Del Rio Riverside Resort, Bebrovo Holdings Pty Ltd, lodged an appeal with the Land and Environment Court against the order. Subsequently, it was agreed that further court proceedings would be held in abeyance subject to the determination of a development application for retrospective approval for the cabins

The Proposal

The application seeks retrospective approval for the construction of 14 cabins within the Del Rio Riverside Resort located on the subject land.

The cabins are located within individual approved caravan sites. Each cabin has dimensions of 5.4m by 12.0m and contains two bedrooms, living/dining area and kitchen, as well as a deck. The cabins are imitation weatherboard in cladding and have steel roofs, constructed on steel bearers and joists, with galvanised steel frames and roof trusses. The windows are aluminium framed and the internal linings are painted villa board.

The application advises that "*the cabins are used for short term tourist accommodation only. They are owned and managed by Del Rio Resort and form part of the varied range of accommodation available.*"

The application is supported by a Statement of Environmental Effects, Assessment of Existing On-Site Wastewater Treatment & Disposal System, Report on Flooding, Structural Engineers Certificates and other documents relating to the construction of the cabins.

Statutory Situation

a) the provisions of:

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

Hawkesbury Local Environmental Plan 1989.

An assessment against the relevant clauses of Hawkesbury Local Environmental Plan 1989 follows:

General provisions of HLEP 1989.

Clause 2 - Aims, objectives etc,

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the Hawkesbury LEP 1989.

Clause 5 - Definitions

The proposed development is defined as 'tourist facilities'. 'Tourist facilities' means "*a building or place that is used to provide refreshment, accommodation, recreation or amusement facilities for the travelling or holidaying public.*"

Clause 8 - Zones indicated on the map

The subject land is within the Environmental Protection - Mixed Agriculture (Scenic) zone.

Clause 9 - Carrying out development

'Tourist facilities' are permissible with development consent within the Environmental Protection - Mixed Agriculture (Scenic) zone.

Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Environmental Protection - Mixed Agriculture (Scenic) zone are:

- (a) *to encourage existing sustainable agricultural activities;*

Comment: The land is used as a tourist facility (Del Rio Riverside Resort). The proposal will have no adverse effect on agricultural land in the locality.

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

Comment: It is considered that the proposed development will not create any unreasonable rural land use conflicts, given the nature and use of adjoining properties.

- (c) *to encourage agricultural activities that do not rely on highly fertile land;*

Comment: The proposed development is ancillary to the established use of the property as a caravan park.

- (d) *to prevent fragmentation of agricultural land;*

Comment: The fragmentation of agricultural land will not result from the proposed development.

- (e) *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 stream and wetlands, and*

ii. *that satisfies best practice guidelines and best management practices;*

Comment: Whilst the proposed development is not an agricultural use, there will be no significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions.

- (f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation;*

Comment: The proposal will have no significant adverse impact on native vegetation, as it will be sited on land previously cleared and developed for the purpose. No clearing of native vegetation will be required.

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

Comment: It is considered that there will be no negative impact on the existing landscape values of the locality.

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

Comment:

The proposed development is not considered to be traffic generating beyond the current approved use. Chaseling Road is not a main or arterial road.

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

Comment: The proposed development does not involve additional outdoor advertising.

- (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 unreasonable economic demands for the provisions or extension of public amenities or services.

Specific Provisions of HLEP 1989**Clause 18(1) – Provision of water sewerage etc. services**

This subclause states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Comment: The above services exist on the property and are considered satisfactory for the development. A Report prepared by Toby Fiander and Associates Pty Ltd was submitted in support of the application and confirms that the existing water supply and sewerage treatment plant is adequate for the proposed development.

Clause 20 - Development below high-water mark etc

This clause requires the consent of the Council for any development within 40 metres of the bank of a tidal or non-tidal river. The proposed development is situated a minimum of 52m from the top of the bank of the Hawkesbury River.

Clause 24 – Development in certain environmental and other zones

Subclause (3) states that *"the Council shall not grant consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to*

- (a) the height and siting of the building; and*
- (b) the colour of materials to be used in the erection of the building, so as to ensure that the building blends with the surrounding landscape and other development and preserves or enhances the scenic quality of the land."*

Comment: It is considered that the location, height, building materials and colour of the cabins are satisfactory in respect to the cabins visual impact, and are considered to be compatible with the scenic quality of the locality.

Clause 25 - Development of flood liable land

Clause 25 sets out the requirements for flood liable land. An assessment of the proposed development against the relevant subclauses is addressed below:

- (2) A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*

Comment: The 1-in-100 year flood level for the locality is approximately 7.2mAHD. In accordance with this subclause, the cabins are required to be sited on land having a level of 4.2mAHD or higher.

The cabins are located on land having a level ranging from approximately 2.3m AHD to 3.25mAHD. The applicant submits that this requirement is unreasonable in the circumstances and has therefore lodged an Objection under State Environmental Planning Policy No. 1. It is recommended that this Objection be supported based on the reasons discussed further in this Report.

- (3) Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1-in-100 year flood level for the area in which the land is located.*

Comment: Habitable room is defined by Hawkesbury Local Environmental Plan 1989 to mean *"a room used for normal domestic activities and:*

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom, but*

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- (b) *does not include a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.*

Each cabin comprises of two bedrooms, living, dining and kitchen areas, toilet and bathroom. Bedrooms and living, dining and kitchen area are considered to be habitable rooms as per the above stated definition. These rooms will be used for the normal domestic activities of a home, albeit on a temporary basis. Therefore, each cabin is required to have a floor level at the 1-in-100 year flood level of 7.2m AHD.

The finished floor level of the cabins will have a level ranging from 3.5m AHD to 4.45m AHD. The Objection made under State Environmental Planning Policy No. 1 also addresses this non-compliance.

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

Comment: Access to the subject property is via Chaseling Road and Bicentennial Road. Bicentennial Road is located above the 1 in 100 year flood level. However roads leading to the Webbs Creek Ferry, which gives access to Wisemans Ferry, are below the 1 in 100 year flood level. Access to and from the Del Rio property is predominantly via the Webbs Creek Ferry, which is cancelled prior to the inundation of the surrounding roads. Bicentennial Road provides flood free access to Colo Heights.

It is considered that the Del Rio property is not located within a floodway. Part of the subject property is located above the 1-in-100 year flood level.

- (7) *Any part of a building below this 1-in-100 year flood level is to be constructed of flood compatible materials.*

Comment: It is considered that the materials used in the construction of the cabins is flood compatible.

commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 86) commenced. (22.1.99)

flood compatible materials means building materials and surface finishes capable of withstanding prolonged immersion in water.

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

Clause 27 - Heritage items

The subject property is not identified as a heritage item.

Clause 28 - Development in the vicinity of heritage items

The subject property is not located within the vicinity of a heritage item.

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

The subject property falls within Classes 2 to 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include disturbance to the soil as no construction work is required. The proposed works will not result in the lowering of the water table.

ORDINARY MEETING**Meeting Date:** 30 October 2007**Conclusion**

The proposed development is generally consistent with the provisions of Hawkesbury Local Environmental Plan 1989 including the Environmental Protection - Mixed Agriculture (Scenic) zone objectives.

Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20)

The subject land is situated within a scenic corridor of significance beyond the region identified by SREP No. 20. Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(6), 6(7), 6(11) and 11(3), 11(14), 11(15) & 11(16) of the Plan applies to the proposal and have been considered in the table below:

Specific Planning Policies and Recommended Strategies	Compliance	Comment
Total Catchment Management	Yes	It is considered that the proposed development will have, if any, a minor impact on the catchment of the River.
Environmentally Sensitive Areas	Yes	The proposed development is unlikely to significantly impact on water quality, aquatic habitats, riverine vegetation, bank stability or the water table.
Water Quality	Yes	It is considered that there will be no significant impact on the quality of water within the River or its tributaries.
Water Quantity	Yes	The proposal will not significantly increase water run-off from the site or the rate at which it leaves.
Flora and Fauna	Yes	There will be no significant adverse impact on flora and fauna species, populations or habitats.
Riverine Scenic Quality	Yes	The proposal is considered to be consistent with the landscape character as described in the Scenic Quality Study.
Recreation and Tourism	Yes	The proposed development is considered to be consistent with the recommended strategies and will have no adverse impact in respect to car parking, access, flora and fauna, and the provision of amenities and car parking.

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Development Controls	Compliance	Comments
Building, works or land uses within conservation area sub-catchments	Yes	Development consent required. The proposed development will not cause adverse impacts on the near pristine condition of the sub-catchment.
Recreational facilities	Yes	Development consent required.
Land uses in or near the River	Yes	Development consent required.
Land uses in Riverine Scenic Areas	Yes	Development consent required. The proposal is not considered to be large scale, high density or visually intrusive, will not cause damage to the river bank and will have no adverse impact on the scenic quality of the locality.

Conclusion

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 or specific aims, planning considerations, planning policies, recommended strategies and development controls.

State Environmental Planning Policy No 1 - Development Standards

This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act.

A Development Standard is defined by the Environmental Planning and Assessment Act 1979 to mean:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b)"*

It is considered that Clause 25(2) and (3) of Hawkesbury Local Environmental Plan 1989 provides a requirement that a building be a certain distance from a specified point ie in the case of Clause 25(2), a building cannot be constructed on land more than 3 metres (distance) below the 1 in 100 year flood level (specified point), and in the case of Clause 25(3), the habitable floor level of a building is to be located at or above (distance) the 1 in 100 year flood level (specified point). It is therefore concluded that Clause 25(2) and (3) can be defined as 'development standards' and can be varied under the provisions of State Environmental Planning Policy No. 1.

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An objection, under State Environmental Planning Policy No. 1 (SEPP No. 1), was lodged by the applicant in respect to the variation from the requirements of Clause 25 (2) and (3) of Hawkesbury Local Environmental Plan 1989. The SEPP No. 1 objection from the applicant states:

"It is submitted that the compliance with the development standard in this instance is both unreasonable and unnecessary in the circumstances of the case. The following are the grounds for the Objection.

Grounds for Objection

1. *The NSW Government's Floodplain Development Manual, 2005 clearly advocates that a merit approach should be adopted for all development decisions on the floodplain to take into account, social, economic and ecological factors as well as flooding considerations.*
2. *The cabins are placed on existing approved caravan sites which until recently have been sites for permanent casual caravans with rigid annexes.*
3. *The cabins are used for short term tourist accommodation only. They are not for permanent occupation.*
4. *The cabins are not permanent dwellings and therefore the development controls relating to dwellings should not apply.*
5. *The cabins have been designed to withstand the 1-in-100 year flood event and are constructed of materials which can withstand prolonged immersion in water.*
6. *There is adequate warning of impending floods as the site is at the lower end of the catchment. Any person who may be occupying the cabins when a flood warning is issued will have sufficient time to leave the site prior to access roads being cut by floodwaters.*
7. *The 14 cabins represent a small proportion of the overall resort and therefore form part of a comprehensive evacuation plan for the site.*
8. *There is no potential for individual property loss as was the case with the casual permanent caravans previously located on this site.*
9. *The cabins are owned and managed by Bebrovo Holdings Pty Ltd. Therefore any property loss or damage in times of flood is factored in to the commercial decision to locate the cabins on the site.*
10. *The cabins represent a significant investment which improves the site and has economic benefits in terms of the local tourism industry.*
11. *The flooding hazard for cabins used for short term tourist accommodation is acceptable in this location. This view is confirmed by the Judgement of Pearlman, CJ in Denis Gelle Pty Ltd and Integrated Site Design Pty Ltd v Baulkham Hills Shire Council"*

Comment: Given the above, it is considered that the application has demonstrated that compliance with the requirements of Clause 25(2) and 25(3) is unreasonable and unnecessary in the circumstances.

It should be noted that the support of this Objection may set an undesirable precedent for similar development on flood liable land. It is emphasised that support of the variation, in this instance, is based on the merits of this particular situation, and does not mean that this merit assessment by Council Officers can be transferred or used as justification for approval of similar developments for tourist accommodation on flood liable land. Support of this development is given on the basis that:

1. the land is not within a floodway;
2. the cabins are replacing existing caravans and therefore no intensification of the use of the site for accommodation will result;
3. there is ample warning time prior to a 1 in 100 year flood event;
4. the cabins are in one ownership.

These matters are discussed further in this Report under the heading of 'Natural Hazards'.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is a potential koala habitat is not required for the development in accordance with the requirements of the Guidelines for the implementation of the SEPP.

- 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 draft planning instruments that are relevant to the proposed development.

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

Hawkesbury Development Control Plan.

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

General Information Chapter

It is considered that the subject application provides adequate information for the assessment of the proposal and generally complies with this Chapter.

Notification Chapter

The adjoining neighbours were notified as per the requirements of this DCP. No submissions were received.

Car Parking Chapter

Access to the property exists from Chaseling Road. This access is considered satisfactory. It is considered that the proposal will not have a significant impact on the local road network in terms of traffic generation.

The Statement of Environmental Effects advises that one car parking space is provided beside each cabin. During the site inspection it was observed that no formal spaces had been provided and that the adjacent grassed areas were being damaged by the parking of vehicles. It will be a condition of any consent that individual car parking spaces beside each cabin be provided, or alternatively a car parking area to cater for the cabin be constructed.

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s94 Contribution

In accordance with Direction under Section 94E of the Act, a contribution of \$11 200 is required. (1% of cost of development \$ 1,120,000)

Conclusion

The proposed development is generally consistent with the objectives and requirements of the Hawkesbury Development Control Plan.

iv) any matters prescribed by the regulations

Conditions can be imposed in any consent to ensure compliance with the Building Code of Australia.

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

Context And Setting

The locality consists of lots used for agriculture, tourist facilities and residential purposes. The proposed development is consistent with these surrounding land uses.

The proposal will have no unreasonable impacts on adjoining properties in terms of overshadowing, loss of privacy or views and vistas. Existing vegetation provides screening between the development and adjoining properties.

Flora and Fauna

The proposal does not involve the disturbance or removal of native vegetation. It is therefore considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Waste

An Assessment of Existing On-Site Wastewater Treatment & Disposal System prepared by H.J. Fiander was submitted in support of the application. The Report concludes:

"It is considered that the additional wastewater load from the 14 Cabins is negligible and will be appropriately accommodated by the existing wastewater treatment and disposal system. It is considered that the site's property, its surrounds, including the River, will not be impacted by the addition of the 14 Cabins."

An addendum to this Report also advises that *"a routine annual soil monitoring program should also be put in place to document soil behaviour over time."*

Any consent can include a condition for the implementation of a monitoring program.

Natural Hazards

The subject land is located within an area of both major and minor bush fire risk. This affectation does not prevent the development. Approval for the proposal has been granted by NSW Rural Fire Services subject to conditions as included in the recommendation.

A Report on Flooding prepared by H.J. Fiander was submitted in support of the application. The Report concluded that:

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- *Using the Bathurst Reach Model developed in this study, at the one in 100 year flood event the velocity of flow at the Del Rio Riverside Resort is approximately 1.1m/s; the 14 cabins are anchored to the ground and are considered that they have been designed to withstand the force of flood water with a greater velocity.*
- *There is a long history of occupancy at the Del Rio Riverside Resort and evacuation of the site is possible and has occurred within the memory of some residents and visitors.*
- *As a tourist facility, it is unlikely that there will be any tourists present in the cabins or any other facility during flooding.*
- *Based on past experience there will be 24h notice or more of the requirement of evacuation of the site.*

The NSW Government Floodplain Development Manual April 2005 advises that it is not to be used in respect to individual developments and is guide for the development of Floodplain Risk Management Plans, which provides the framework in which proposed developments can be assessed. There is no Floodplain Risk Management Plan within the Hawkesbury Area. However, the Manual provides an insight into the issues associated with development on flood prone land.

In reference to the principles of the NSW Government Floodplain Development Manual April 2005, it is considered that part of the subject land is within a flood-prone land category of High Hazard - Flood Storage. In order to determine the risk, this category is considered in conjunction with the following factors;

- Size of flood
- Effective warning time
- Flood readiness
- Rate of rise of floodwaters
- Depth and velocity of floodwaters
- Duration of flooding
- Evacuation problems
- Effective flood access
- Type of development

In respect to a 1 in 100 year flood of 7.2m AHD, floodwaters would rise rapidly, to a depth of over 4m at the development site and with a velocity of approximately 1.1 m/s, and would be slow in receding, thus isolating the property for an extended period of time.

Whilst a significant portion of visitors to the site would be unfamiliar with the area, the nature of flooding and evacuation procedures, the effective warning time for an impending flood would be in excess of 24 hours for the locality and the Resort has emergency evacuation procedures in place. The subject land is located in close proximity to the Bicentennial Road, which is located above the 1 in 100 year flood level.

The cabins are located on existing approved caravan sites which until recently have been sites for permanent casual caravans with rigid annexes. The addition of the cabins is therefore not an intensification of the approved use of the property for the provision of tourist accommodation.

The cabins are owned and managed by Bebrovo Holdings Pty Ltd, and therefore the number of property owners which are impacted on as the result of a flood has been reduced, as compared to the previous use of the sites for individually owned caravans. In addition, there is a reduction in individual owners of caravans taking risks in times of flood to remove their property from the sites.

It is believed that the cabins have been designed to withstand a major flood event. It is also noted that they are constructed of materials which could withstand prolonged immersion in water.

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In view of the above considerations, it is concluded that the flood liability of the land is not prohibitive to the development in this case.

It should be emphasised that this assessment relates to the merits and flood characteristics of this site only and should not/cannot be translated or used as justification for development on another site, as flood characteristics, behaviour and evacuation circumstances vary from site to site.

c) the suitability of the site for the development

There are no constraints from surrounding landuses that would make this development prohibitive.

The proposed development will not lead to unmanageable transport demands or traffic generation.

Access to the site is satisfactory for the intended use.

Adequate services and utilities are available to the site.

There are no known hazardous landuses/activities nearby.

Ambient noise levels are suitable for the development.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The subject land is located in an area of major and minor bushfire risk.

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

Integrated Development

NSW Rural Fire Services

The application was referred to NSW Rural Fire Services for approval as 'integrated development'. In their letter of 4 September 2007, the NSW Rural Fire Services advised:

"This response is to be deemed a bush fire safety authority as required under section 100B of the Rural Fires Act 1997 and is issued subject to the following numbered conditions:

Asset Protection Zone

1. *Based on the identified forest classification of the vegetation to the north through to the west of the cabins, at the commencement of building works and in perpetuity the property (within the lot) around the cabins to a distance of 50 metres, shall be maintained as an 'Inner protection Area' (IPA) and 10 metres, shall be maintained as an 'Outer Protection Area' (OPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.*

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. *In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided within 70m of the cabins for fire fighting purposes.*

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3. *An RFS standard 65mm metal Storz outlet with a Gate or Ball valve shall be provided on the tank and all above ground water pipes external to the building shall be metal including and up to any taps. Pumps are to be shielded.*
4. *Access complying with section 4.1.3(3) shall be provided to within 6 metres of the tank.*

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following condition shall apply:

5. *Property Access Roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.*

Design and Construction

6. *New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.*
7. *New roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5."*

These conditions will be included in any consent

e) the public interest

The proposed development is considered to be consistent with the general public interest.

Community Consultation

The proposed development was notified as per the requirements of Hawkesbury Development Control Plan. No submissions were received.

Conclusion

The cabins are generally consistent with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan, with the exception of Clause 25 of the Local Environmental Plan. In this respect an objection, under the provisions of State Environmental Planning Policy No. 1 was lodged by the applicant, which demonstrates that, in this case, adherence to the requirements of Clause 25(2) and (3) are unreasonable and unnecessary. It is considered that the risks in respect to flooding of the land are acceptable for this development and that the flood liability of the land is not prohibitive to this particular development. It is emphasised that support of the SEPP No. 1 objection is based on the merits of this particular situation and cannot be readily transferred or translated to other developments or situations.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

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Funding

No impact on budget.

RECOMMENDATION:

That:

- (a) The objection under State Environmental Planning Policy No. 1 be supported,
- (b) That support for this SEPP No. 1 objection in relation to flood prone land not be considered as a precedent for other proposals in flood prone areas, and
- (c) The application for the use of 14 cabins as a tourist facility be approved subject to the following conditions:-

NSW Rural Fire Services Conditions

Asset Protection Zone

- (a) Based on the identified forest classification of the vegetation to the north through to the west of the cabins, at the commencement of building works and in perpetuity the property (within the lot) around the cabins to a distance of 50 metres, shall be maintained as an 'Inner protection Area' (IPA) and 10 metres, shall be maintained as an 'Outer Protection Area' (OPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

Water and Utilities

- (b) In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided within 70m of the cabins for fire fighting purposes.
- (c) An RFS standard 65mm metal Storz outlet with a Gate or Ball valve shall be provided on the tank and all above ground water pipes external to the building shall be metal including and up to any taps. Pumps are to be shielded.
- (d) Access complying with section 4.1.3(3) shall be provided to within 6 metres of the tank.

Access

- (e) Property Access Roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

Design and Construction

- (f) New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.
- (g) New roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5."

Hawkesbury City Council 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.

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2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
4. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, and a certificate of the installation shall be provided prior to occupation of the building.

Prior to Issue of Construction Certificate

5. 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.
6. Construction of the road, access, car park, drainage, dam, filling and retaining walls 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 City Planning or an Accredited Certifier.
7. Payment of a Construction Certificate checking fee of \$420.00 and a Compliance Certificate inspection fee of \$840.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.
8. A Section 149A Building Certificate Application shall be lodged and approved by Council for each cabin.

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. 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.

During Construction

12. One parking space is to be provided for the use of each cabin. Parking spaces are to comply with the requirements of AS29890.1 2004 and have minimum dimensions of 2.6 x 5.5 metres. Where the boundary of the space adjacent to a wall or fence, an additional 300mm clearance is to be provided. Safe, unobstructed pedestrian access is to be provided alongside each of the cabins and is to be indicated on the construction certificate plans.

All parking spaces and the access to them are to be constructed with a minimum all weather surface.
13. A suitable method of dispersion of roofwater flows is to be provided.

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Use of the Development

14. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
15. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed within each cabin in a prominent location and maintained at all times.
16. No internal or external alterations shall be carried out without prior approval of Council.
17. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
18. All waste materials shall be regularly removed from the property.
19. The cabins shall not be used for permanent occupation as a residence.
20. A soil monitoring program is to be developed and implemented in accordance with the recommendations of the Soil Suitability for Irrigation Assessment of Existing On-Site Wastewater Treatment & Disposal System Report No TFA 3073/05 prepared by H.J Fiander dated 31 August 2007.

Advisory

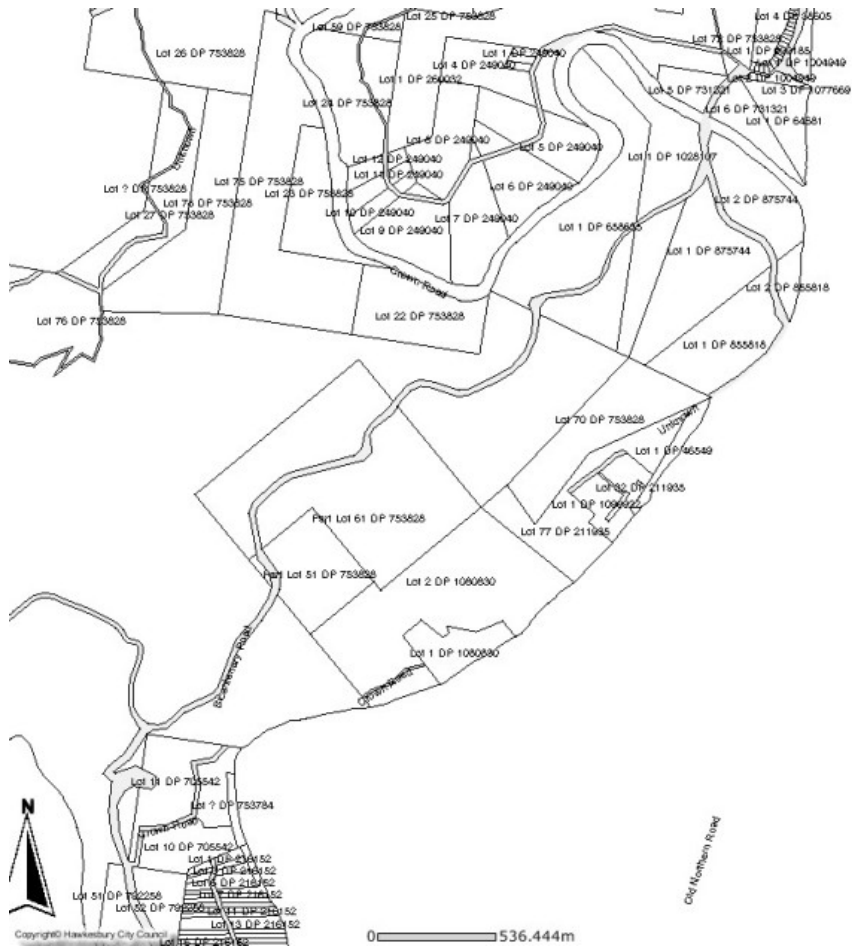
- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The applicant is advised to consult with:
- (a) Integral Energy
 - (b) a local telecommunications carrier
- 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ATTACHMENTS:

- AT - 1 Locality Plan
AT - 2 Site Plan
AT - 3 Elevation Plan & Floor Plan

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AT - 1 Locality Plan



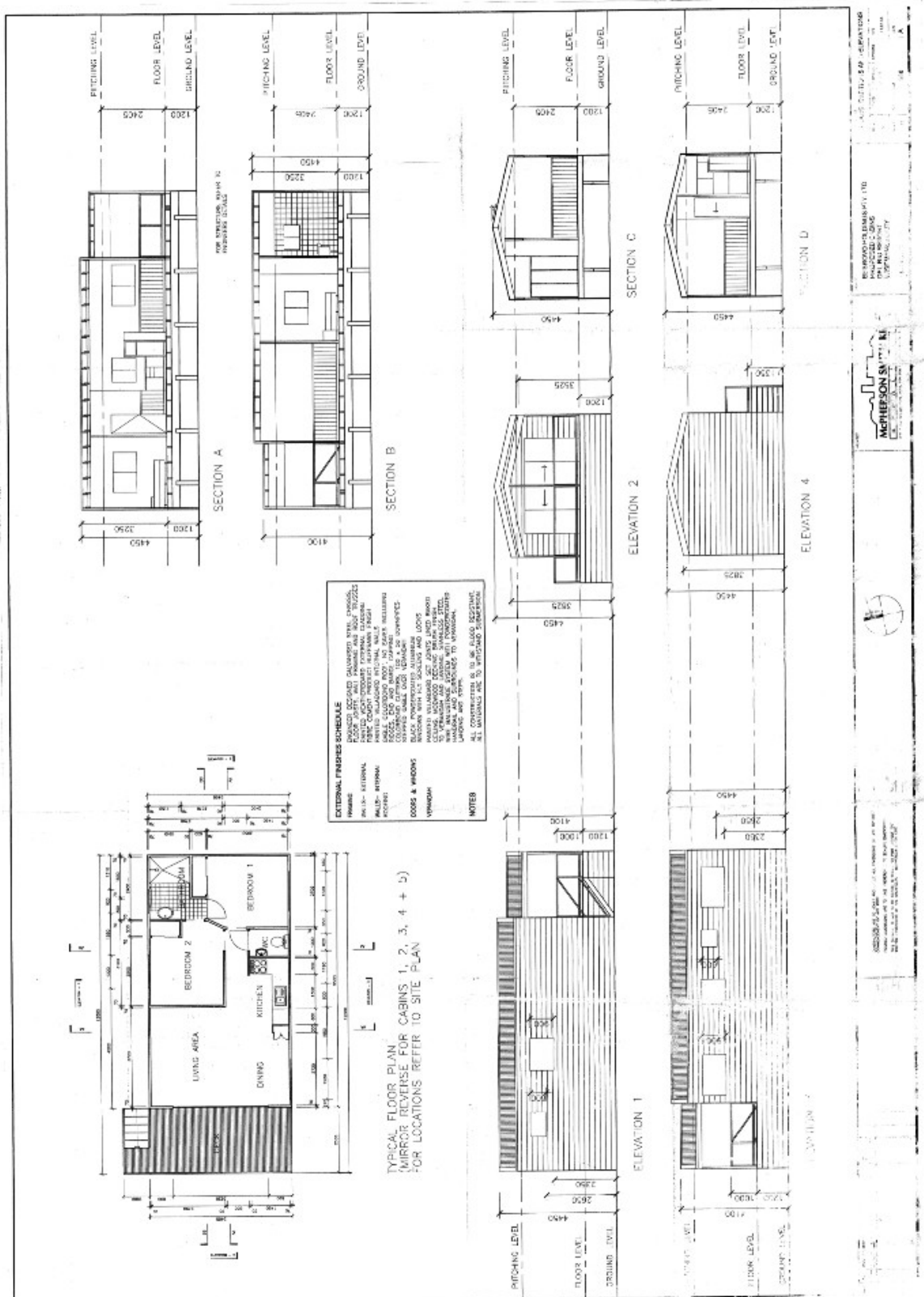
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ORDINARY MEETING

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AT - 3 Elevation Plan & Floor Plan



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ORDINARY MEETING

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INFRASTRUCTURE SERVICES

Item: 227 **IS - Rural Fire Service Estimates 2008/2009 - Hawkesbury District - (95495, 79016, 73835)**

REPORT:

The NSW Rural Fire Service has submitted their estimates for the 2008/2009 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 \$889,999 for the purchase and replacement of four fire fighting appliances, being three Category One Village vehicles and one Category Seven vehicle. Inherent within the tanker trade-in process (\$306,950) the amount Council contributes towards will be reduced to \$583,049.

In the current financial year, Council's budget for all fire services is proposed at \$1,044,243. 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 2007/2008 budget has not been received for the NSW Fire Brigades at this stage, based on the 2nd quarter invoice from that service (\$30,612) it is estimated that the expenditure for the Windsor Fire District will be \$995,512. Council's contribution (12.3%) for 2007/2008 is estimated at \$122,448.

Total fire 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 charge 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 \$313,000. Of concern is the fact that submissions for funding after 13 October 2006 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 part time and casual staff of \$44,582, land rates of \$11,219, building maintenance of \$22,500 and discretionary funding in an amount of \$258,750, totalling \$337,051 within the 2007/2008 Budget. It is suggested that while a commitment to discretionary funding for the 2008/2009 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 \$258,750 for the 2008/2009 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."

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Funding

Consideration of funding will be required as part of the 2008/2009 Budget preparation.

RECOMMENDATION:

That:

1. The 2008/2009 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 above the existing 2007/2008 Budget Allocation be deferred until Council's 2008/09 Budget estimates are determined.

ATTACHMENTS:

AT - 1 Rural Fire Service Estimates

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AT - 1 Rural Fire Service Estimates

HAWKESBURY RURAL FIRE DISTRICT BID & ESTIMATES 2008 - 2009			
ACTION	RFS BID	COUNCIL BID	PROVIDED BY COUNCIL
Station maintenance & repair	\$20,000.00	\$10,000.00	
Station upgrades	\$100,000.00		
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 (2)	\$25,000.00		
Authority cards	\$800.00		
Computer replacements	\$5,000.00		
Travel expenses	\$3,000.00		
Printing & stationery		\$35,000.00	
Vehicle running costs	\$48,100.00		
Telephone calls		\$13,000.00	
Telephone rental		\$12,000.00	
Catering		\$15,000.00	
Communications Platform	\$30,623.00		
PMR Site Costs	\$8,000.00		
GRN radio access fees	\$13,000.00		
Radio repairs	\$12,000.00	\$10,000.00	
Fuel	\$55,000.00		
Vehicle maint & repair	\$55,000.00	\$33,000.00	
Protective equipment	\$40,000.00		
Personnel carrier (2)	\$81,000.00		
Tanker Replacement Programme	\$889,999.00		
Equipment	\$80,000.00		
Group Officer vehicle replacement (2)		\$40,000.00	
Mitigation works		\$10,000.00	
Community Education Activities	\$4,000.00		
Training		\$7,000.00	
Field Day		\$10,000.00	
MyRFS contribution	\$16,283.00		
Information Services & GIS Contribution	\$32,116.00		
Wages - Casual		\$25,000.00	
TOTALS	\$1,555,921.00	\$252,000.00	\$61,000.00
LESS TANKER TRADE IN	\$306,950.00		
TOTAL	\$1,248,971.00		
Plus RFS Programme Charges (EST)	\$1,000,000.00		
TOTAL	\$2,248,971.00		
Reimbursement of Council 13.3% Programme Charges	\$122,175.42		
TOTAL BID to RFS (EST)	\$2,371,146.42		
Councils Statutory Contribution 13.3% (EST)		\$299,113.14	
COUNCIL CONTRIBUTION (EST)		\$612,113.14	
Less Reimbursement of 13.3% Programme Charges(EST)		\$122,175.42	
TOTAL COUNCIL CONTRIBUTION (EST)		\$489,937.72	

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ordinary
meeting

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paper

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