



Attachment 6 to Item 2.1.1

Statement of Environmental Effects

Date of meeting: 19 December 2024
Location: Audio Visual
Time: 10am



Minto Planning Services

Town Planning Consultants

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

PROPOSED AVIARY ENCLOSURE

10 MULGRAVE ROAD, MULGRAVE

**On behalf of
WIRES**

11th July 2024

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Proposed Aviary Enclosure

10 Mulgrave Road, Mulgrave

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of WIRES. The proposal seeks approval for the construction of a proposed Aviary Enclosure upon land identified as Lot 11 in DP 1140916 and known as 10 Mulgrave Road, Mulgrave.

WIRES operate a dedicated Wildlife Rescue Office assisting wildlife and the community across Australia 24-hours a day, 365 days a year, providing rescue advice and assistance for over 130,000 animals annually, as well as providing full-time mobile Wildlife Emergency Responders operating across Greater Sydney, South-East Queensland and Tasmania.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *Hawkesbury Local Environmental Plan 2012*
- *Hawkesbury Development Control Plan*

Additional information to support this application includes:

- Survey Plan prepared by VMark Survey P/L, Ref. No. 2009247 and dated 22/4/24.
- Architectural Plans prepared by MDP Architecture, Project No. 3279, Drawing No. DA100, Revision DA1.1 and dated 08/07/24.
- Site Location Plan prepared by Martin Gauci Hawkesbury City Council and dated 26/09/2023.
- Bushfire Assessment Report prepared by Waratah Bushfire Consulting, Ref No. W23036 and dated 22/08/2023.
- Facsimile from Hawkesbury City Council and dated July 2023.
- Legal Opinion prepared by Patrick Larkin SC and dated 5/7/24.
- Flood Advice received from Hawkesbury City Council and dated 16/5/24.
- Waste Management Plan prepared by MDP Architecture.
- Plan of Management prepared by WIRES.
- Evacuation Plan prepared by WIRES, Version 1.0 and dated July 2023.
- Cost of Works prepared by MDP Architecture and dated 24/1/24.

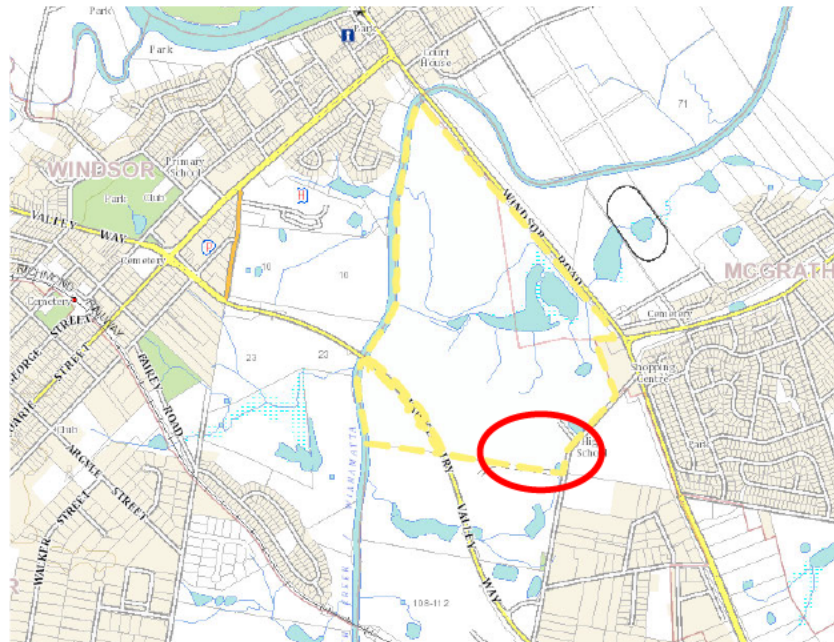
This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site is an irregular allotment of land identified as Lot 11 in DP 1140956 and is known as 10 Mulgrave Road, Mulgrave. The subject site is located on the western side of Mulgrave Road, with the proposed structure to be located in the south eastern corner of the site.

The location of the site is depicted in the following street map extract.



Site Location Map

As identified on the Site Location Plan accompanying this application, the proposal relates to a small portion of the site. The site proper currently is occupied by Council's sewer treatment plant together with an animal shelter and community nursery.

The proposal relates to a small portion of the site located within the southeastern corner of the larger property.

This portion of the site comprises of a level section of maintained lawn area. All collected stormwater for this proposal is to be disposed of on site.

The portion of the subject site currently supports an Animal Shelter and Community Nursery.

These structures are to be retained as part of this proposal.

Vehicular access to the property is provided via a concrete driveway connecting to Mulgrave Road. The proposal seeks to retain this current arrangement.

The subject site is not heritage listed and is not considered to have any heritage significance which would be impacted by the proposed development. The proposal is not located within a Heritage Conservation Area.

Vegetation located upon the property and adjoining the proposed subject area is considered to comprise of a range of native and non-native vegetation. The proposal does not seek to impact any existing vegetation.



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject site is identified as being zoned SP2 Infrastructure, the area surrounding the site comprises lands having a range of different zoning.

To the east of the site are lands comprising of Low Density Residential areas. Surrounding lands also include rural zoned lands.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and surrounding properties

4. THE PROPOSAL

The proposal seeks approval for the construction of a new Aviary Enclosure upon land identified as 10 Mulgrave Road, Mulgrave.

The enclosure will be used by WIRES for the housing of injured bird species pending their rehabilitation and release back to the wild.

The proposed location of this enclosure is within the front southeastern corner of the site fronting Mulgrave Road.

The proposed erection of the aviary enclosure is to be within a vacant corner of the site directly adjoining a Community Nursery located upon the site.

The proposed enclosure is to have dimensions of 10m by 4m and will be 3m in height. The aviary will be constructed of a combination of insulated colourbond and transparent mesh.

Access to the aviary will be a new gate located within the perimeter fence of the nursery together with a new footpath.

The proposal will also include the construction of a small storage shed adjacent to the western corner of the aviary enclosure.

The proposed aviary will be in operation 24 hours per day however WIRES volunteers are likely to only attend the site during daylight hours, except in cases of emergency.

There are no further works proposed by this application.

5. ZONING AND DEVELOPMENT CONTROLS

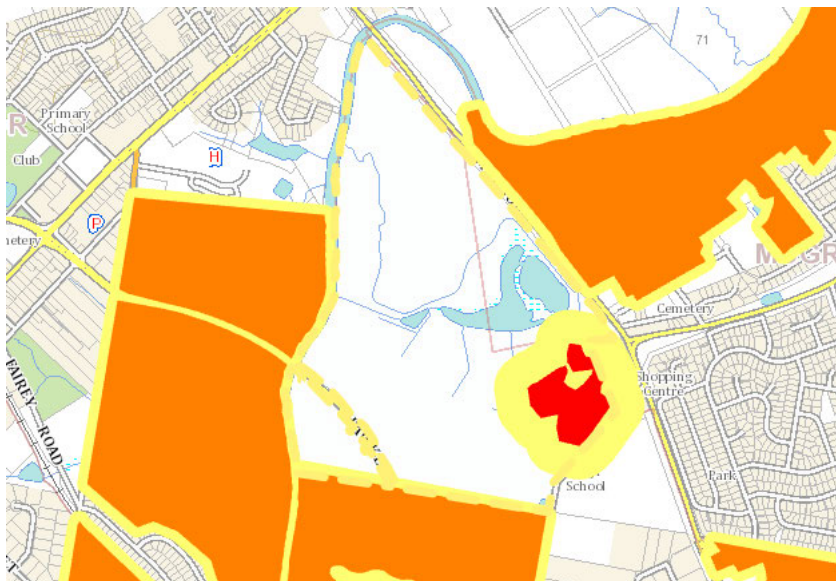
The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Hawkesbury Local Environmental Plan 2012.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Hawkesbury City Council.

5.1 Planning for Bushfire Protection

The subject site is identified as comprising bushfire prone land on Council's Bushfire Prone Lands Map.

Therefore, the provisions of Planning for Bushfire Protection do apply to the subject application.



Extract from Council Bushfire Map

A Bushfire Assessment has been prepared in support of the proposal by Waratah Bushfire Consulting and their assessment forms part of the information accompanying this application.

That report finds in favour of the proposal subject to compliance with a number of conditions. It is recommended that these conditions form part of any consent granted by the Council.

5.2 Hawkesbury Local Environmental Plan 2012

The subject land is Zoned SP2 - Infrastructure under the provisions of the Hawkesbury Local Environmental Plan 2012.

Under the SP2 - Infrastructure zone is range of uses including that of a community facility is permissible with the consent of Council.

The proposal which seeks approval for a new Aviary Enclosure is considered to be a permissible with the consent of the Council.

The LEP defines a Community Facility as:

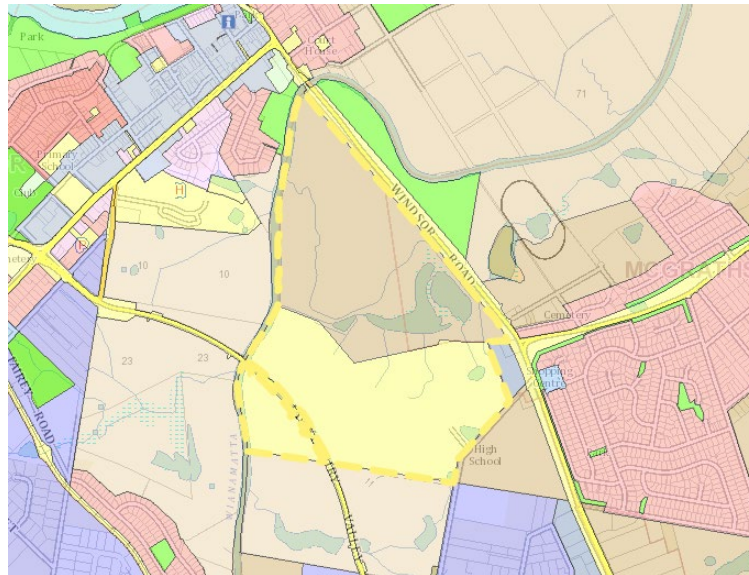
community facility means a building or place—

- a) owned or controlled by a public authority or non-profit community organisation, and*
- b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposed new Aviary Enclosure is considered to be defined as a community facility will provide for the rehabilitation of injured wildlife by a not for profit community organisation run by local volunteers.

In support of this opinion reference is made to the accompanying Legal Opinion prepared by Patrick Larkin SC in support of a similar facility in the Kiama LGA. It is considered that the circumstances of the Kiama facility are similar to this proposal in that they both provide for the rehabilitation of injured wildlife and are operated by WIRES. Both sites rely upon the permissible land use of “community facility”.



Extract from Council Zoning Map

The objectives for development within the SP2 zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

For the reasons as set out within this report it is submitted that the proposal is considered to be consistent with the above objectives.

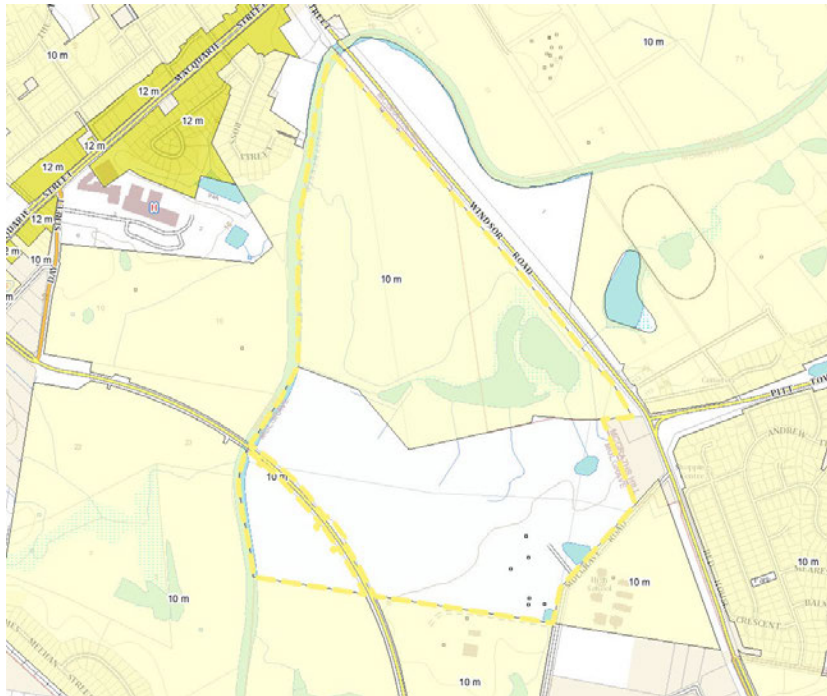
The proposed new Aviary Enclosure is considered to be compatible with existing surrounding development and the character of the locality.

The following provisions of the Hawkesbury Local Environmental Plan 2012 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The portion of the subject site within which the proposal is to be located is not subject to a maximum height of building control.

Notwithstanding the above, the proposal has a maximum height of 3m.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

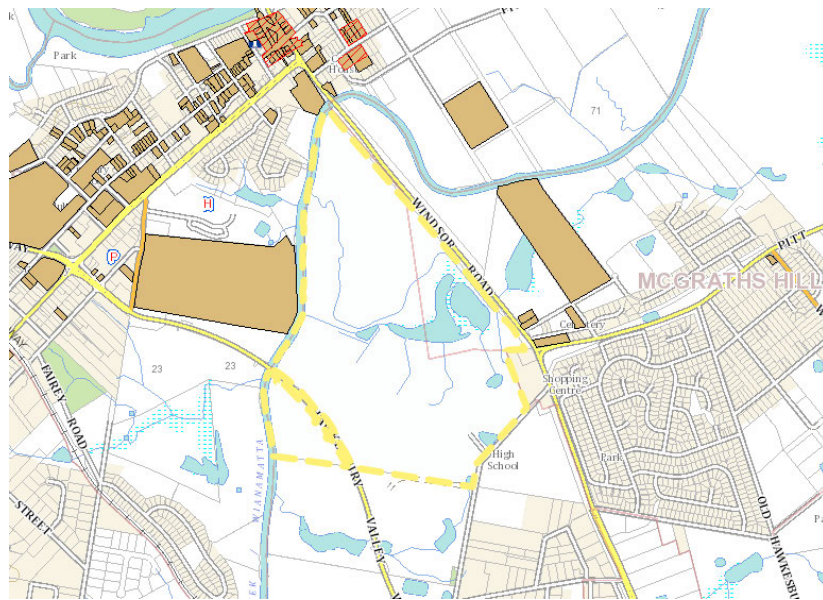
The site is not subject to a maximum Floor Space Ratio control.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item and is not considered to have any heritage significance which would prevent the subject application.

The identified portion of the site is not located within a Heritage Conservation Area and does not directly adjoin any identified heritage items.

On this basis it is my opinion that there will be no heritage impacts associated with the subject application.



Extract from Council's Heritage Map

Clause 5.21 - Flood Planning

Reference is made to the accompanying survey plan together with the Flood Advice provided by the Council.

Based upon that information it is acknowledged that the site may be affected by flooding.

It is not considered that the proposed lightweight structures and which are permeable will have any flood impacts.

For those times when flooding is likely to occur the procedures as outlined in the accompanying Flood Evacuation Plan are to be followed.

Subject to compliance with the requirements of that document it is considered that there will be no unreasonable flood impacts.

Clause 6.4 - Terrestrial Biodiversity

The subject site is identified on Council's Terrestrial Biodiversity Map.

However, it is considered that the proposed Aviary enclosure is to be constructed on a portion of the site not listed as containing Biodiversity significance.

The proposal will not require the removal of any vegetation and will not result in any biodiversity impacts.

5.3 Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the subject site.

The following sections of the plan are considered to be specifically relevant to the proposed development.

- Part A & B - General Requirements
- Part C - General Guidelines
- Part D - Specific Development

An assessment of the proposal against both the performance based and prescriptive requirements of the Development Control Plan has been undertaken and it is my opinion that the proposal is consistent with these requirements.

The proposal will result in a development outcome which is consistent with the character of the surrounding locality and is therefore worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned SP2 - Infrastructure under the provisions of the Hawkesbury Local Environmental Plan 2012. The proposed Aviary Enclosure is permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Hawkesbury LEP 2012 and the Hawkesbury Development Control Plan 2023 as detailed within this report. The proposal was found to satisfy the requirements of both these policy documents.

There are no draft environmental planning instruments applicable to the subject site.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area as detailed within this report.

The proposed development is considered to be of a design which is in keeping with the character of the surrounding area and the desired future characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The proposed Aviary enclosure upon land zoned SP2 - Infrastructure is considered to be a community facility and under the Hawkesbury Local Environmental Plan 2012 is permissible with the consent of Council.

The proposal will allow for the proposed aviary enclosure without impacting the character of the surrounding locality or the amenity of the adjoining properties and biodiversity.

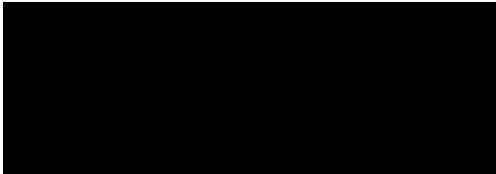
It is not considered that there will be any adverse impacts as a result of the proposal and as such the subject site is considered suitable for the proposed development.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Hawkesbury Local Environmental Plan 2012 and has been assessed against the requirements of the Hawkesbury LEP & DCP. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives as well as the applicable prescriptive requirements of the above controls.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed new Aviary Enclosure upon land at 10 Mulgrave Road, Mulgrave is worthy of the support of Council.



Andrew Minto
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MINTO PLANNING SERVICES PTY LTD
11th July 2024