



Hawkesbury Local Planning Panel

Date of meeting: 27 February 2025
Location: Council Chambers
Time: 10:00 AM

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

Table of Contents

Meeting Date: 27 February 2025

Table of Contents

1. PROCEDURAL MATTERS 4

 Welcome 4

 Attendance 4

 Declaration of Interest..... 4

2. REPORTS FOR DETERMINATION 5

 2.1.1. HLPP – CP - DA0120/22 - 27 Douglas Road, Kurrajong Heights (144940)..... 5

 2.1.2. HLPP – CP - DA0491/24 - 1 The Driftway, South Windsor – (144940) 57

HAWKESBURY LOCAL PLANNING PANEL

1. PROCEDURAL MATTERS

Meeting Date: 27 February 2025

1. PROCEDURAL MATTERS

Welcome

The Chairperson will acknowledge the Indigenous Heritage and address the Hawkesbury Local Planning Panel meeting, mentioning:

- Recording of the Hawkesbury Local Planning Panel Meeting
- Statement regarding people addressing the Meeting

Attendance

Attending Panel members and Council staff members will be noted for the purposes of the Minutes.

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Panel Members. These will then be addressed at the relevant item.

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION****Meeting Date:** 27 February 2025**2. REPORTS FOR DETERMINATION****2.1.1. HLPP - CP - DA0120/22 - 27 Douglas Road, Kurrajong Heights (144940)****Directorate:** City Planning**DEVELOPMENT INFORMATION**

Development Application No.	DA0120/22
Date Received	12 April 2022
Proposal	Pub and Tourist Visitor Accommodation – Demolition of Existing Structures, Tree Removal, Civil Works, Construction of Pub Building, 9 Tourist Accommodation Cabins, Managers Residence, Carparking, Ancillary Services and Landscaping Works.
Estimated Cost	\$7,009,895.00
Legal Description	Lot 1 DP 1188572
Property Address	No.27 Douglas Road KURRAJONG HEIGHTS NSW 2758
Area	3,923m ²
Zoning	E1 – Local Centre
Applicant	Balma Projects Pty Limited
Owner	Balma Projects Pty Limited
Exhibition Dates	26 May 2022 – 09 June 2022 16 August 2024 – 30 August 2024 13 January 2025 – 3 February 2025
Submissions	<u>1st round (26 May 2022 – 09 June 2022):</u> <ul style="list-style-type: none">142 Total Submissions (105 were deemed unique submissions). <u>2nd Round (16 August 2024 – 30 August 2024)</u> <ul style="list-style-type: none">100 Total Submissions (91 were deemed unique submissions). <u>3rd Round (13 January 2025 – 3 February 2025)</u> <ul style="list-style-type: none">56 Total Submissions (48 were deemed unique submissions).
Recommendation	Approval subject to conditions

EXECUTIVE SUMMARY**• 1A. Addendum to Assessment Report**

On 17 October 2024 the subject application was brought before the Hawkesbury Local Planning Panel for determination. The Panel was held in person with both Council staff and members of the public present. The Panel heard submissions from the public and the applicant. After careful

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

consideration of the application, it was determined that the application be deferred in order to provide the applicant time to address the concerns of the community and the Panel.

The minutes of the Panel are as follows. Council's consideration of how the applicant has addressed each matter is also provided below:

PANEL DECISION

"Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979:

- *That the Hawkesbury Local Planning Panel, exercising the functions of the consent authority defers determination of DA0120/22 for the Pub and Tourist Visitor Accommodation on the site of 27 Douglas Road, Kurrajong Heights;*
- *The Panel is of the opinion that further information is required before a final determination can be made. The Panel is generally in support of the proposed development;*
- *Additional information that the Panel requires is;*
- *Architectural / Heritage matters; and*
- *The monolithic form of the pub building could have further articulation which may involve the northwestern half of the front façade projecting further forward to better relate to the historical building footprint / setback pattern to the Warks Hill Road. This could also involve a step in the front façade (but no further forward than Lochiel House)."*

Planner's note:

The applicant has sought to retain the previous building siting and note the following justification:

- The building is visually divided into two distinct pavilions, linked by a smaller central structure.
- Each pavilion has a different roof form, reducing apparent building length and reflecting the palette of forms in the village.
- The façade of each pavilion is further articulated into three distinct sections, further reducing the apparent mass and scale.
- The main building mass is constructed from sandstone, providing a solid, traditional materiality that grounds the design within its historical context.
- The connector elements between the stone sections are steel and glass structures, which break up and articulate the front façade, creating a sense of transparency and visual lightness.
- Each pavilion is designed with traditional solid-to-void ratio, with windows and doors proportioned to reflect local examples.
- Planter boxes and planting soften the edges of the balconies, blending the building more naturally with its environment.
- The building follows the site's topography, integrating with the slope from the front to rear and the horizontal flat contours from side to side.

Council has reviewed the comments provided by the applicant and wish to note the following.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- From the Bells Line of Road Property boundary to the rear of the proposed pub, the natural ground level recedes from 496.12 AHD to 491 Australian Height Datum (AHD).
- The relocation of the northwestern half of the development closer to street front (with a similar setback to Lochiel House) would inevitably raise the building to a height of up to 1m (noting the existing ground RL is located on 495 AHD) and remove a large portion of the Proposed Tea Garden.
- The reduction/removal of the proposed tea garden, in Council's opinion, would hinder the proposal's capacity to address Clause 1.8 of Part E, Chapter 1 of the Hawkesbury Development Control Plan 2002 (an excerpt is provided below, refer to Section 9 of this report for detailed discussion).
- It is noted that the two adjoining properties of 1259 and 1269 Bells Line of Road are considered to contain heritage items. It is considered that the increased setback provides a sense of separation that highlights the distinction between old and new development within the Kurrajong Heights Village.

Council generally concurs with the architectural design features to alleviate the sense of scale from the development and considers these features in conjunction with the development siting allows for a suitable street presentation.

Section 1.8 of Part E, Chapter 1 of the HDCP 2002 development rules:

- *The re-establishment of past activities which capitalise on the natural and historic character of the village such as "guest house accommodation" and "tea rooms".*
- *Open spaces used for "visitor purposes" in association with commercial activities.*
- *Open spaces should be used as outdoor eating places, local produce outdoor markets and places to rest or simply view the surroundings.*

The presentation of the pub building to Bells Line of Road and Warks Hill Road should respond more to the natural topography which rises toward the northwest, possibly by stepping the northwestern half of the building up the site.

Planner's note:

This item has been discussed in conjunction with Point (i).

The extensive excavation of the beer garden fronting Bells Line of Road and Warks Hill Road should be minimised.

Planner's note:

The proposed tea garden has been reduced by bringing the planter boxes and seating closer to the Pub by a distance of 1.6m. This provides two retaining walls to a height of 500mm and 280mm. Refer to Figures A1, A2 & A3.

Some of the windows (especially the horizontal ones to the rear) are proportionally unsympathetic and should be either vertically proportioned or square.

Planner's note:

Windows to the rear have been modified into a square type design. Refer to Figure A4 & A5.

Glass balustrades and fencing should be avoided where visible to the street. Timber pickets (on the front boundaries) or simple steel palisade fencing (where inside the site) are preferred.

Planner's note:

Picket fences have replaced glass fencing. Timber pickets have been used within the front façade along the Tea Garden.

The front courtyard is overly formalized with built in seats and other permanent elements including the dominance of permanent umbrellas which should be deleted.

Planner's note:

Formal seating furniture has been removed.

More detailed 1:50 front elevations should be provided.

Planner's note:

Formal seating furniture has been removed.

A 1:50 elevation of the front fencing should be provided.

Planner's note:

1:50 elevations of the front fencing and front elevations have been provided.

More specific information regarding the colours, finishes and materials should be provided especially in respect of the stone cladding including a specific appropriate colour for the metal roof (such as colorbond Wallaby).

Planner's note:

A supplementary colour schedule has been provided. It is noted that Wallaby has been selected as the roof colour.

Reconfigure the manager's room and cabins 8 and 9 to provide for a one-bedroom manager's unit and a single cabin.

Planner's note:

The manager's residency has relocated with cabin 9 allowing for a single bedroom, kitchenette and private courtyard space.

Provide an east-west cross section through the cabins showing the relationship of the proposal to the dwelling on 29 Douglas Road and to Lochiel House at 1259 Bells Line of Road.

Planner's note:

Section C-C and D-D have been provided demonstrating the relationship between the cabins, Lochiel House and 29 Douglas Road.

Service vehicles:

Details of all service vehicles (type of vehicles) and the hours when those vehicles will be entering and leaving the site.

Planner's note:

A supplementary letter from Sparks and Partners Consulting Engineers have been submitted. The report states that wastewater holding tanks are sized for 28 days with a daily total of 950L at 100% capacity. In this respect, the expected pumping frequency is stated to be at 1 to 2 times per fortnight based on a 15,000L 8m vehicle. Council's wastewater and Sewage Management Facility (SMF) have reviewed the document and note that the pumping frequency based on the wastewater calculations provided would be at 2-3 times and not the stated 1-2 times.

Nonetheless, the pumping frequency remains an operational matter and conditions of consent have been recommended.

Details of the turning circles of the relevant vehicles to show how they will enter and exit the property in a forward direction.

Planner's note:

Swept paths have been provided. Furthermore, the suction coupling and servicing of vehicles to the site has been relocated to the loading bay. This has been undertaken to remove all opportunities of vehicles blocking the public domain.

Sewage and water vehicles:

Details from the Traffic Engineer of the type and size of vehicles, how they will access the site, manoeuvrability (turning circles) timeframes for pumping (period and frequency of pumping).

Planner's note:

A supplementary letter has been prepared by Traffix. It is sought that a 8.8m medium rigid vehicle (MRV) utilise Warks Hill Road as the primary entryway during the off peak periods outside of operational hours. Swept paths demonstrating how the vehicles will service the complex have been provided.

Details of who is responsible for pumping (Council or Commercial).

Planner's note:

It is sought that the pumping be undertaken by Commercial contractors. Council does not maintain the vehicles required to service the site.

Acoustics:

Updated acoustic report addressing the amended plans identifying the appropriate acoustic treatment to address noise from patrons and manoeuvring of trucks specifically in the south-west corner.

The acoustic report should also address noise impacts from sewage and water truck movements.

Planner's note:

An addendum letter to the acoustic report has been provided with the following recommendations:

- Sewer pump out activities only occur during the daytime hours between 7am and 6pm.
- The quietest vehicle available that is capable of carrying out the service should be used.

- Vehicles are to move directly to pump out location and to switch engine off for duration of pump out. Engine only to be switched back on for vehicle to exit the site.

These recommendations are recommended to form conditions of consent. It is noted that the recommendation of the acoustic engineer that pump-out be undertaken during daytime hours. In this respect a separate condition will be sought to incorporate these pumping hours (7am-6pm) into the Plan of Management in line with the 12-month trial period.

Traffic and Parking

One of the resident submissions (from an experienced traffic engineer) questioned the basis and figures on which the applicant's traffic experts estimated the extent of traffic generation and parking needs from the development and the consequent impacts on local traffic and parking. The Panel invites the applicants traffic experts to respond and address this submission (the submission is contained at Council's online Application Tracking Service).

Planner's note:

A response has been provided by John Coady, Traffic engineer acting on behalf of the applicant and has been attached as Appendix 1 to this report.

In short, the following comments in response to the response provided by Mr Hallam:

- A pub's "peak" traffic activity typically occurs between 6:00-8:00pm. It is noted that this "peak" traffic activity for the pub coincides with the "peak" traffic activity on the road network along Bells Line of Road.
- The provided traffic survey from Mr Hallam does not distinguish between patrons of the Archibald Hotel nor patrons of the drive-through bottle shop "bottlemart" located on the same premise. Therefore, the surveys cannot be relied upon as the basis for determining the parking or traffic generation potential of the proposed pub.
- Mr Hallam has not considered the inclusion of external beer gardens in his response and has relied upon the "licensed floor area" to the building. A more suitable metric to be relied upon is "public floor area" in which includes the beer gardens and all public spaces in the development.
- It is unlikely that all rooms of the pub will be at capacity at a single point in time. Furthermore, the maximum patronage numbers will be applicable and is not to be exceeded.
- The proposed development is compliant with the parking rates under the Hawkesbury Development Control plan 2023 (adopted on the 22 November 2022). The control requires 53 parking spaces (inclusive of 1 motorcycle space) and 2 bicycle spaces. The proposal provides 75 car parking spaces and 2 bicycle spaces.

Council's has reviewed the response and generally concur with the findings of Mr Coady. It is considered that on this basis, the response attached under appendix 1.

The Panel notes that if this information is provided quickly to the Council, then it may be possible for the matter to be reconsidered at the Hawkesbury Local Planning Panel meeting scheduled for Thursday, 19 December 2024. The Panel strongly encourages the Council to re-notify the amended details to the public.

Planner's note:

The application was re-notified pursuant to Council's Community Participation Plan from the 13th of January 2025 to the 3rd of February 2025.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

NORTH-EASTERN VIEW



NORTH-WESTERN VIEW



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025



Figure A1: 3D Photomontages.

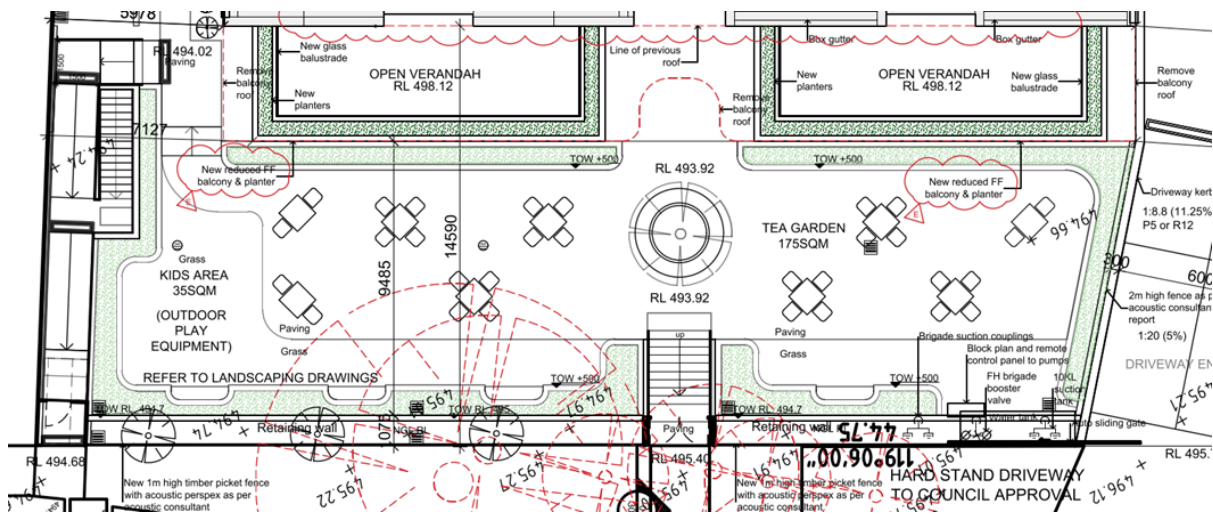


Figure A2: Tea Garden per submission to October LPP.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

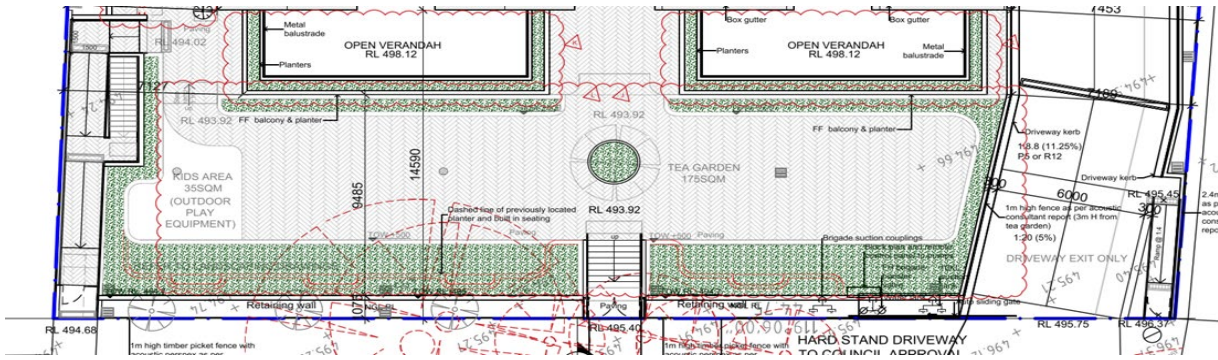


Figure A3: Amended Tea Garden per submission to February LPP. The outline of figure A2 is shown in Red.

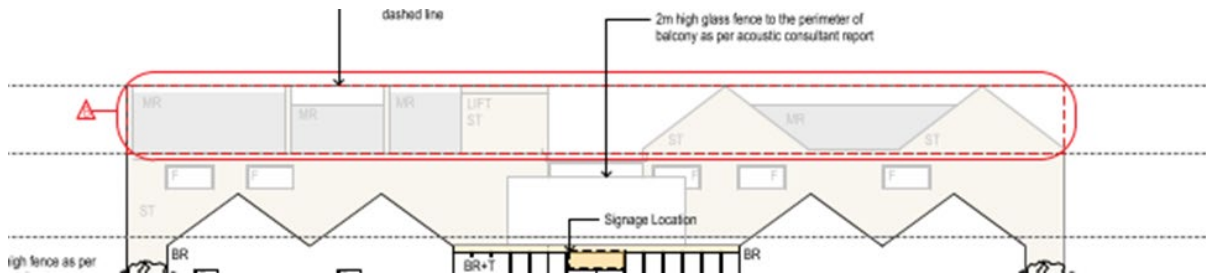


Figure A4: Rear Pub window design per submission to October LPP.

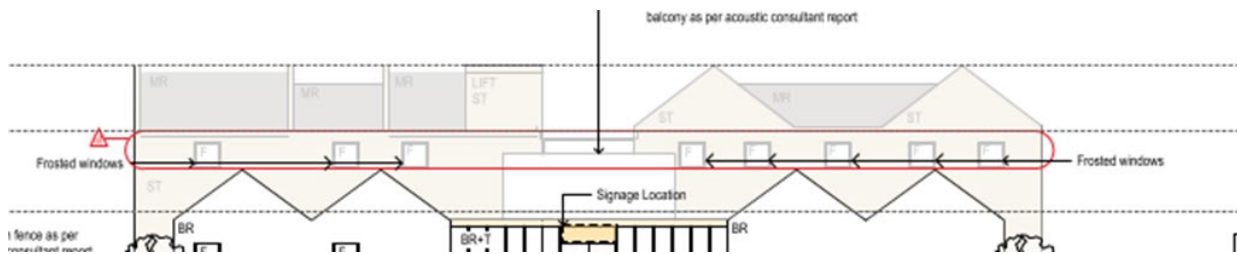


Figure A5: Amended Rear Pub window design per submission to February LPP.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025



Figure A6: Manager's residency design per submission to October LPP.



Figure A7: Manager's residency design per submission to February LPP.

Reason for Consideration by the Local Planning Panel

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Hawkesbury Local Planning Panel for determination as the application had attracted more than 10 submissions during the public consultation period.

Proposal

The proposal seeks consent for the development of the site for the purposes of a Pub and Tourist and visitor accommodation and involves the following aspects:

- Demolition of the existing building foundations, removal of trees and shrubs, and excavation to create building platforms.
- Construction of 9 single storey tourist and visitor accommodation cabins with day spa inclusive of a manager's residence.
- Construction of 2 storey pub building for maximum 300 patrons and 866m² public service floor area.
- Vehicle access and on-site car parking for 75 cars and loading dock.
- Ancillary landscaping across the site.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- Ancillary water supply tanks, sewage disposal system, stormwater management plans and utility services connections.
- Signage is not proposed with this subject application.
- Hours of operation for the pub to be 7:00am – 10:00pm – Sunday to Wednesday and 7:00am to 12:00am Thursday to Saturday under a twelve (12) month trial period. Upon the lapse of the period, the hours are to revert to 8:00am – 10:00pm Sunday to Thursday and 8:00am to 12:00am Saturdays.
- A maximum 255 patrons for the pub at any one time.

Permissibility

The use of the site is most accurately defined as “Pub” and “Hotel or Motel Accommodation”. The development is defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”

and

“Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- *comprises rooms or self-contained suites, and*
- *may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,*

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.”

It is noted that under the E1 Local Centre zone, the proposed uses are permissible, subject to development consent.

Consultation

The application was notified in accordance with Council’s Community Participation Plan on three occasions.

The notification periods were as follows:

First Notification: 26 May 2022 to 9 June 2022:

- Of the total 142 Submissions, 105 were deemed unique submissions.

Due to the scale of changes and the number of submissions originally received, Council decided to renotify the application as per Council’s Community Participation Plan.

Second Notification 16 August 2024 to 30 August 2024:

- Of the total 100 Submissions, a total of 91 were deemed unique submissions.

Third Notification 13 January 2025 to 5 February 2025:

- Of the total 56 Submissions, a total of 48 were deemed unique submissions.

Key issues

The site is located within the Kurrajong Heights locality in which the village was located along one of the two original routes from Sydney through the Blue Mountains to Western New South Wales. The village had historically provided a place where drivers and other travellers to and from the Blue Mountains and beyond, could obtain a meal and overnight accommodation.

The proposal was referred to Council's Development Engineer, Building Surveyor, SMF and Environmental Health teams who raised no objections with the proposal subject to the imposition of conditions.

The matter was also referred to the Council's Heritage Advisor due to the proximity of the development to heritage items. Concern was raised due to the bulk of the development however Council's Assessment Officers have taken the view that the development is acceptable for the locality.

The application was referred to the Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. The RFS have provided their General Terms of Approval (GTA) in support of the application. Further, the application was referred to Transport for NSW (TfNSW) under Section 1.121 of the State Environmental Planning Policy (Transport & Infrastructure) 2021. Comments received from TfNSW advised that the application was supported

The application has been assessed against the site-specific special character area provisions Part E, Chapter 1 of the Hawkesbury Development Control Plan 2002 (section 9 of this report) and has been found to be satisfactory for the following reasons:

- An appropriate front setback of 15.59m providing suitable distance from the street and allowing the adjoining heritage items, a stronger street hierarchy.
- The proposed development exhibits a maximum two (2) storey scale. Given the slope of the land drops significantly towards the rear of the site, the proposed development presents solely as a two-storey development as shown in figures 4 & 6.
- Conditions have been imposed preventing the use of Douglas Road for construction traffic so as to prevent loss of foliage on the Laurel Camphor on the St Johns Baptist Church site.
- Acoustic fencing utilises a standard fencing height of 1.8m with 600mm of transparent Perspex added on top to reduce bulk and provide an acoustic barrier.
- The redesign of the proposed development's façade reduces the overall appearance of bulk and provides consistency amongst dwellings found within the locality.

The subject Development Application has been assessed having regard to the applicable planning controls and it is considered that the proposed development is satisfactory. In this respect, it is recommended that the subject Development Application be approved, subject to conditions.

RECOMMENDATION

Pursuant to Section 4.16 (1)(b) of the Environmental Planning and Assessment Act, 1979:

- That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0120/22 for the Pub and Tourist Visitor Accommodation on the site of 27 Douglas Road, Kurrajong Heights, for the following reasons:

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- The proposed development is permissible in the E1 Local Centre under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls
- The proposed development exhibits a design that is sympathetic to the unique characteristics of Kurrajong Heights which is high architectural quality that adequately addresses the impacts of the proposed uses of a Pub and Hotel or Motel accommodation.
- The proposed development presents a modern development while being sympathetic to the prevailing village character of Kurrajong Heights in the form of a pub with open style verandahs and an entry-facing tea garden.
- The operational management of the proposed development is considered satisfactory and contains measures to mitigate and minimise impacts to the surrounding locality.
- The development would not create unreasonable demands for the provision or extension of public amenities and services; and
- For the reasons given above, approval of the application is in the public interest.
- That those who made a submission, be advised of the decision of the Hawkesbury Local Planning Panel.

BACKGROUND

2. Site Description & Conditions

The subject site has a total site area of 3,923m² which is currently vacant however, it should be noted that the site contains a foundation for a retail development approved in 1988 but was not completed.

The location of the subject site, aerial image, Architectural Plans and photographs in Figures 1-10 below.

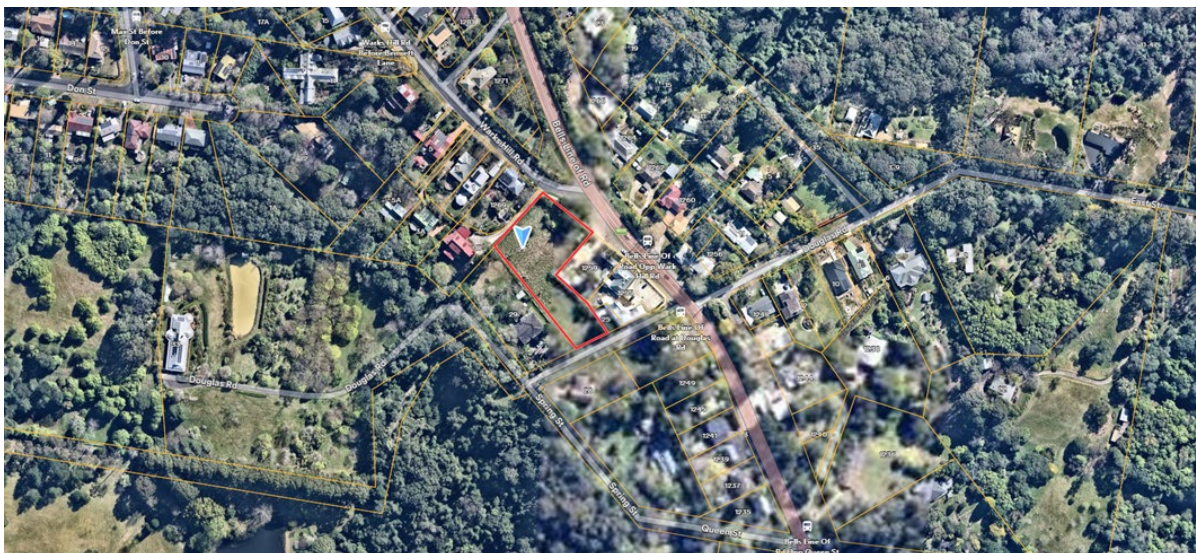


Figure 1. Site Location

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

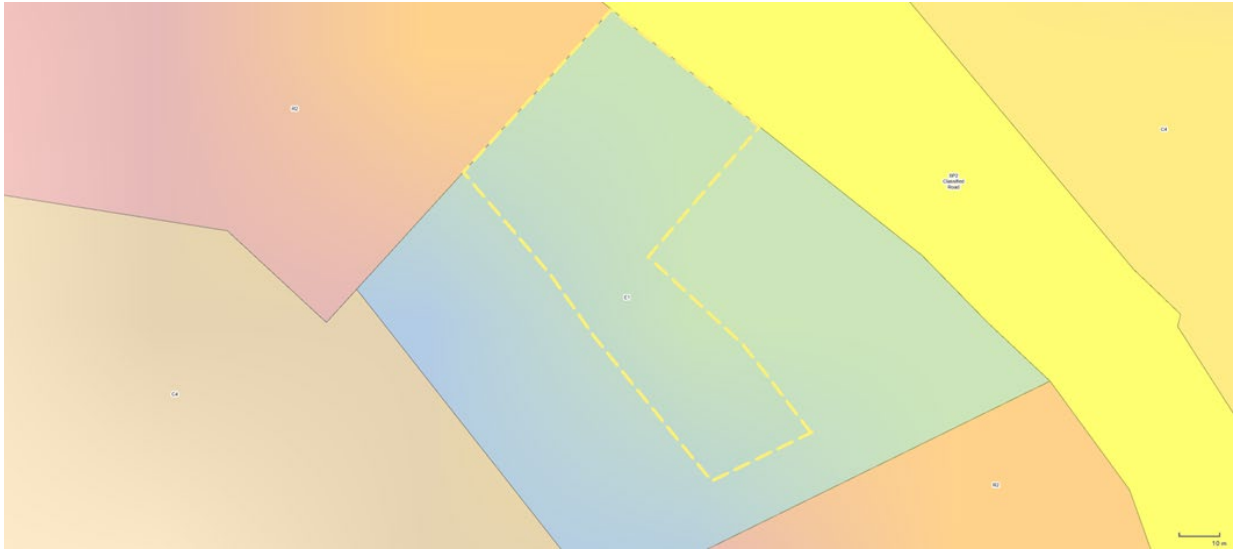


Figure 2. Zoning Map.



Figure 3. Site Plan.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

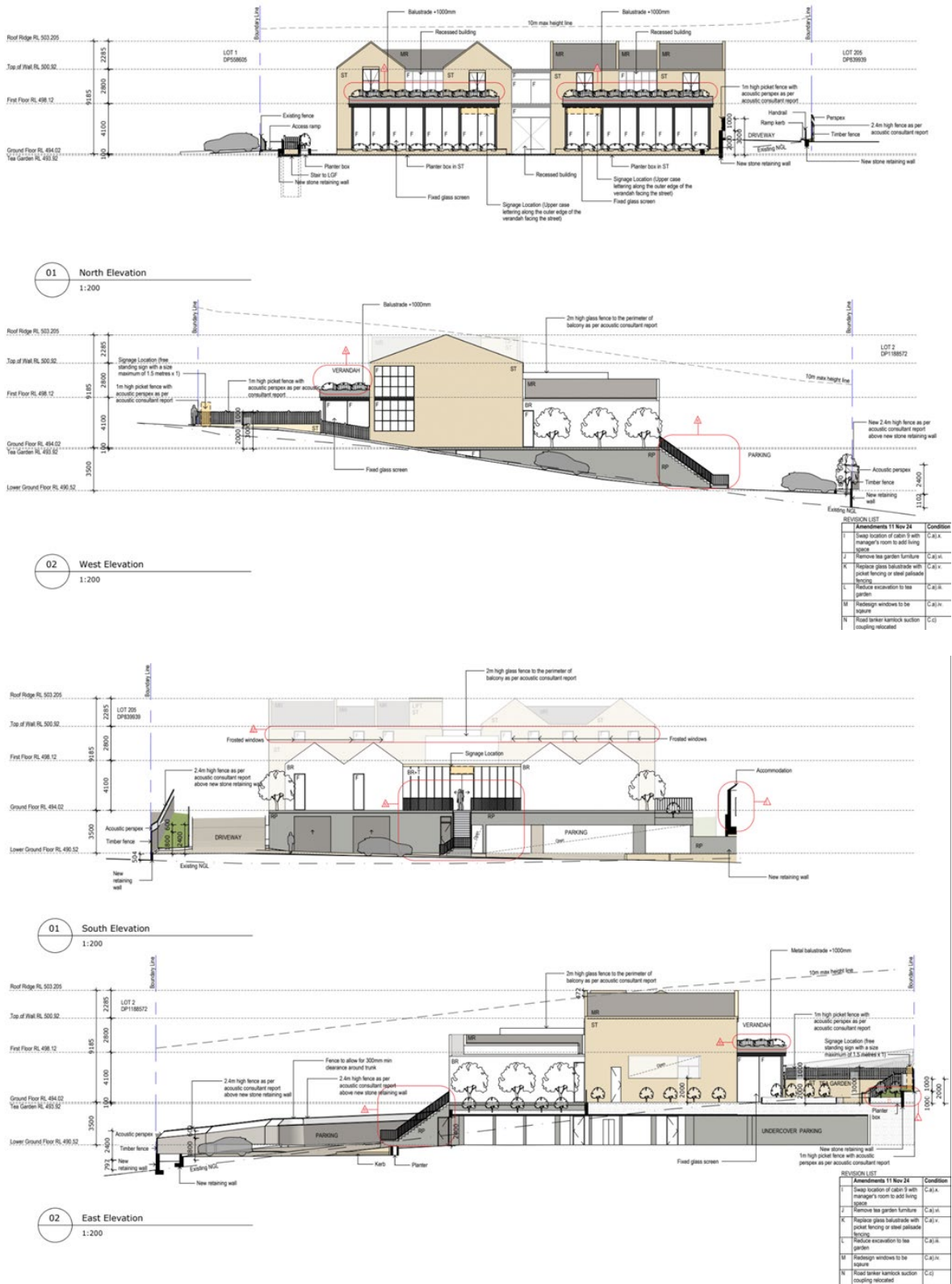


Figure 4. Elevations.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

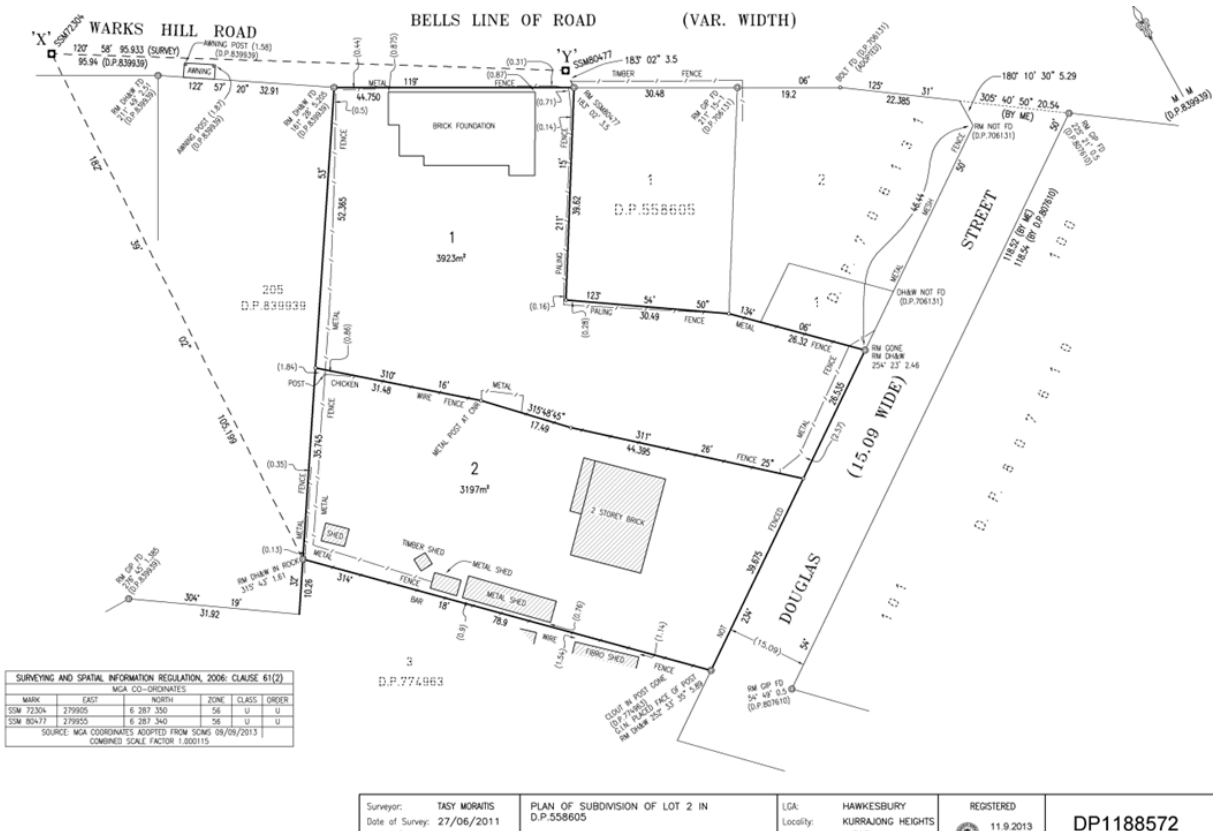


Figure 5. Lot 1 DP1188572

Relevant Site History

Date	Comment
1988	Building permit 1711/88 approved for a retail development.
12/04/2022	Subject application lodged.

The Proposal

The proposal seeks consent for the development of the site for the purposes of a Pub and Tourist and visitor accommodation.

The proposed development consists of specifically:

- Demolition of the existing building foundations, removal of trees and shrubs, and excavation to create building platforms.
- Construction of 9 single storey tourist and visitor accommodation cabins with day spa and a single manager's residence.
- Construction of 2 storey pub building for maximum 300 patrons and 866m2 public service floor area.
- Vehicle access and on-site car parking for 75 cars and loading dock.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- Ancillary landscaping across the site.
- Ancillary water supply tanks, sewage disposal system, stormwater management plans and utility services connections.

Note: No signage is sought under this application.

The operational details are as follows:

Pub

Hours of operation	7:00am – 10:00pm Sunday to Wednesday 7:00am – 12:00am Thursday to Saturday
Operational	255 patrons Council comment: As per the provided traffic and parking report, a parking demand of 94 spaces is generated where there is a peak average patronage of 255 persons. As such, Council is recommending a condition of consent, that the patronage of the pub development be limited to 255 persons for a period of 12 months from the issue of a occupation certificate. Upon the completion of this period, a modification application is to be submitted denoting the findings/issues raised in the trial period to provide accurate traffic and parking demands for Council's consideration to raise the patronage count.
Security	The Pub will have suitably trained security and crowd control personnel on site between the hours of 6pm and 12am at a rate of 1 security person per 100 pub patrons.
Staff	12 Staff at any time.

Note: The proposed operational hours are recommended to be subject to a 12 month trial period (as below).

Operational hours under the 12 month trial period.

Sunday to Wednesday	7:00am to 10:00pm
Thursday to Saturday	7:00am to 12:00am

Upon the completion of the twelve (12) month trial period, should no application be made with suitable documentary evidence that an extension to the above hours are acceptable, the hours are to revert to the below.

Approved hours

Monday to Friday	8:00am to 10:00pm
Saturday	8:00am to 12:00am
Sunday	8:00am to 10:00pm

Tourist and visitors accommodation

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION****Meeting Date:** 27 February 2025

Operational	Nine (9) cabins with capacity of small and large room. One (1) manager's residence. Small rooms will cater for up to four (4) persons. Large rooms will cater for up to six (6) persons. All cabins will contain bedding, bathroom facilities, kitchenettes, table with chairs, TV, AC & outdoor table and chairs.
Period of use	Available via bookings only. Guests of the pub will not be able to use this space without a prior booking.
Security	The Tourist and Visitor accommodation maybe operated independent of the Pub development. As such a manager is provided which may be the same as or in addition to the manager of the Pub. A manager's residence is provided on site. Further management rules are set out under the plan of management: <ul style="list-style-type: none">• No guests are allowed in the cabins after 10pm beyond the checked in guests.• Amplified music is prohibited beyond the hours of 8am and 8pm.

Planner's comment:

It is considered that the operational measures contained above in terms of security and staffing personnel are considered to be appropriate. A referral was provided to Council's Environmental Health Officer who has provided conditions of consent that a kitchen fit out and updated plan of management prohibiting the use of live music on the venue be provided to the satisfaction of Council prior to the engagement of certifier.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

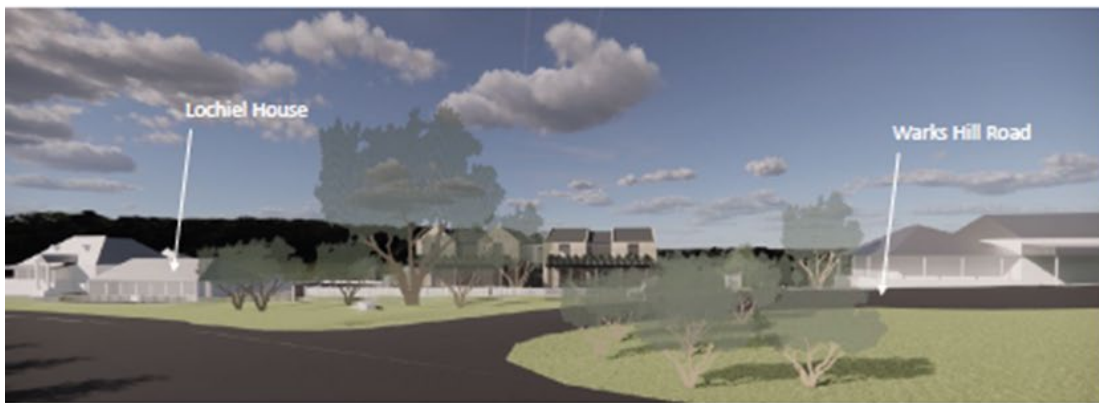
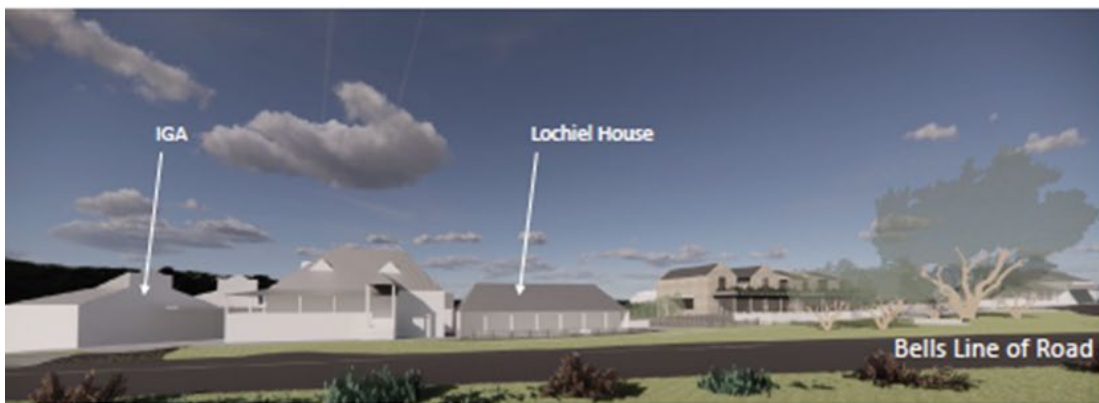
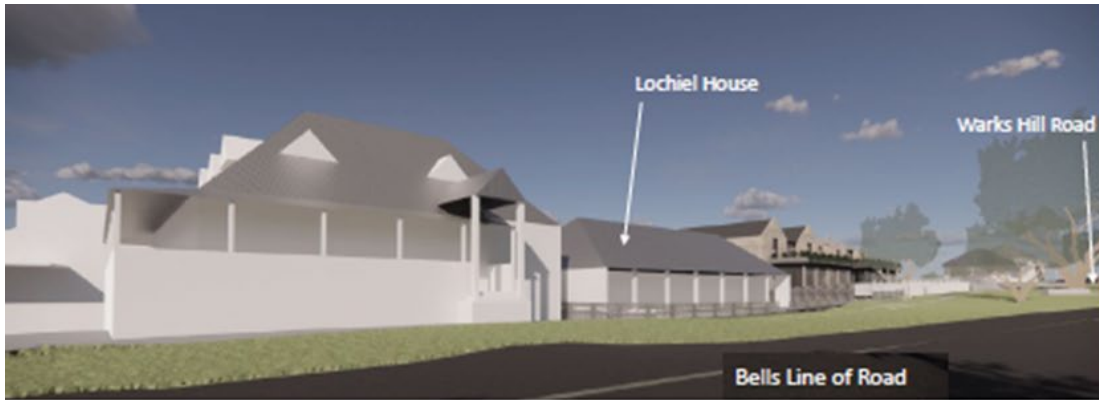


Figure 6. Photomontage of Pub as viewed from Bells Line of Road & Warks Hill Road.



Figure 7. 3D mock-up of cabins denoting a delineation of scale.



Figure 8. Retail shops on Bells Line of Road as viewed from Subject site.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

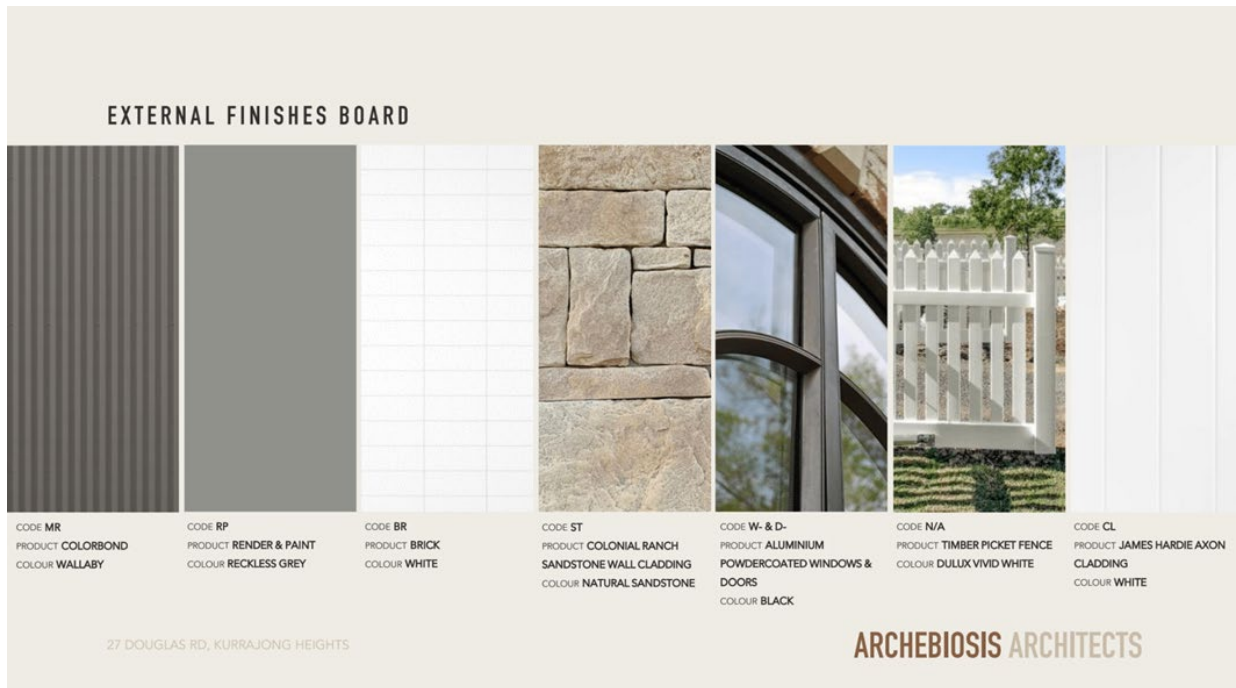


Figure 9. Proposed Colour & Material Schedule

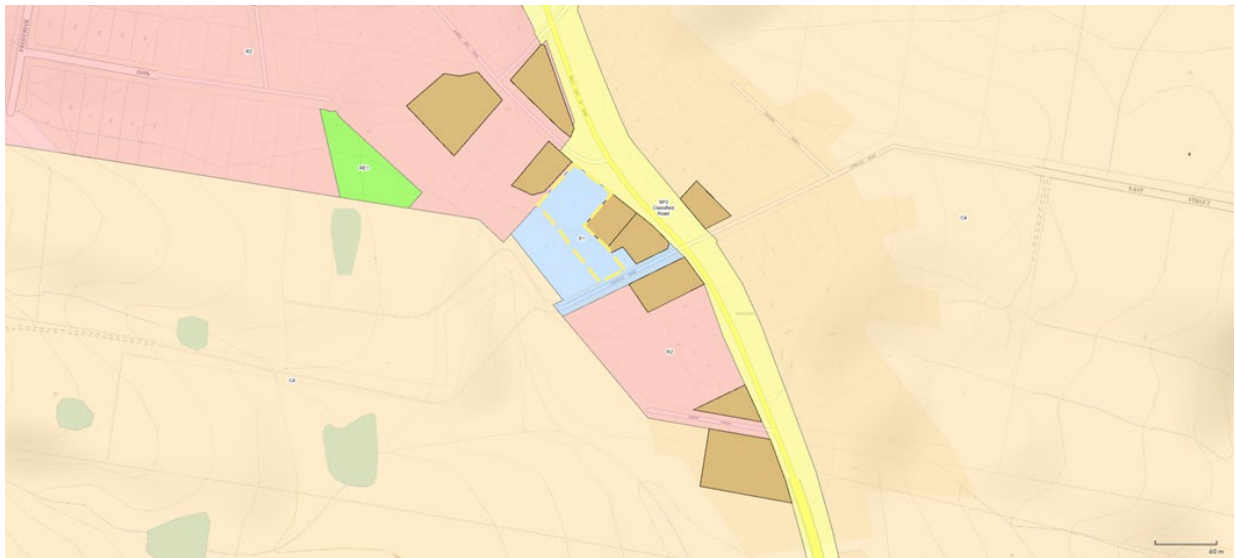


Figure 10. Zoning map denoting heritage items within the vicinity of the subject site.

Relevant Application History

Date	Comment
12/04/2022	Application submitted to Council.
26/05/2022 – 09/06/2022	First Notification round provided to the public.
09/03/2023	Request for additional information provided to applicant. The items raised were: <ul style="list-style-type: none"> Essential Services – clarification on sewer services and

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Date	Comment
	<p>requirements.</p> <ul style="list-style-type: none"> • Scale – character & appearance. • Removal of 14 trees on the reserve was not supported. • Traffic & Parking – SISD interactions. • Douglas Road – Upgrade works required. • OSD required. • Arboricultural impact report clarifications. • Heritage NSW Aboriginal due diligence.
10/07/2023	Additional information provided.
03/11/2023	Additional information requested.
05/08/2024	Additional information provided.

Referrals

Stakeholder	Comment
Development Engineering	<p>Comments and Conditions of consent provided.</p> <p>Comment: No objections were raised subject to standard conditions of consent. A slip lane was suggested to TfNSW to address the concerns of the community regarding traffic egress onto Warks Hill road then onto Bells Line of Road. TfNSW commented that the Traffic report provided a suitable safe intersection sight distance (SISD) as suitable and did not warrant a slip lane onto Bells Line of Road. As such, the application and has been conditioned in accordance with this position from TfNSW.</p>
Environmental Health	Comments and Conditions of consent provided.
Arborist	Supported subject to the imposition of conditions.
Heritage	<p>Comments provided</p> <p>Comment: Comments have been made under the relevant sections of 8 & 9 of this report.</p>
External Referrals	
TFNSW	<p>Comments provided in support of the application.</p> <p>Comment: The application was referred to Transport for New South Wales under 2.122 of the State Environmental Planning Policy (Transport & Infrastructure) 2021. TfNSW reviewed the submitted Traffic impact report and raise no objections with the proposed development. A further suggestion for a slip lane was declined by TfNSW.</p>
RFS	<p>GTA provided.</p> <p>Comment: Standard general terms of approval have been provided by the Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997.</p>

Environmental Planning Instruments

1. Overview

The instruments applicable to this application are:

- State Environmental Planning Policy – (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021 ;
- Hawkesbury Local Environmental Plan 2012 (LEP 2012);
- Hawkesbury Development Control Plan 2002 (HDCP 2002); and
- Hawkesbury Council Flood Policy 2020

2. State Environmental Planning Policy – Biodiversity & Conservation 2021.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The site is not marked under the Biodiversity Values Map.

3. State Environmental Planning Policy – Resilience & Hazards 2021

The requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPPRH) apply to the subject site. In accordance with Chapter 4 of SEPPRH, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is not indicated in Council's records as being contaminated. Nonetheless a preliminary and detailed site investigation was provided as part of the application. The detailed site investigation report provided the below findings:

- The site was vacant grassed land. Brick foundations from a previous commercial (shop) building were located in the north-eastern corner of the site. A number of small stockpiles of building waste were located in various locations across the site. The stockpiles were observed to be generally inert material.
- There was no evidence that an underground petroleum storage system or an underground storage tank was present on the site. No above-ground storage tank was identified.
- The PSI completed by EI (2021) established that site was vacant grassed land, with possibly orchard activities identified in the 1920s. Council files have identified that a commercial (shop) building was approved in the late 1980s. At the time of the investigation, brick foundations were noted in the north-eastern corner of the site.
- Based on the intrusive investigation, the site lithology was generalised as a layer of silty clay filling (to an average depth of 0.5m below ground level (BGL)), overlying natural, silty clay (from 0.3m to 1.5m BGL) and shale bedrock.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- Contaminant concentrations in the representative soil samples were all below the most conservative criteria applicable to a land use setting of residential with garden/accessible soil.

Council's Environmental Health Officer reviewed the application and raised no objection to the proposed development. The recommendations outlined in the detailed site investigation report are outlined in the recommended conditions of consent. In this respect, the application is taken to have addressed the requirements of Clause 4.6 of the SEPP.

4. State Environmental Planning Policy – Transport and Infrastructure 2021

4.1 Chapter 2 - Infrastructure

The relevant matters to be considered under Chapter 2 of State Environmental Planning Policy – Transport and Infrastructure 2021(SEPP TI) for the proposed development outlined below:

Clause	Comment
Clause 2.48 – Electricity Infrastructure	The proposed development is not considered to be within the vicinity of any electricity infrastructure under clause 2.48 (1).
Clause 2.98 – Development Adjacent to rail corridors	The proposed development does not adjoin in, around or on top of any rail corridors.
Clause 2.119 – Frontage to a classified road	The proposed development fronts Bells Line of Road which is a classified road. A referral was provided to TfNSW who have reviewed the traffic report and consider the intersection interface is suitable for the proposed scale of development and concurs with the provided traffic report. As such, Council is satisfied that Clause 2(a) of Section 2.119 is deemed satisfied.
Clause 2.120 – Impact of road noise or vibration on non-road development	A tourist and visitor accommodation is not subject to this Clause.
Clause 2.122 – Traffic generating development	The application was referred to TfNSW under this Clause. Refer to the discussion in Section 6 of this report.

Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the HLEP 2012 for the proposed development are outlined below:

1. Clause 1.2 Aims of plan.

The aims of the plan are outlined as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

- to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.
- to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,
- to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,
- to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,
- to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,
- to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

The application is made to promote and manage the orderly and economic development of the site as a pub and tourist and visitor accommodation. As discussed below in this report, the application has considered the heritage items within the immediate locality and is made subservient to the controls found under the Hawkesbury Local Environmental Plan 2012 and the Hawkesbury Development Control Plan 2002. It is therefore recognised that the proposed development aligns with the aims of the Plan.

2. Clause 2.3 Zone objectives and Land use table.

The site is zoned E1 – Local Centre under the Hawkesbury Local Environmental Plan 2012. The aims and objectives for the E1 zone in Clause 2.3 zone objectives are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live, work in or visit the area.

Comment:

The application seeks the introduction of a Pub and Tourist and Visitor accommodation to support the recreation of residents and visitors to the Kurrajong Heights area.

The subject site is situated along Bells Line of Road and is a gateway hub for travellers from Sydney and Bathurst/Katoomba. As such, the application presents a key strategic tourist opportunity for Kurrajong Heights as well as provide opportunities for employment for the local area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.

Comment:

As above, the application provides employment opportunities for the local community given its location between key destination hubs.

- To enable residential development that contributes to a vibrant and active local centre and is consistent with Council's strategic planning for residential development in the area.

Comment:

Not applicable given the proposal does not seek the introduction of residential development.

- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

Comment:

This objective pertains to the development of non-residential uses akin to “shop-top housing”. Nonetheless the proposed Pub development provides a community centre for the Kurrajong Heights locality.

- To ensure the scale and type of development is compatible with the character and amenity of the area.

Comment:

It is noted that the application is not a heritage item nor is it considered to fall under a Heritage Conservation Area. The subject site is located within a site specific precinct under the Hawkesbury Development Control Plan 2012 (Kurrajong Heights Village). A discussion on the DCP provisions is provided under Section 9 of this report.

3. Permissibility

The use of the site is most accurately defined as “Pub” and “Hotel or Motel Accommodation”. The development is defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”

and

“Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- *comprises rooms or self-contained suites, and*
- *may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,*

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.”

It is noted that under the E1 Local Centre zone, the proposed uses are permissible, subject to development consent.

4. Development Provisions

Clause	Comment
Part 4 – Principal development standards	
Clause 4.3 Height of buildings Control: 10m Proposed: 9.705m	Yes Note: A ridge height of 503.205 AHD was compared against the natural ground level (NGL) below at 493.5.
Clause 4.6 Exceptions to development standards	The proposed development does not seek any variation to development standards.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION


Meeting Date: 27 February 2025

Clause	Comment
Part 5 – Miscellaneous provisions	
5.1A Development on land intended to be acquired for public purposes	The deposited plans do not demonstrate that the site is or will be subject to future land acquisition.
5.10 Heritage conservation	The site is not located within a heritage conservation area nor is it considered to be a heritage item. Nonetheless a referral was provided to Council's heritage advisor due to the proximity of heritage items within the locality. Comments are discussed below.
<p>Comment:</p> <p>The subject site is situated within proximity to four (4) heritage items of local significance. The Clause by extension, requires the consent authority to assess the carrying out of development on land in the vicinity of items to assess whether impacts on the heritage value of the item are present. Council's Heritage Advisor noted the following matters:</p> <ol style="list-style-type: none"> Council's Heritage Advisor noted that the removal of fourteen trees within the road reserve of Bells Line of Road would erode upon the visual setting of adjacent local heritage items of 'Ivy Cottage/Lochiel House' (Located on 1259 Bells Line of Road) and 'Shop and Residence' (located on 1A Warks Hill Road). The trees also provide protection and a treed setting to the stone memorial to Caroline Louisa Atkinson (Kurrajong Botanist) located on the verge at this location. Civil works are proposed to Douglas Road by the applicant to increase its useability for the development proposal. Part of these works are to be located within the Tree Protection Zone (TPZ) & Structural Root Zone (SRZ) of the two significant Camphor Laurel Trees and shown as Trees 28 and 29 within the arborist's report. The trees are also shown in Figure 10 below. The trees are located on the locally heritage listed site 1362 - 'St David's Uniting Church' - 1251 Bells Line of Road, within the village. The heritage inventory sheet for this property notes the importance of these mature trees to the significance of this Church site. It is not unreasonable to suggest that the mature trees also make a significant contribution to the aesthetic significance of the Kurrajong Heights Village. <p>Although the Arborist report recommends the location of the proposed kerb and gutter in Douglas Road be located as far as possible from the abovementioned significant Camphor Laurel Trees, it does not address what impact trucks and other large vehicles servicing the proposed</p>	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Comment
<p>development (during and post construction) will have on significant branches of these trees which overhangs Douglas Road.</p>  <p>Figure 10. Laurel Camphor located along Warks Hill Road.</p> <p>A reduction in the canopy of these trees would:</p> <ul style="list-style-type: none">• Significantly reduce their aesthetic appearance and their heritage significance (given they are mentioned within the heritage inventory sheet for the St. David's Uniting Church Site); and• Would adversely impact their aesthetic contribution to the setting and heritage significance of St David's Uniting Church and the Kurrajong Heights Village. <p>Planner's comment:</p> <p>A condition of consent has been recommended that would prevent the use of Douglas Road for the purposes of construction traffic.</p> <p>Council's Heritage Advisor has also provided commentary on the site-specific section of the Hawkesbury DCP 2012 (Kurrajong Heights Village) which is discussed later in part 9 of this report.</p> <p>It is pertinent to consider that the subject site is not contained within a heritage conservation area, nor does it contain a heritage item pursuant to Schedule 5 of the Hawkesbury Local Environmental Plan 2012. Notwithstanding, Clause 5.10(5) of the HELP 2012</p>	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Comment
<p>empowers Council to request a heritage management document. The recommendations of this document which supports the subject application and subsequent addendum report dated 20 July 2023, conclude that the setbacks sought in the proposed development allow for the adjoining heritage items to sit at the forefront of the streetscape and the built form of the proposed development would not impinge upon the setting of the two adjoining items as viewed from Bells Line of Road.</p> <p>The application has been assessed against the site-specific special character area provisions Part E, Chapter 1 of the Hawkesbury Development Control Plan 2002 (section 9 of this report) and the following is noted:</p> <ul style="list-style-type: none"> • An appropriate front setback of 15.59m providing suitable distance from the street and allowing the adjoining heritage items, a stronger street hierarchy. • The proposed development exhibits a maximum two (2) storey scale. Given the slope of the land drops significantly towards the rear of the site, the proposed development presents solely as a two-storey development as depicted in Figures 4 & 6. • Conditions have been imposed preventing the use of Douglas Road for construction traffic so as to prevent loss of foliage on the Laurel Camphor on the St Johns Baptist Church site. • Acoustic fencing utilise a standard fencing height of 1.8m with 600mm of transparent Perspex added on top to reduce bulk and provide an acoustic barrier. • The redesign of the proposed development's façade reduce the overall appearance of bulk and provides consistency amongst dwellings found within the locality. <p>On this basis, Council Planning Officers are of the view that the application is site responsive and provides a high quality addition to the Kurrajong Heights precinct.</p>	
5.21 Flood planning	The site is not identified on this map.
Part 6 – Additional local provisions	
6.1 Acid sulphate soils	The site is considered to fall under class 5 acid sulphates with class 4 soils being located within 500m of the subject site. An Acid Sulfate Soils report was provided to Council for review to which suitable conditions of consent have been recommended.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Comment
6.6 Development in areas subject to aircraft noise	The site is not subject to aircraft noise.
6.7 Essential services	<p>Yes</p> <p>Note:</p> <p>Electricity and telecommunication network services are available in the precinct with road access provided via Douglas Road & Warks Hill Road.</p> <p>A hydraulic services plan and report outlining water supply and waste water management to the site.</p> <p>As Kurrajong Heights has no reticulated sewer system, an on-site biocycle sewage treatment and holding tank system are included in the development. The system includes a 15kL clarification tank, 100kL of aerobic treatment tanks and 300kL of holding tanks for treating and storing all waste water from the development sized for 7 days of peak demand storage. The sewage holding tanks will be subject to pump out collection and disposal by a commercial contractor.</p> <p>Council's SMF team have reviewed the documentation and recommended suitable conditions of consent.</p> <p>Council's Development Engineers have also reviewed the proposed OSD system as satisfactory and recommended conditions of consent in support of the application.</p>

Hawkesbury Development Control Plan 2002

A consideration of Part C of the Hawkesbury Development Control Plan 2002 is provided below:

Clause	Compliance
Chapter 1 Landscaping	
1.1.2 Landscaping	<p>Yes</p> <p>A Landscape Plan has been provided in accordance with the requirements of this section. The landscape design provides appropriate visual screening along the property boundary, suitable solar access and enhances stormwater drainage.</p>
Clause	Compliance
Chapter 2 Car Parking	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
and Access	
2.5.2 Commercial Parking Control: Hotel and License Club <ul style="list-style-type: none"> • 1 Space per 10m2 of service area/bar area, plus • 1 space per 2 employees Accommodation 1 space per bedroom or motel type unit	Yes Note: The proposed development has a total service area of 866m2 equating to a total parking requirement of 93 parking spaces given that a maximum 12 employees would be working at the site at any time. The applicant has produced a Parking and Traffic report which has had regard to the Guide to Traffic Generating Developments. The report deduces, using Pub developments of similar size, that the proposed development would attract a peak parking rate of 85 persons on weekdays and weekends. It is taken that the guests of the accommodation on site would also be guests of the pub. It is further indicated that the average maximum number of patrons during a trading day is expected to be at 255 to which provides a parking demand of 74 parking spaces. Council is recommending a trial period of a cap of a maximum 255 persons for a period of 12 months in response to managing parking at the site. It is to be noted that the application has been referred to Transport for New South Wales (TfNSW) under Clause 2.122 of SEPP TI to which no objections was made in respect to the proposed development.
2.7 Access and Mobility	Yes Note: An Access Report has been provided with the application to which Council's building surveyors have recommended conditions of consent.

Clause	Compliance
Chapter 3 Signage	
Clause 3.2 Signs in Commercial and Industrial zones	N/A Note: Signage is not sought under this application.

Clause	Compliance
Chapter 7 Effluent Disposal	
Clause 7.4 Rules	Yes Note: A Water and Waste report was provided to Council for assessment. The document was referred to Council's SMF team to have provided conditions of consent in support of the application.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

A consideration of Part E of the Hawkesbury Development Control Plan 2002 is provided below.

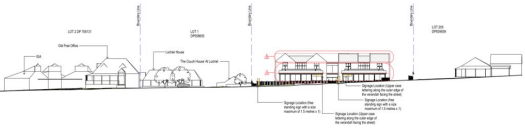
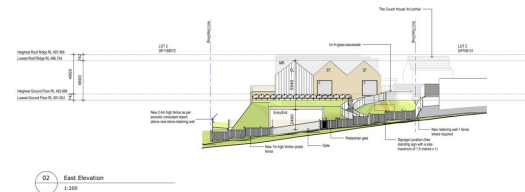
Clause	Compliance
<p>Chapter 1 Kurrajong Heights Village</p> <p>1.2 – General principles</p> <ul style="list-style-type: none"> • <i>to manage change in Kurrajong Heights Village via the implementation of objectives and guidelines that conserve and protect the character and significance of not only individual heritage items but that of the wider village;</i> • <i>to conserve and enhance the visual and environmental amenity of Kurrajong Heights Village and its hinterland; and</i> • <i>to ensure that alterations and extensions to existing buildings and new development in Kurrajong Heights Village are compatible in scale, form and character with the character and significance of the village.</i> 	
<p>1.3 Village Setting and Containment</p> <p>The objectives are listed as below:</p> <ul style="list-style-type: none"> • <i>The landscaped setting of the village within its defined topographic space shall be retained.</i> • <i>Major large scale development will not be supported.</i> • <i>Small scale development within the escarpment area shall be designed and constructed to blend with the landscape.</i> <p>Council's Heritage Advisor comments:</p> <p>In comparison with the existing historic built form within the Kurrajong Heights Village, the current development proposal is considered to constitute a 'major large-scale development'.</p> <p>The elements of the proposal which are considered to constitute a "major large-scale development' within these comments are:</p> <ul style="list-style-type: none"> • The use of basement level of parking across all of the property. • The scale of the proposed buildings on the property and the proposed density of 	

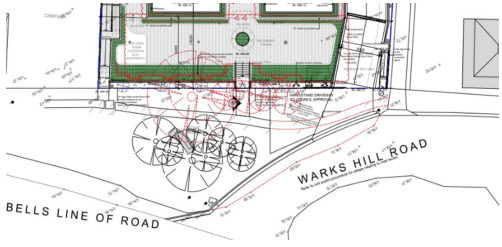
HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
<p>development in comparison with the scale, form, and historic character of other buildings within Kurrajong Heights Village.</p> <ul style="list-style-type: none"> The extent of modifications required both within and external to the property (within the Kurrajong Heights Village) to facilitate the development. <p><u>Planner's comment:</u></p> <p>The application has been made pursuant to the land use provisions of the Hawkesbury Local Environmental Plan 2012 under the zoning controls of the E1 Local Centre. Within this zone, 'pubs and hotel or motel accommodation' are permissible subject to development consent.</p> <p>It is noted that the Hawkesbury Development Control Plan 2012 does not define what is considered as 'major large scale development.' Council's Assessment Officers have considered the comments made by Council's Heritage Advisor and provide the following comments in response:</p> <p>Use of basement parking:</p> <p>The basement car park has been designed so as to alleviate the appearance of at-grade parking from all aspects of the public domain. It is noted that when viewed from Bells Line of Road and Douglas Road, the proposed development takes on the appearance of a two-storey development.</p> <p>The slope of the land provides a steep gradient of 8.73 metres over the course of 8 metres. This would make the provision of any at-grade parking largely difficult without significant cut and fill to the site. Noting the slope of the land, the provision of the basement car park in a split level approach ensures that the proposed development, in its scale achieves a maximum two storeys and would ensure sympathy with the adjacent heritage items in the vicinity of the site as below. The slope of the land allows for a portion of the basement and lower level of the Pub to remain partially below ground level and hidden from the streetscape. Figure 5 of this report provides a 3D representation of the streetscape presentation from both Bells Line of Road and Warks Hill Road. It is evident that the front setback of the development assists alongside the slope of the land in reducing the perceivable bulk of the</p>	

Clause	Compliance
<p>development.</p> <p>The setback provided to the southern properties boundaries from the Tourist and Visitor accommodation have also been setback so as to allow for the adjoining property to achieve more than three hours of sunlight on the 21 June.</p> <p>In this respect, the removal of basement parking would not seek to achieve a better design outcome given that there is not solar access non-compliance & consistency of streetscape scale is maintained amongst the heritage items as viewed along Bells line of road.</p>  <p>Figure 11. Streetscape Design and integration along Bells line of Road.</p>  <p>Figure 12. East Elevation demonstrating consistent scale with 'Lochiel house'.</p> <p>Scale of development</p> <p>The Development Control Plan does not define nor limit the scale of development and as such, the application needs to be reviewed on its merits.</p> <p>The proposal seeks the construction of a three storey Pub with Tourist and Visitor accommodation in the form of nine cabins. The proposed development has a site area of 3,923m² with a Floor Area of 1,320.1m². This provides a floor space ratio of 0.336:1. A landscape area of 627m² is also provided to the site on top of landscape treatments contained within the building footprint (landscape screening and buffers). Whilst the footprint of the Pub extends over three storeys, a basement level is provided for back of house services with only two storeys viewable from Bells Line of Road, Douglas Road and Warks Hill Road. It is to be noted that the</p>	

Clause	Compliance
<p>development retains a compliant height limit of 9.7m.</p> <p>In this respect, the combination of a two-storey presentation and the recessing of the front setback to a distance of 14.59m, it is considered that the design of the pub has been made subservient against the two adjoining heritage items along 1259 and 1269 Bells Line of Road.</p> <p>Historic character of the Kurrajong Heights Precinct</p> <p>The application has been amended following feedback with Council’s Heritage Advisor with the applicant’s Heritage Consultants. The proposal seeks to retain all trees beyond the footpath and along the stone memorial. In this respect, it can be concluded that the proposed development is consistent with the controls as specified within the Kurrajong Heights Village Special Character Area.</p> <p>It is pertinent to note that the site does not contain a heritage item nor is it subservient to any heritage conservation areas outlined under Schedule 5 Part 2 of the HLEP 2012. As such, it is considered that the application presents a modest development that addresses impacts upon adjoining heritage items by way of providing a suitable front setback to ensure that the two items retain its visual prominence and adopting physical and management practices to minimise the transmission of acoustics to sensitive receivers and providing a physical built form that is site responsive.</p>  <p>Figure 13: Tree removal plan</p> <p>The use of privacy screens and canopies is to alleviate the transmission of noise to nearby residential receivers. The enclosure of the parking via a basement is also considered to alleviate the transmission of acoustic noise to sensitive receivers. It is noted that an acoustic fence is proposed along the South-Western boundary of</p>	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
<p>the carpark to a height of 1.8m with 600mm of transparent Perspex added to the top of the wall. A second acoustic wall with 1.8m and 600mm Perspex has been sought to the Western length of the egress driveway to Warks Hill Road. These two walls provide the low scale appearance whilst provide suitable acoustic properties.</p> <p>Conclusion</p> <p>It is noted that:</p> <ul style="list-style-type: none"> • The proposed development provides a satisfactory arrangement of development on the site which considers the topographical constraints of the site. • The use of cut and fill on the site allows for the implementations of a subfloor level to the pub to which allows for a two-storey street presentation as viewed from Bells line of Road, Douglas Road and Warks Hill Road. • Setbacks provided to the front, rear and side setbacks have been made to reduce the appearance of bulk in comparison to the two adjoining heritage items on 1259 and 1269 Bells Line of Road. • The proposed development has been designed to provide a high-quality addition that infills a currently vacant allotment promoting a sense of a continuation to the existing street presentation along Bells Line of Road. 	
<p>1.4 Village Character</p> <p>Rules:</p> <ul style="list-style-type: none"> • Traditional fencing in the village shall be retained, repaired or reinstated. New fencing shall be based on traditional designs. • Open timber picket paling fencing with supporting posts shall be provided. Brick, asbestos cement, corrugated iron or cyclone mesh fencing shall not be used. For larger areas, split post and rail should be used. • Signs shall relate to commercial advertising of the 1850 - 1900 period. Restoration or reconstruction of early signs, where physical evidence exists is encouraged. For 	<p><u>Planner's comment</u></p> <p>The proposed development features which picket fencing to a height of 1.2m.</p> <p>All signage will be in the font of the National Trust of Australia. A condition of consent will be recommended to reinforce this for all future signage on site.</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
<p>authenticity, the most important aspects to consider are typeface and location on the building.</p> <ul style="list-style-type: none"> • Signs that are clear, simple and symmetrical. Upper case lettering located on spandrels closing the verandah, horizontal fascia or trimming boards and along the outer edge of the verandah facing the street. Signs are not to be placed on the structural elements of a building such as pilasters and architraves, or across the country side. • The number of signs limited for each establishment. Size of the sign will be dependent on its location. Freestanding signs shall be a maximum of 1.5 metres x 1 metre. • Street furniture including litter bins, seats and bus shelters to be consistent with village character. Wherever possible existing low grade and inappropriate street furniture shall be replaced with standard street furniture. New shelters erected in the village shall be sympathetic to its character ie. simple hipped galvanised iron roof with timber support posts and detailing. 	
<p>1.5 Heritage items and new development</p> <p>Rules:</p> <ul style="list-style-type: none"> • Generally new work should be subservient to existing work. Where amenities such as kitchens, bathrooms and laundries are required these should be located in discreet wings off the original building rather than in original building fabric. This is because the installation of kitchen, bathroom and sanitary fixtures and services in an original building fabric can severely compromise its integrity and should be avoided wherever possible. • Ensure that exterior building finishes of new work or developments are sympathetic to adjoining buildings and the character and significance of the village. Materials and finishes which match or approximate the building elements of earlier work in size, style and type of finish should be used. Materials are however of lesser importance than form, siting, scale and colour in ensuring that new work or development is compatible with and 	<p>Yes</p> <p>Note: The proposed building is set behind the building alignment of the dominant historic buildings along Bells line of Road. A proposed setback of 14.59m is provided to differentiate between the heritage items on adjoining properties. A courtyard/tea garden is provided within the front façade to provide a communal space between the two heritage items abounding the site.</p> <p>A picket fence would be sympathetic to the existing street fencing within the locality.</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
<p>reinforces the character of the village. "Pseudo historic" and "new replica" buildings should be avoided.</p> <ul style="list-style-type: none"> Set new development to a building alignment that allows existing buildings to retain their dominance in the village. New development should thus be set behind the building alignment of dominant historic buildings so that the character of street facades is not compromised. The repetition of early fencing on the street façade will not only enclose the buildings and reinstate a dominant townscape element but also link buildings with the village. 	
<p>1.6 Land use</p> <p>Rules:</p> <p>a) The retention of existing commercial activities located on lands with frontage to Warks Hill Road.</p>	<p>Yes</p> <p>The development seeks the commencement of commercial development on vacant land. The land use is permissible under the E1 Local Centre zone and no objection is made on the grounds of land use permissibility. It is further noted that the proposed development adopts a continuous one-way ingress/egress through entry on Douglas Road and exist via Warks Hill Road. In this respect, the proposed development is not expected to impinge upon the functions of the existing retail development on the corner of Douglas Road.</p>
<p>1.7 Traffic</p> <p>Rules:</p> <p>a) Assessed on merit.</p>	<p>Yes</p> <p>Council's Development Engineers and TfNSW have reviewed the application and its impacts on traffic generation, on-site manoeuvrability, ingress & egress and impacts upon the nearby classified road. No objections is raised in this respect to the proposed development.</p>
<p>1.8 Commercial Activity and Tourism</p> <p>Rules:</p> <ul style="list-style-type: none"> The re-establishment of past activities which capitalise on the natural and historic character of the village such as "guest house accommodation" and "tea rooms". Open spaces used for "visitor purposes" in association with commercial activities. Open spaces should be used as outdoor eating places, local produce outdoor markets and places to rest or simply view the surroundings. 	<p>Yes</p> <p>The application seeks the commencement of a Pub and Hotel or Motel accommodation to the site. The development of the site with its proposed scale is considered appropriate.</p> <p>A tea garden and outdoor play area is provided within he front façade providing an open space for visitors in accordance with this section.</p>

Development Contributions

Pursuant to Council's adopted Section 7.12 Contributions plan, a development contribution of \$70,098.95 is required to be paid prior to the issue of a Construction Certificate.

A condition of consent has been recommended.

EP&A Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection will be covered under the recommended conditions of consent.

The likely impacts of the development

The application as proposed submits a design that is sympathetic to the unique characteristics of Kurrajong Heights. It is emphasised that the Kurrajong Heights village is not a heritage conservation area nor is the subject site noted to contain a heritage item. In this respect, the application proposes a design of high architectural quality that adequately addresses the impacts of the proposed uses of a Pub and Hotel or Motel accommodation.

The proposal also includes suitable management procedures to minimise the impacts of both uses to adjoining properties. It is noted that the site adjoins two residential receivers (1B Warks Hill Road and 29 Douglas Road) with 1269 Bells Line of Road being located across the access handle of 1B Warks Hill Road (as shown below).



Figure 14: Residential receivers (outlined in green) adjoining the subject site.

The façade of the proposed development was modified in order to remove the sense of bulk associated with the overall scale of the development. This led to the verandahs to the first floor of the proposed development to be open air and the proposed tea garden increasing in order to provide a greater setback away from Bells line of Road. Consideration to the acoustics of this space were considered with the operation of these outdoor spaces ceasing at 10pm.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

A plan of management has been provided that prohibits the use of live music on the site and no background music permitted outdoors or within outdoor dining areas. Furthermore, the plan of management is to restrict background music indoors to 65 dB indoors. This in conjunction with the proposed use of acoustic barriers both within the perimeter of outdoor spaces and on the boundary of sensitive receivers. It is therefore concluded that these managerial practices alongside the use of acoustically treated material used for the build of the Pub and Tourist and Visitor Accommodation would lead to a development that adheres to and is compatible with the existing amenity.

An operational trial period of 12 months from the issue of an occupation certificate is recommended with the below hours.

Sunday to Wednesday	7:00am to 10:00pm
Thursday to Saturday	7:00am to 12:00am

This would allow for a real-world opportunity to verify the findings of the acoustic report. An incident registry has also been recommended to enable Council to capture incidents (acoustic related or not) in order to amend these trial hours accordingly. It is taken that these would allow a suitable refinement of operational hours that are amenable to the conditions of the existing locality.

It is noted that the use of gaming machines and the sale of liquor will be subject to separate approval by the liquor and gaming authority. A condition of consent has been recommended.

14. Suitability of the Site

The proposed uses sought on the site is considered to be permissible under the Hawkesbury Local Environmental Plan 2012. The LEP is the guiding document for land uses and Council's development control plan provides guidance on how design may be achieved to address potential impacts that may arise with such land uses.

It is noted once more that the Kurrajong Heights village is not a heritage conservation area nor is the subject site found to contain a heritage item.

Moreover, the applicant has provided a aboriginal archaeological assessment report to which was forwarded onto the Deerubbin Local Aboriginal Land Council have raised no objections. Notwithstanding, a condition has been recommended for an unexpected finds protocol to be enacted should there be any relics found during the construction process.

As above the applications has addressed the impacts of development and therefore can be considered suitable for development.

Public Consultation

The application was notified in accordance with Council's Community Participation Plan on three occasions.

The notification periods were as follows:

First Notification: 26 May 2022 to 9 June 2022:

- Of the total 142 Submissions, 105 were deemed unique submissions.

Second Notification 16 August 2024 to 30 August 2024:

- Of the total 100 Submissions, a total of 91 were deemed unique submissions.

Third Notification 13 January 2025 to 5 February 2025:

- Of the total 56 Submissions, a total of 48 were deemed unique submissions.

The application was amended in response to Council's internal feedback and feedback from the community to provide for the following changes.

Architectural changes:

- Visual break into two separate pavilions and four apparent masses,
- Roof form articulation and modified roof form,
- Clear articulation of the balcony/verandah, breaking it into two separate elements,
- Reduction in length and width to the front verandah and balconies,
- Removal of acoustic screening and roof to the first-floor balcony,
- Change of acoustic screening to the ground floor verandah,
- Introduction of planter boxes to the first-floor balcony,
- Alteration of the fenestrations facing Bells Line of Road, to support the visual presentation of sympathetic building masses, visually broken by glass elements,
- Change in materials and colours to better relate to those in the surrounding area,
- Interior change to Lower Ground Floor - public corridor made wider,
- New front facade windows, doors and recesses,
- One-way internal driveway (also mentioned below).

Heritage related modifications

- The building is now visually broken into appropriate smaller elements relating to both the typical building heights and visual widths of the village.
- The front veranda scale has been significantly reduced and is now even less than in the Pre-DA submission and strongly relates to the language of the adjoining verandas within the village.
- The character, fenestrations and colours of the proposal were also revised to suit the village context in a contemporary manner. Overall, the apparent bulk and scale of the Hotel are now highly consistent with the typical bulk and scale in the street and in Kurrajong Heights Village. The design language expressed in terms of building scale, street rhythm, roof form, verandas and solid to void ratio is now highly sympathetic to the Village aesthetic. See amended materials and finishes schedule.

Traffic & Parking

- Adopted a one-way traffic flow through the proposed car park where all vehicles enter the site via Douglas Road and all vehicles exit onto Warks Hill Road.
- The development proposes a total off-street parking provision of 75 car spaces.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- The Hawkesbury DCP 2002 does not have a requirement for a courtesy bus service. Nevertheless, the development proposes a courtesy bus to provide services throughout the Kurrajong region.

Stormwater

- The amended stormwater strategy is to utilise a series of Above Ground OSD Basins with a combined Bio-Retention system and Rainwater Tank.
- The OSD Basins have been terraced internally to reduce the cut required.

Wastewater

- The proposed waste treatment service will be provided by a 'Biocycle' system comprising a 5kl clarification tank, 2 x 50kl treatment tanks and 2 x 1 50 kl holding tanks.
- Holding tanks are sized for 14 days storage based upon peak population of 47 4 persons /day including staff and accommodation patrons.
- Hydraulic Services Report Prepared by Sparks Partners.

Aboriginal Cultural Heritage

- An expert due diligence Aboriginal heritage assessment has been prepared by Ms Mary Dallas which finds the subject land is highly unlikely to retain undisturbed or substantial Aboriginal archaeological deposit, and there is no Aboriginal archaeological constraint to redevelopment of the land.

Arboriculture Report

- The updated arboricultural report and the most recent engineering designs have addressed the relation between TPZ's and civil works, with no unacceptable impact remaining. The change to the road pattern means the trees located on the locally heritage listed 'St David's Uniting Church' at 1251 Bells Line of Road are completely untouched.

The issues raised within all three notification rounds were found to be similar and as such have been grouped to avoid repetition.

Issue	Response
Traffic and Ingress & Egress impacts <i>Concern is raised due to the number and intensity of traffic entering and exiting Bells Line of Road (considered to be a Classified Road) from the development via Douglas Road and Warks Hill road.</i>	As discussed earlier in the report, the application was referred to Council's internal development engineer and Transport for New South Wales (TfNSW) given the site's proximity and interaction with Bells Line of Road. No objections were raised by TfNSW nor Council's internal development engineers. As a response to community consultation, Council suggested to TfNSW that a slip lane be added interfacing the development site to Bells Line of Road to aid the transition of egress out of the development onto Bells Line of Road. This was deemed unnecessary given the Traffic report provided an already suitable safe intersection sight distance (SISD) onto Bells Line of Road from Warks Hill road. As such, appropriate conditions of consent

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	have been prepared.
<p>There is an existing Pub at Kurrajong (Archibald Hotel)</p>	<p>The application is made pursuant to the provisions of an E1 Local Centre zone under the Hawkesbury Local Environmental Plan 2012. There are no provisions that restrict the number of developments for the purposes of a pub under the LEP.</p>
<p>Noise & Acoustics</p> <p><i>Concern was raised with regard to the acoustic implications of the development in relation to the quiet nature of the precinct and the operation of live music on the site. Concern was also raised regarding the open air nature of the smoking terrace and verandas.</i></p> <p><i>Concern was also raised with acoustic related concerns associated with traffic and development noise at the time of construction.</i></p>	<p>Council's Environmental Health Officers have reviewed the application and concur with the recommendations in the acoustic report.</p> <p>The recommendations cover the following measures:</p> <ul style="list-style-type: none"> • No live music on the premise. • Amplified music in internal areas are to be background only. • Doors and windows to be installed with acoustic seals. • Verandah screening to remain closed at higher capacities. • Door and window openings to external areas to remain closed except for patron ingress/egress. • Verandahs to have abosorptive material applied to approximately 60% of ceiling area. • Tea garden and roof garden are not to operate after 10pm. • The outdoor smoking area may operate until 12am. • Limitations on the number of patrons within certain areas of the development. • Acoustic barriers along the north western boundary of the tea garden to a height of 3m. • Acoustic walls to a height of 2.4m along the north western boundary of the site. • A 2m high barrier to enclose the level 1 roof garden • A 2.4m high arched canopy barrier is to be

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	<p>installed along the entire length of the western boundary of the carpark.</p> <ul style="list-style-type: none"> • Signage to minimise patron noise • Tables in the outdoor tea garden limited to seat four (4) persons. <p>It is noted that there was a recommendation within the acoustic report sought to the ground and first floor verandas to be fully enclosed. Given the bulk and scale were a concern, the design was amended on the 11th of July 2023 to remove the enclosure and thus reduce the overall bulk and scale of the development. In order to ensure that the acoustic amenity is preserved, a condition of consent is recommended for the limited use of the balconies. The condition is to restrict the use of these balconies to daytime hours and only to a maximum of 4 persons at a single time.</p> <p>A condition of consent has been recommended outlining all other recommendations of the acoustic report to be integrated into an updated plan of management.</p> <p>Standard construction noise conditions are recommended for adoption.</p>
<p>Ambient light throw and street lighting</p>	<p>A condition of consent has been recommended to ensure development complies with AS4282 – Control of the obtrusive effects of outdoor lighting.</p>
<p>Architectural styling/does not fit in character</p> <p><i>Concern was raised with the proposed development's architectural style and integration into the locality.</i></p>	<p>It is noted that the subject site is not considered to contain a heritage item nor is it located within a heritage conservation area. In this respect, Architectural design/merit is to be enforced by compatibility with the adjoining properties.</p> <p>As viewed in Figure 11, it is accepted that 'Lochiel House' is a single storey heritage listed item that adjoins the development site. However as viewed from Bells Line of Road, there is a 20.21m setback between the two developments. Furthermore, the development is recessed behind the front boundary by a distance of 14.5m. It is noted that the development is compliant with Clause 4.3 of the HLEP 2012's 10m height limit.</p> <p>Figure 12 seeks to demonstrate that the proposed cabins are built below the ridgeline of 'Lochiel House'.</p> <p>It is therefore recognised that the development does not seek to imitate the heritage items found</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	within the locality but present a distinction of modern development while being sympathetic to the prevailing village character of Kurrajong Heights in the form of a pub with open style verandahs and a entry-facing tea garden.
<p>Proposed number of patrons and sourcing of these patrons.</p> <p><i>Concern was raised with the Pub's ability to generate 300 patrons and where the patrons would come from given that the existing Archibald hotel does not generate a high number of patrons to the area.</i></p>	<p>The proposed 300 patrons are a potential maximum number of persons the servicing area provided by the Pub development could cater for. It does not indicate that the daily patronage numbers would amount to 300 patrons as these are expected to occur on special events such as Christmas, New Years etc. A revised patronage limit of 255 has been recommended in response to parking submissions for the proposed development. This figure is supplemented by the applicant's traffic report and provides a representation of the maximum number of patrons the on-site parking facilities could accommodate for.</p>
<p>Wastewater pump out and removal</p> <p><i>Concern was raised as Council does not own any sewer service infrastructure.</i></p>	<p>The proposed wastewater system and report has been reviewed by Council's SMF team as appropriate. Suitable conditions of consent have been recommended. All wastewater vehicles service the site on-site.</p>
<p>Compliance with DCP</p> <p><i>Concern was raised with the proposed development's compliance with the Hawkesbury Development Control Plan 2002, namely Part E Kurrajong Heights Village.</i></p>	<p>This has been discussed in section 9 of this report. A discussion on the Kurrajong Heights Village special character area is provided below.</p>
<p>Heritage</p> <p><i>Concern was raised with the proposed development potentially decreasing the heritage value of nearby locally listed heritage items.</i></p>	<p>It is noted that the proposed development is not considered to contain a heritage item nor is it located within a heritage conservation area pursuant to schedule 5, Part 2 of the Hawkesbury Local Environmental Plan 2012 (HLEP 2012). It is therefore not subservient to clause 5.10 (4) of the HLEP 2012.</p> <p>It is recognised that the development adjoins several heritage items located on 1255, 1259 and 1269 Bells Line of Road. The application has been assessed and is considered to contain suitable setbacks, acoustic treating and demonstrates a appropriate built form that presents itself as a high quality addition to the Kurrajong Heights precinct.</p> <p>It is pertinent to note that the term 'Small Scale' and 'Major Scale' is not defined anywhere within any section of Council's Development Control Plan 2002 nor is it a legislated definition under the Standard Instrument. On this basis, Council can only quantify small and major scale on the merits</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	<p>of its impacts on the surrounding locality.</p> <p>On this basis Council recognises that the application is site responsive and provides a high-quality addition to the Kurrajong Heights precinct.</p>
<p>Zoning</p> <p><i>Zoning has been defined by residents as being B1 or E1 amongst other zones.</i></p> <p><i>A much repeated common phrase was the below.</i></p> <p><i>The B1 zone objective is as follows:</i></p> <p><i>“– Neighbourhood Centre with the zone’s objective being “to provide a range of small-scale retail business and community uses ...”.</i></p> <p><i>The proposed development is not “small scale”.</i></p>	<p>It is noted that the correct zoning for the site is E1 – Local Centre under the Hawkesbury Local Environmental Plan 2012.</p> <p>The phrase “small scale development” is not contained within any objectives of the E1 – Local Centre.</p> <p>In this respect, the application has addressed the acoustic, traffic, built form and the relevant statutory considerations under the Hawkesbury Local Environmental Plan 2012 and the Hawkesbury Development Control Plan 2002.</p>
<p>Car Parking</p> <p><i>Concern was raised with the number of patrons proposed in relation to the number of parking spaces provided. Concern was also raised with the introduction of VIP parking spaces.</i></p>	<p>Car parking rates have been discussed under Section 9 of this report.</p> <p>References to VIP parking spaces have been removed.</p> <p>The proposed development has a serviceable floor area of 866m2 with 12 staff proposed. This would entail a total parking requirement of 93 parking spaces.</p> <p>The applicant has provided a car parking plan with 75 spaces alongside a Traffic and Parking report to supplement their justification. The report uses the RTA’s Guide to Traffic Generating Developments guidelines to calculate the demand for parking spaces resulting from the Pub development.</p> <p>The report deduces that the provision of 74 parking spaces would support the activities of 255 patrons on the site. It is pertinent to consider that a courtesy bus would also be operational alongside these parking rates.</p> <p>It is therefore recommended that a condition of consent be imposed to restrict the number of patrons to 255 to align with this Traffic and Parking report.</p> <p>A parking rate of 51% was provided within several submissions that surveyed transits to the Archibald Hotel. It is pertinent to consider that the traffic survey conducted does not separate or provide a distinction between persons utilising the</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	functions of the Archibald Hotel or visitors who are using the drive-through bottle shop.
Location of bushfire appliances and adequacy of bushfire report	The application has been assessed by the RFS. General terms of approval have been provided.
Road widening and resulting removal of trees	Road widening is sought to improve two way traffic flows along Douglas Road. A major Laurel Camphor tree situated along the summit of Douglas Road is not impacted by the road widening. A condition of consent is further recommended to remove the use of Douglas Road as thoroughfare for construction traffic.
Roof Form <i>Concern was raised that the roof form was not "aesthetically appealing".</i>	There are no specific controls regarding roof forms within the HDCP 2002. Notwithstanding the above, it is taken that the proposed roof form has been amended from a flat roof to a hipped gable roof form upon recommendations from Council's Heritage Advisor. The roof form is considered to be typical and not dissimilar to similar roof forms on dwellings within the immediate locality.
Cut and fill <i>Concern was raised as to the amount of cut & fill being proposed and the implications of stormwater runoff.</i>	The application was referred to Council's development engineers who are satisfied with the proposed OSD system sought. The development demonstrates that pre and post flows are equalised with cut and fill being sought to produce compliance gradients for floor levels. Conditions of consent are recommended to suitably address construction run off.
Front fence is tokenistic	The proposed front fence is compliant with section 1.4 Part E of the Hawkesbury Development Control Plan 2002 and is taken to be a sympathetic continuation of picket fencing found along 1259 Bells Line of Road (Ivy House).
Acoustic fence usage	The proposed acoustic fencing along the Western boundary acts as a boundary fence to a height of 1.8m with 600mm of transparent Perspex added to the top as per requirements of the acoustic report. The submitted shadow diagrams do not demonstrate a loss of solar access beyond compliant levels. Further, the use of transparent Perspex above the 1.8m wall allows for a reduction in the bulk as opposed to a 2.4m high wall. In this respect, Council is satisfied that the acoustic walls would provide a significant benefit by way of acoustic treating and minimises the sense of bulk via the use of transparent Perspex.
Impacts on Flora and Fauna.	The site is not located within a Koala Habitat zone as defined under 3.3 of Chapter 3 of the SEPP (Biodiversity & Conservation) 2021. The subject site is not considered to be located on the biodiversity values map. It is noted that the subject site is a well cleared site with no significant tree canopy.
Car Park entry is too low for delivery vehicles.	The carpark roof is to a standard height of 2.4m.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response						
	All delivery vehicles will need to accommodate to this standard.						
<p>Aboriginal relics</p> <p><i>The community noted: "First Nations people had sharpening rocks on 'Fernbrook' within 150 metres of the DA Site. This area is currently unprotected by any fencing between the rocks and the DA Site".</i></p>	The applicant has provided an Aboriginal archaeological assessment report to which was forwarded onto the Deerubbin Local Aboriginal Land Council who have raised no objections. A condition has been recommended for an unexpected finds protocol to be enacted should there be any relics found during the construction process						
<p>Proximity of emergency services to the site</p>	A Plan of Management is to include details surrounding emergency contacts and procedures. A incident register is to be kept on site with continual reviews of the plan of management on a bi-yearly basis.						
<p>Poker machines</p> <p><i>Concern was raised with the use of gambling machines.</i></p>	The application does not approve the use of poker or any gaming machines. These are detailed as indicative only and subject to the acquisition of a license by the Liquor and gaming authority. An separate application is a condition of any consent for a licensed venue.						
<p>Operational hours</p> <p><i>Concern was raised with the appropriateness of the operational hours.</i></p>	<p>The proposed operational hours are subject to a 12 month trial period. During this period, Council reserves the right to further restrict the hours depending on the operational impacts of the venue.</p> <p>Upon the commencement of the trial period an application is to be made to Council to either amend or retain the approved trial operational hours. This application is subject to its own assessment with acoustic reports and reporting of any incidents during the trial period.</p> <p>Should the trial period lapse without a modification application being provided to the satisfaction of Council, the operational hours will revert to the below.</p> <table border="1" data-bbox="820 1565 1414 1688"> <tbody> <tr> <td>Monday to Friday</td> <td>8am to 10pm</td> </tr> <tr> <td>Saturday</td> <td>8am to 12pm</td> </tr> <tr> <td>Sunday</td> <td>8am to 10pm</td> </tr> </tbody> </table> <p>It is noted that the acoustic report and recommendations have been found suitable.</p>	Monday to Friday	8am to 10pm	Saturday	8am to 12pm	Sunday	8am to 10pm
Monday to Friday	8am to 10pm						
Saturday	8am to 12pm						
Sunday	8am to 10pm						
<p>Signage may not be sympathetic to the locality</p>	A condition of consent has been recommended to ensure future signage on site is compatible with the Kurrajong Heights Village DCP.						
<p>Retention of the memorial Louise Atkinsons memorial</p>	The memorial and surrounding trees on the street verge is to be retained. Minor trees located opposite the footpath are to be removed due to the proximity of works and impacts to the root						

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Issue	Response
	system.
<p>Condition of pathway and potential trips</p> <p><i>Concern was raised as to the current condition of the pedestrian footpath.</i></p>	<p>A condition of consent has been recommended for the upgrading of infrastructure in Warks Hill Road and Douglas Road inclusive but not limited to the following:</p> <ul style="list-style-type: none"> • construction of kerb and gutter and drainage works • construction of sealed road pavement • construction of concrete paved footpath along the development side • removal of poor-quality soil to a depth of 100m within the road reserve and replacement with rich topsoil and turf for the entire lot frontage; and • replacement of any dilapidated service lids.
<p>Turning Douglas road into a single way road.</p>	<p>The proposed road widening is sought to enable and better accommodate the road for two-way transit. The application seeks that vehicle enter the site via Douglas Road and exist via Warks Hill Road. The application does not seek to convert Douglas Road into a single carriageway road.</p>
<p>Civil works lacking detail and noting “to Council specification”</p>	<p>The plans submitted for DA consideration are sufficient for the purposes of assessment of the Development Application. Detailed civil plans are submitted at Construction Certificate Stage.</p>
<p>Contingency plan in the event of a blackout & capability of the electricity grid</p>	<p>The relevant certificate related to electricity supply are to be provided as part of post-consent procedures.</p>
<p>Prohibition of “Major recreation facility”</p> <p><i>Some members of the community raised concern with the proposed development being characterised as a major recreation facility.</i></p>	<p>The proposed development is not defined as “recreation facility (major)”. A discussion on the permissibility of the development is contained within section 8 of this report.</p>
<p>Dangerous loading bay practices</p>	<p>All vehicles utilising the loading bay will be entering and existing the site in a forward direction pursuant to the addendum letter/swept paths prepared by Traffix.</p>
<p>Lack of transparent drawings/renderings</p>	<p>Suitable architectural plans and photomontages have been provided.</p>
<p>Bushfire report contentions</p>	<p>The application was referred to the RFS under 100B of the Rural Fires Act. The RFS have reviewed the application and have provided their GTA. The amended application reduced the size of the cut proposed to the site and did not modify the building envelope. It is noted that no asset protection zones are sought to be created.</p>
<p>Visual Privacy of cabins</p>	<p>A landscape buffer to a height of 500m is to be</p>

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION****Meeting Date:** 27 February 2025

Issue	Response
	provided to the rear of the cabin courtyards bringing the stone wall to a total height of 1.5m. It is noted that each cabin will only support six (6) or four (4) persons based on cabin size. In this respect, visual privacy would be similar to what could typically be found on a first floor balcony.
Stormwater system and overflow	Council's development engineers have reviewed the application and do not raise concerns with the stormwater plan. Appropriate conditions have been recommended to manage stormwater flows during and post construction.
Airlocks	Conditions of consent have been recommended.
Policing of conditions	A complaints register is recommended as a condition of consent. Where the construction and/or the operation of the premise is undertaken outside of the conditions of consent, the appropriate regulatory action will be carried out.
Antisocial behaviour	The development is considered to have appropriately considered CEPTED principles. Appropriate conditions regarding active surveillance measures are recommended to the Panel.
Use of Douglas Road for service vehicles	All service vehicles are facilitated on site. Loading/unloading of wastewater, water and goods are to be located within the loading bay.
Lack of Public Transport routes	Whilst it is noted that public transport routes are deficient along Bells line of Road, accommodation is sought as part of this application for guests unable to drive. It is also noted that two other accommodation sites (Mountain Soujourn & Secret Garden Bed & Breakfast) are located within close proximity. Taxi and Uber services are also generally available.
Smoking	The site will have standard conditions related to construction requirements to comply with the Building Code of Australia.

Public Interest

Council considers that the proposed development has been developed in line with the key objectives of the Local Environmental Plan, Development Control Plan and other such requirements and therefore concludes that the application remains in the public interest.

Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide a suitable service to the public. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, is consistent with the intentions of the relevant

planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions.

Attachments

AT - 1 Assessment Report - *(Distributed under separate cover).*

AT - 2 Recommended Conditions - *(Distributed under separate cover).*

AT - 3 Heritage Report and Addendum Report - *(Distributed under separate cover).*

AT - 4 Hydraulic Set - *(Distributed under separate cover).*

AT - 5 Kurrajong External Finishes Board - *(Distributed under separate cover).*

AT - 6 Letter prepared by Sparkes Partners Engineers - *(Distributed under separate cover).*

AT - 7 Letter prepared by Traffix - *(Distributed under separate cover).*

AT - 8 LPP Item Responses - *(Distributed under separate cover).*

AT - 9 Plan of Management - *(Distributed under separate cover).*

AT - 10 Traffic Report - *(Distributed under separate cover).*

AT - 11 Acoustic Report - *(Distributed under separate cover).*

AT - 12 Hydraulic Services Report - *(Distributed under separate cover).*

AT - 13 Plans used during assessment - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

2.1.2. HLPP – CP - DA0491/24 - 1 The Driftway, South Windsor – (144940)

Directorate: City Planning

DEVELOPMENT INFORMATION

Development Application No.	DA0491/24
Date Received	13 November 2024
Proposal	Waste Management Facility – Construction of three temporary all-shelter buildings at the existing waste management facility.
Estimated Cost	\$330,000.00
Legal Description	Lot 192 DP 729625 & Lot 194 DP 823986
Property Address	No.1 The Driftway SOUTH WINDSOR NSW 2756
Area	14.98 hectares
Zoning	SP1 – Waste Management Facility
Applicant	Hawkesbury City Council
Owner	Hawkesbury City Council
Exhibition Dates	20 December 2024 – 7 February 2025
Submissions	1 Submission
Recommendation	Approval subject to conditions

EXECUTIVE SUMMARY

Reason for Consideration by the Local Planning Panel

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Hawkesbury Local Planning Panel for determination as the application relates to development on Council owned land.

Proposal

The proposal seeks consent for the construction of three temporary all-shelter buildings at the existing waste management facility for the storage of materials, plant and infrastructure. A breakdown of the proposal is provided below:

- Installation of three (3) Container Mounted Dome Structures (CMDS) comprising 40 x 20 foot shipping containers with a fabric awning in an arched form and gravel surface base. Each CMDS will be used as follows:
 - Shelter Site 1
 - To be used to store dry and inert waste materials including domestic kerbside recyclables, paper and cardboard, scrap metal and mattresses.
 - Site equipment such as bulldozers, excavators and front-end loaders would also be stored.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- Shelter Site 2
 - To accommodate the Municipal Solid Waste (MSW) processing trial demonstration plant. The plant will bioprocess organic putrescible waste and incorporate a mechanical process to convert residual inorganics and undigested organics into substitute high carbon and hydrogen feedstock to be sold as a substitute for coal and metallurgical coke in the form of synthetic coal. The synthetic coal will be stored onsite for a maximum of two (2) days prior to dispatch to an external processing facility.
- Shelter Site 3
 - To be used for the storage of Geotech fabric that is utilised to secure infilling. Currently, the Geotech fabric is stored in the open at the proposed location of Shelter 3.
- Upgrade part of the existing internal access road to an all-weather road with aggregate.

Note: No changes are proposed to be made to the materials currently received at the Hawkesbury Council Waste Management Facility. The proposal seeks consent for the construction of the shelter structures only.

Permissibility

The use of the site is defined as “Waste or Resource Management Facility”. The development is defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“waste or resource management facility means any of the following-

- *a resource recovery facility,*
- *a waste disposal facility,*
- *a waste or resource transfer station,*
- *a building or place that is a combination of any of the things referred to in paragraphs (a)-(c)”*

Specifically, the proposed development best falls under the definition of “Waste Disposal Facility”, defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.”

It is noted that under the SP1 Waste Management Facility zone, the proposed use is permissible, subject to development consent.

Consultation

The application was notified in accordance with Council’s Community Participation Plan.

The notification periods were as follows:

Notification: 20 December 2024 to 7 February 2025:

- A total of one (1) submission was received during the notification period.

Key issues

The proposal relates to alterations and additions to an existing waste management facility. While the majority of the proposed works simply involve providing shelter buildings comprising of shipping containers and fabric awning, the proposal also seeks to introduce a Municipal Solid Waste (MSW) processing trial demonstration plant. This plant is proposed to convert residual inorganics and undigested organics into substitute high carbon and hydrogen feedstock to be sold as a substitute for coal and metallurgical coke in the form of synthetic coal. The synthetic coal will be stored onsite for a maximum of two (2) days prior to dispatch to an external processing facility.

An operational trial period of 12 months from the issue of an occupation certificate is recommended with regard to the MSW Processing Plant. This trial period will provide Council the opportunity to review the operation of the MSW Processing Plant and assess any impacts generated by the operation. In this regard, Hawkesbury Council will undertake a review of audit results and the operation of the plant during the first year of operations and determine whether the operation of the plant is extended beyond the 12-month period or is to be decommissioned and removed from site.

The application has been assessed against the landfill provisions contained within Part D, Chapter 7 of the Hawkesbury Development Control Plan 2002 (section 9 of this report) and has been found to be satisfactory for the following reasons:

- No land clearing is required to accommodate the proposed works.
- The site is not located in proximity to a riverbank or foreshore area.
- The proposed shelter structures will provide weather protection to waste storage areas, minimising the potential impacts of runoff and leachate.
- The proposed development aligns with existing and historical operations onsite. As such, no additional/revised maintenance program is required for the ongoing management of the facility, especially considering that the proposed works occur on existing portions of the site that is clear of structures and vegetation.

The subject Development Application has been assessed having regard to the applicable planning controls and it is considered that the proposed development is satisfactory. In this respect, it is recommended that the subject Development Application be approved, subject to conditions.

RECOMMENDATION

Pursuant to Section 4.16 (1)(b) of the Environmental Planning and Assessment Act, 1979:

That

- The Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0491/24 for the construction of three (3) temporary all-shelter buildings at the existing waste management facility for the storage of materials, plant and infrastructure at 1 The Driftway, South Windsor, for the following reasons:
 - The proposed development is permissible in the SP1 Waste Management Facility zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- The proposed development will result in the enhancement of the existing Hawkesbury Council Waste Management Facility.
 - The proposed development does not impact the operation or amenity of surrounding properties.
 - The operational management of the proposed development is considered satisfactory and contains measures to mitigate and minimise impacts to the surrounding locality.
 - The development would not create unreasonable demands for the provision or extension of public amenities and services; and
 - For the reasons given above, approval of the application is in the public interest.
- That those who made a submission, be advised of the decision of the Hawkesbury Local Planning Panel.

BACKGROUND

Site Description & Conditions

The subject site has a total site area of 14.98 hectares and is currently used as the Hawkesbury Council Waste Management Facility. The facility is centrally located within the site, with vegetated screening running along the site frontages to The Driftway and Blacktown Road.

The location of the subject site, aerial image, Architectural Plans and photographs in Figures 1-11 below.



Figure 1. Site Location (Source: SIX Maps)

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025



Figure 2. Aerial view of subject site (Source: SIX Maps).



Figure 3. Zoning Map (Source: NSW eSpatial viewer)



Figure 4. Location Plan prepared by SA Design

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

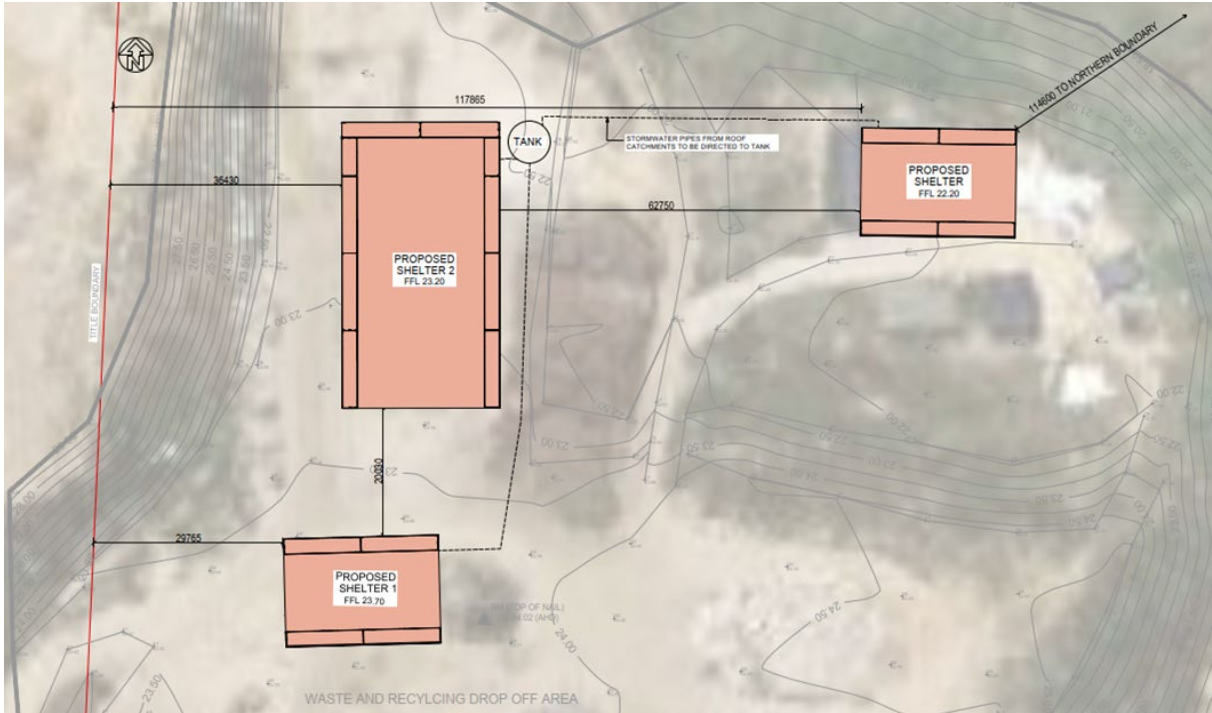


Figure 5. Site Plan prepared by SA Design.

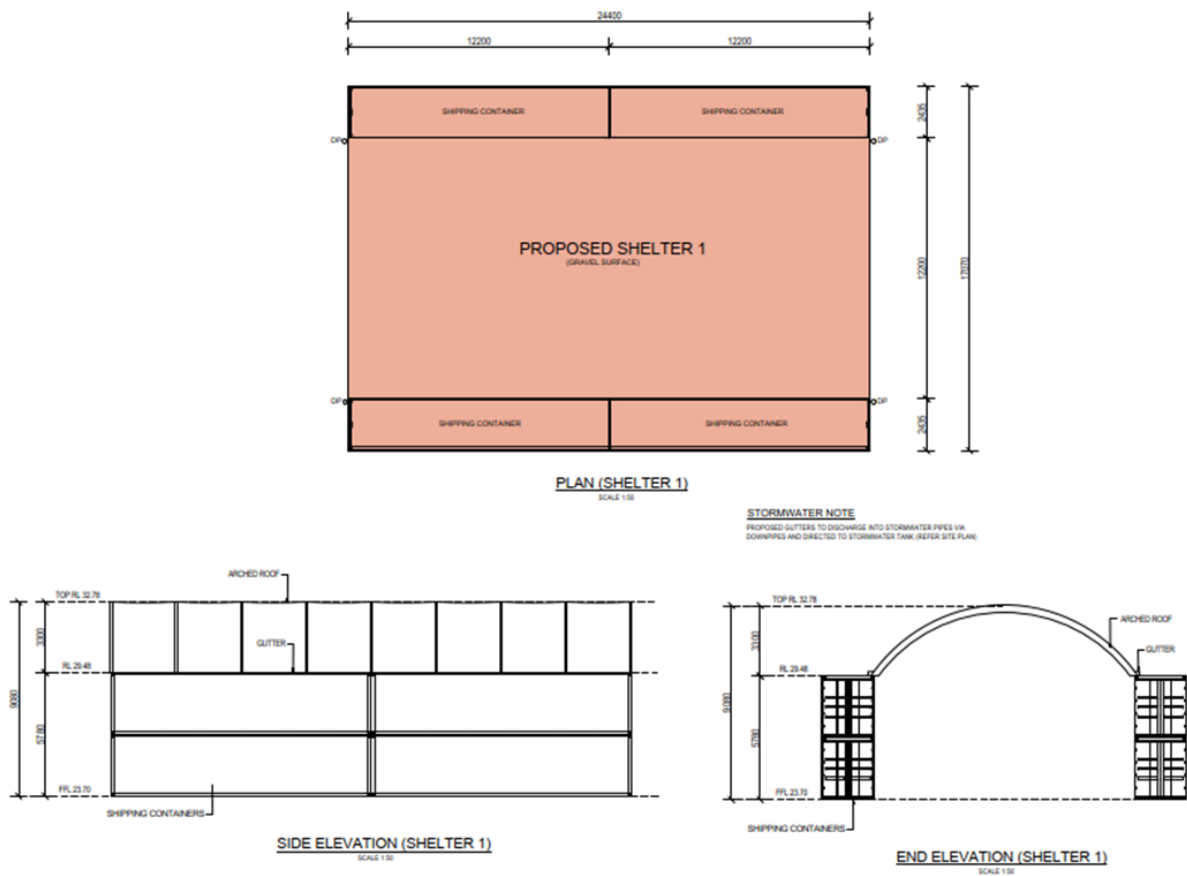


Figure 6. Shelter 1 details prepared by SA Design.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

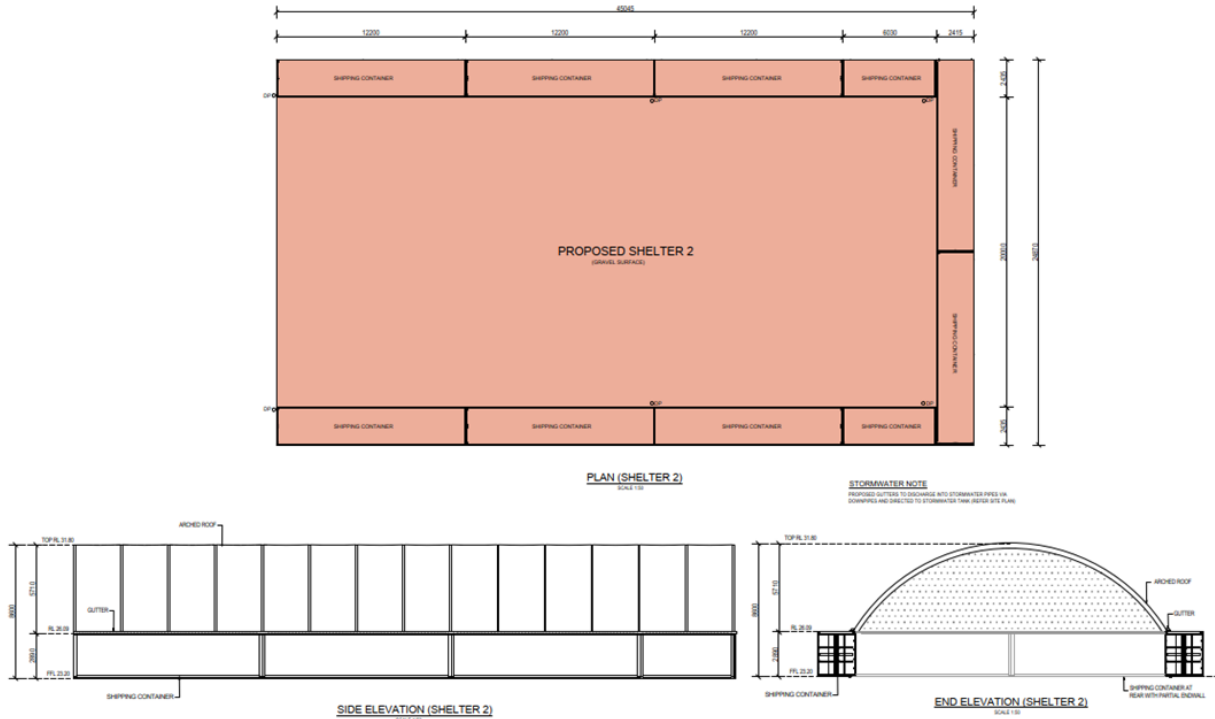


Figure 7. Shelter 2 details prepared by SA Design.

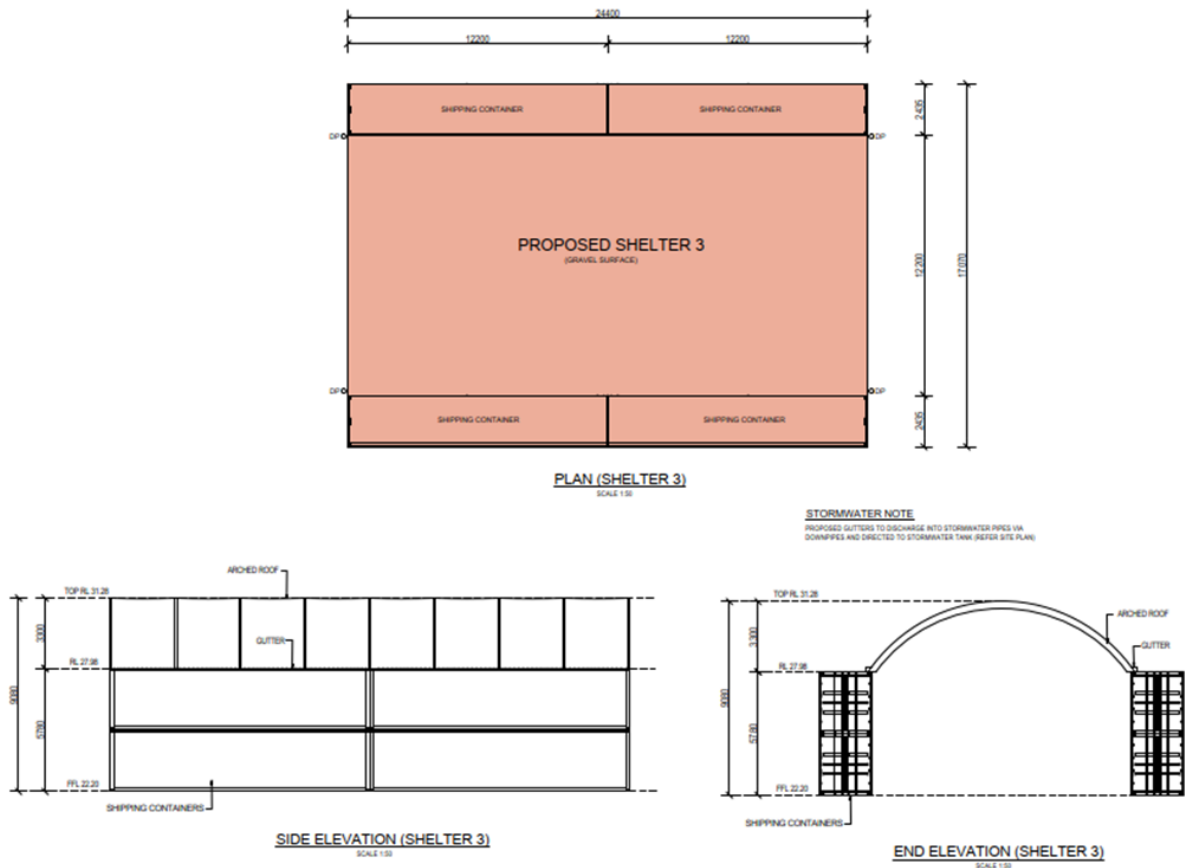


Figure 8. Shelter 3 details prepared by SA Design.



Figure 9. Proposed location of Shelter 1.



Figure 10. Proposed location of Shelter 2.



Figure 11. Proposed location of Shelter 3.

3. Relevant Site History

Date	Comment
28/10/2008	DA0424/08 – DA approval for alterations to an existing waste management facility incorporating new waste drop-off and retrieval area, revision of internal access roadways and construction of an education/training/amenities building.
07/04/2017	DA0005/17 – DA approval for construction of a community resource recovery facility.
21/11/2017	S960126/17 – Modification approval to DA0005/17 to allow for the installation of waterproof shade cover to waste transfer area.
23/10/2024	DA0491/24 (Current Application) lodged.

4. The Proposal

The proposal seeks consent for the construction of three temporary all-shelter buildings at the existing waste management facility for the storage of materials, plant and infrastructure.

The proposed development consists of specifically:

- Installation of three (3) Container Mounted Dome Structures (CMDS) comprising 40 x 20 foot shipping containers with a fabric awning in an arched form and gravel surface base. Each CMDS will be used as follows:
 - Shelter Site 1
 - To be used to store dry and inert waste materials including domestic kerbside recyclables, paper and cardboard, scrap metal and mattresses.
 - Site equipment such as bulldozers, excavators and front-end loaders would also be stored.
 - Shelter Site 2
 - To accommodate the Municipal Solid Waste (MSW) processing trial demonstration plant. The plant will bioprocess organic putrescible waste and incorporate a

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

mechanical process to convert residual inorganics and undigested organics into substitute high carbon and hydrogen feedstock to be sold as a substitute for coal and metallurgical coke in the form of synthetic coal. The synthetic coal will be stored onsite for a maximum of two (2) days prior to dispatch to an external processing facility.

- Shelter Site 3
 - To be used for the storage of Geotech fabric that is utilised to secure infilling. Currently, the Geotech fabric is stored in the open at the proposed location of Shelter 3.

Note: No changes are proposed to be made to the materials currently received at the Hawkesbury Council Waste Management Facility (HCWMF). The proposal seeks consent for the construction of the shelter structures only.

No changes are proposed to the hours of operation or number of staff employed at the HCWMF. For clarity, the existing operational details are as follows:

Hours of operation	<u>Monday - Friday</u> 6:00am – 7:00am – Unloading of waste only. No compaction. 7:00am – 6:00pm – All landfilling operations. 6:00pm – 7:00pm – All landfilling operations. 7:00pm – 6:00am – No landfilling operations are permitted. <u>Saturday - Sunday</u> 6:00am – 7:00am – No land filling operations are permitted. 7:00am – 6:00pm – All landfilling operations. 6:00pm – 7:00pm – No landfilling operations are permitted. 7:00pm – 6:00am – No landfilling operations are permitted.
Staff	Ten (10) full-time staff.

Note: The proposed operational hours for the MSW processing plant are recommended to operate in accordance with the existing operating hours of the waste management facility, subject to a 12 month trial period.

Upon the completion of the twelve (12) month trial period, if no formal extension of the MSW Processing Plant is agreed by all parties involved, the plant is to be decommissioned and removed from the site. Shelter 2 may be retained onsite for the storage of waste materials.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

5. Relevant Application History

Date	Comment
23/10/2024	Application submitted to Council.
20/12/2024 – 07/02/2025	Notification round provided to the public.
16/01/2025	Site inspection undertaken

6. Referrals

Stakeholder	Comment
Development Engineering	<p><u>Flooding Comments:</u></p> <p><i>“The site is flood affected, but the location of proposed development is outside of the flooding areas as shown in the 1% AEP flood map.”</i></p> <p><u>Traffic comments</u></p> <p><i>“It is fine to use existing access and associated established internal road.</i></p> <p><i>Supporting swept path plan for the largest vehicles expected in-use: B-Double to demonstrate adequate spaces available for vehicles safely manoeuvring. All vehicles can be ingress and egress the property and facilities in a forward direction.</i></p> <p><i>In the Statement of Environmental Effect, it is noted that 68 light vehicle per day and 15-20 heavy vehicles per day are current traffic status. Due to proposed development, up to 18 heavy-vehicle movements per week and up to 10 light vehicle movements per day will be generated. This minor increase in an existing industry site doesn't trigger a Traffic Report or Traffic Impact Assessment.”</i></p> <p><i>“Additional traffic due to proposed development is likely to be minor and unlikely to impact existing situation. However, there is an objection from a public of the proposed development in relation to existing traffic hazard at The Driftway Road intersection at the waste facility entry point. This may be an existing situation and the proposed minor traffic increase due to the development is unlikely to exacerbate the existing situation.</i></p> <p><i>It is also noted that The Driftway is proposed to be upgraded between Blacktown Road and Londonderry, and this may address the road safety issue in the near future.”</i></p> <p><u>Stormwater Management Comments</u></p> <p><i>“If the application is solely related to installation of three shelters and no civil work (road and site stormwater management) is proposed under the DA, then no engineering referral and engineering conditions is required for this DA.”</i></p> <p>Planners Note:</p> <p>Clarification was sought as to whether any civil works were proposed as part of the application. Council's Resource Recovery Manager responded to confirm</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Stakeholder	Comment
	that the only works that require approval are the three shelters. Stormwater management will continue to occur in accordance with the Protection of Environmental Operations Act and the facility's Environmental Protection Licence. As such, no further engineering referral or conditions are required for this application.
Environmental Health	<p><i>"I have noted the SEE for this application at Doc#8984088.</i></p> <p><i>It is noted within the document that there will be no changes to the activities at the site, and there will be no increase in waste as a result of the shelters. It is therefore considered that there will be no changes to the NSW EPA Licence as a result of the development.</i></p> <p><i>"it is noted that the proposal has been designed to preclude earthworks in order to avoid the disturbance or exposure of historically buried waste. The proposed development aligns with existing and historical operations onsite, involving the storage and management of municipal waste." Only minor levelling works will be required prior to a gravel base to be laid.</i></p> <p><i>It's unlikely that the works involved for installing the shipping containers would generate any more noise than what may normally be experienced at the site. The development will only attract a limited number of additional vehicles where the noise has been assessed in the SEE.</i></p> <p><i>EHOs will therefore not need to apply any conditions to the proposal if Council approves it."</i></p>
Property	<i>No issues with the application.</i>
	External Referrals
	No external referrals were required.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy – (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021 ;
- Hawkesbury Local Environmental Plan 2012 (LEP 2012);
- Hawkesbury Development Control Plan 2002 (HDCP 2002); and
- Hawkesbury Council Flood Policy 2020

7.2 State Environmental Planning Policy – Biodiversity & Conservation 2021.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. An assessment against Chapters 2 and 6 of the SEPP has been undertaken.

Chapter 2 Vegetation in non-rural areas

The aims of the chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

No tree or vegetation removal is required to accommodate the proposed works. Therefore, no further assessment is necessary.

Chapter 6 Water Catchments

The aims of the chapter are to protect certain water catchments. The Hawkesbury-Nepean Catchment is one of these catchments and the subject site falls within this catchment.

Division 4, Clause 6.22 of the SEPP outlines the following controls in relating to waste or resource management facilities:

- Development for the purposes of waste or resource management facilities is prohibited on flood liable land in the Georges River Catchment.
- Development consent must not be granted to development for the purposes of waste or resource management facilities on land in a regulated catchment unless the consent authority is satisfied of the following:
 - an adequate site management plan has been prepared in relation to the development,
 - the development includes adequate leachate surface controls,
 - the final landform of the development on the site will be stable in the long term.

With respect to subclause (1), the subject site is not located within the Georges River Catchment. In terms of subclause (2), the proposal relates to the installation of shelter buildings to an existing waste management facility. As such, no changes are proposed to the type and volume of materials currently received at the HCWMF. Nevertheless, a stormwater management plan has been prepared by SMEC and submitted with the proposal, The management plan indicates the existing strategies undertaken on site to ensure leachate generation and runoff are limited and managed appropriately.

7.3 State Environmental Planning Policy – Resilience & Hazards 2021

The requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPPRH) apply to the subject site. An assessment against Chapters 3 and 4 has been undertaken.

Chapter 3 – Hazardous and offensive development

Chapter 3 of SEPPRH applies to proposals falling under the definition of '*potentially hazardous industry*' or '*potentially offensive industry*'. The waste management facility involves the collection of waste that has the potential to be hazardous to human life and emit odours. As such, the existing waste management facility is considered to be both a potentially hazardous and offensive industry.

The proposed development relates to the installation of shelter structures to an existing waste management facility. While a Municipal Solid Waste (MSW) processing trial demonstration plant is proposed within Shelter 2, this plant will process the waste already accepted at the site, with no change proposed to the quantity of waste accepted onsite. Thus, the existing procedures and management of waste types on site will remain unchanged.

Overall, the proposed development will not result in any further activities that worsen the potentially hazardous and/or offensive nature of the existing waste management facility. As such, the proposal is not considered to constitute a hazardous or offensive industry beyond what is currently undertaken on the site.

Chapter 4 – Remediation of land

In accordance with Chapter 4 of SEPPRH, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The proposal relates to the installation of shelter structures to an existing waste or resource management facility. The continued use of the facility is appropriate for the current use and zoning of the land. Therefore, as the facility is licenced by the EPA as a waste management facility, the proposed development is considered appropriate and suitable for the site.

7.4. State Environmental Planning Policy – Transport and Infrastructure 2021

7.4.1 Chapter 2 - Infrastructure

Chapter 2, Part 2.3, Division 23 of State Environmental Planning Policy – Transport and Infrastructure 2021(SEPPTI) relates to development of waste or resource management facilities. Clause 2.153 of the SEPP allows waste or resource management facilities to be considered within prescribed zones with consent. However, as the proposal is permitted with consent under the Hawkesbury LEP 2012, the application does not rely on the SEPPTI for permissibility. No further considerations are required.

8. Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the HLEP 2012 for the proposed development are outlined below:

8.1. Clause 1.2 Aims of plan.

The aims of the plan are outlined as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

- to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.
- to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,
- to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,
- to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,
- to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,
- to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,

- to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

The application is made to promote and manage the orderly and economic development of the site as a waste or resource management facility. As discussed below in this report, the application has considered the context of the immediate locality and is made subservient to the controls found under the Hawkesbury Local Environmental Plan 2012 and the Hawkesbury Development Control Plan 2002. It is therefore recognised that the proposed development aligns with the aims of the plan.

8.2. Clause 2.3 Zone objectives and Land use table.

The site is zoned SP1 – Waste Management Facility under the Hawkesbury Local Environmental Plan 2012. The aims and objectives for the SP1 zone in clause 2.3 zone objectives are as follows:

- To provide for special land uses that are not provided for in other zones.

Comment:

The application seeks to install three all shelter buildings within an existing waste management facility. The site is specifically zoned for the purpose of a waste management facility.

- To provide for sites with special natural characteristics that are not provided for in other zones.

Comment:

The subject site is currently used as a waste management facility and no change is proposed to the use. No tree or vegetation removal is required to accommodate the proposed works.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

Comment:

The proposed development seeks the installation of structures that will support and enhance the existing use of the site as a waste management facility. The operating area of the facility is significantly setback from the site boundaries, thus the proposed works will result in minimal to no impacts on the surrounding land.

8.3 Permissibility

The use of the site is most accurately defined as “Waste or Resource Management Facility”. The development is defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“waste or resource management facility means any of the following-

- *a resource recovery facility,*
- *a waste disposal facility,*
- *a waste or resource transfer station,*
- *a building or place that is a combination of any of the things referred to in paragraphs (a)-(c)”*

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

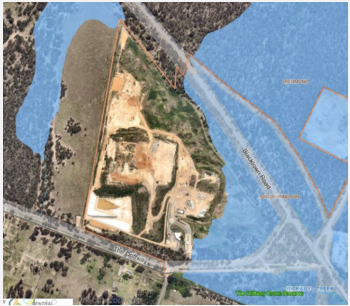
Meeting Date: 27 February 2025

Specifically, the proposed development best falls under the definition of “Waste Disposal Facility”, defined under the Hawkesbury Local Environmental Plan 2012 as follows:

“waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.”

It is noted that under the SP1 Waste Management Facility zone, the proposed uses are permissible, subject to development consent.

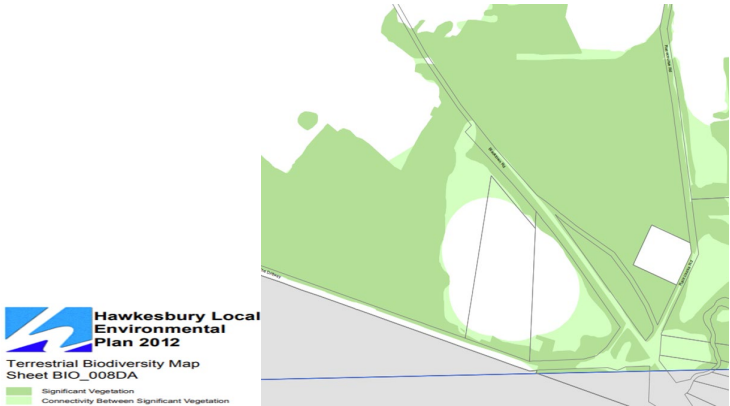
8.4 Development Provisions

Clause	Comment
	Part 4 – Principal development standards
Clause 4.3 Height of buildings Control: N/A. Proposed: 9.08m	N/A No maximum building height is specified for the site.
Clause 4.6 Exceptions to development standards	The proposed development does not seek any variation to development standards.
	Part 5 – Miscellaneous provisions
5.1A Development on land intended to be acquired for public purposes	The deposited plans do not demonstrate that the site is or will be subject to future land acquisition.
5.10 Heritage conservation	The site is not located within a heritage conservation area nor is it identified as containing a heritage item. No heritage items are located in proximity to the subject site.
5.21 Flood planning	As noted by Council’s Development Engineer, the site is flood affected, however the location of the proposed development is outside of the flooding area shown below in the 1% AEP flood map. No further considerations are necessary.
	<p align="center">Approximate location of proposed works</p> 
	Figure 12: 1% AEP Flood Map
	Part 6 – Additional local provisions

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Comment
6.1 Acid sulfate soils	The site is mapped as containing class 5 acid sulfates. However, no other classes of acid sulfate soils are located within 500m of the subject site. No further considerations are necessary.
6.4 Terrestrial biodiversity	<p>A portion of the site is identified on Hawkesbury LEP 2012 Terrestrial Biodiversity Map as containing “significant vegetation” and “connectivity between significant vegetation.” The majority of this vegetation is located within the southern and eastern portions of the site (see Figure 13 below).</p>  <p>Figure 13. Terrestrial Biodiversity Map (Source: Hawkesbury LEP 2012).</p> <p>The location of the proposed structures occur within existing cleared areas of the waste management facility. As such, no tree or vegetation removal is required to accommodate the proposed works. In accordance with Clause 6.4, Council is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
6.6 Development in areas subject to aircraft noise	The site is not subject to aircraft noise.
6.7 Essential services	<p>Yes</p> <p>The proposal relates to alterations and additions to an existing waste management facility. Essential services required for the operation of the facility are already provided on site. The proposed works do not require additional services.</p>

9. Hawkesbury Development Control Plan 2002

A consideration of Part C of the Hawkesbury Development Control Plan 2002 is provided below.

Clause	Compliance
	Chapter 1 Landscaping
1.1.2 Landscaping	<p>N/A.</p> <p>Note: The proposal relates to alterations and additions to an existing waste management facility. The location of the proposed structures occur within existing cleared areas of the waste management facility and thus no vegetation or tree removal is required.</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
Clause	Compliance
	Chapter 4 Soil Erosion and Sediment Control
<p>4.3 Guidelines For Earthworks and Erosion Control</p> <p>Control:</p> <p>To minimise soil erosion, measures may be required during earthworks.</p>	<p>Yes</p> <p>Note: A stormwater management plan has been prepared by SMEC and submitted with the proposal. The management plan indicates the existing strategies in place to ensure sedimentation and erosion are limited and managed appropriately.</p> <p>Stormwater management at HCWMF is controlled in accordance with the facility's Environmental Protection Licence conditions and the Protection of the Environment Operations (POEO) Act. The existing stormwater dams and drainage infrastructure ensure all runoff remains on-site. The construction of the three all-shelters will not impact this system, as stormwater will continue to be managed in line with the approved Stormwater Management Plan and site-wide drainage measures.</p> <p>Nevertheless, the proposed shelters will provide weather protection to waste material storage areas, reducing the extent of soil erosion during storm events.</p>

A consideration of Part D of the Hawkesbury Development Control Plan 2002 is provided below.

Clause	Compliance
	<p>Chapter 7 Landfill</p> <p>7.1 – General principles</p> <ul style="list-style-type: none"> • <i>allow alteration of land where it enhances the development and/or use of the land;</i> • <i>ensure that no adverse impact results on local drainage or floodway characteristics in a catchment from landfill works;</i> • <i>ensure that fill material is satisfactory in terms of compaction, type and characteristics in order to mitigate against potential problems such as landslip, soil erodibility, sedimentation or siltation of natural watercourses or drainage lines;</i> • <i>ensure that appropriate environmental measures are applied to landfill/earthwork sites in order to conserve the landscape and protect the surrounding environment;</i> • <i>establish, maintain and promote appropriate site rehabilitation or revegetation techniques for landfill works in order to ensure properties are not sterilised</i>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
	<p><i>for future land uses and protect the surrounding environment;</i></p> <ul style="list-style-type: none"> • <i>maintain and enhance the visual and scenic quality of locality by controlling form, bulk and scale to complement the environment and have minimum environmental impact;</i> • <i>ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);</i> • <i>protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;</i> • <i>protect the health and safety of human residents;</i> • <i>maintain water quality within the Hawkesbury Catchment area; and</i> • <i>ensure that degradation of the environment does not recur from acid sulphate soils, sodic soil or saline soils.</i>
	7.3 General Landfill Requirements
<p>7.3.1 Council Consent</p> <p>Rules:</p> <p>Any DA for landfill/earthworks should contain sufficient documentation to demonstrate that:</p> <ul style="list-style-type: none"> • soil erosion will be controlled; • filling will have no adverse effect on the surrounding drainage systems (including overland flow); • the height, scale and bulk of the fill will be in character with the surrounding topography (batter slopes and finished levels are particularly important) and will not be visually intrusive; and • that fill material will be capable of sustaining plant growth and the proposed plant material is in character with the surrounding landscape. 	<p>Yes.</p> <p>The proposal relates to the installation of shelter structures on existing cleared portions of the site. As such, only minor levelling work is required to accommodate the proposed development. No extensive excavation or filling works are proposed.</p>
<p>7.3.2 Riverbank/Foreshore Reshaping, Regrading and Stabilisation</p>	<p>N/A.</p> <p>The site is not located in proximity to a</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
<p>Rules:</p> <p>The filling, reshaping or regrading of foreshore/riverbank lands is only permissible in situations where no material is removed from the subject property.</p>	<p>riverbank or foreshore area.</p>
<p>7.3.3 Temporary Stockpiles</p> <p>Rules:</p> <p>Any temporary stockpiling of fill material must also be identified in a DA, with supporting plans to address the following matters/issues:</p> <ul style="list-style-type: none"> • location and configuration of fill stockpiles; • land clearing and other proposed preparation requirements; • proposed depth of stockpiled materials; • proposed soil erosion/sedimentation mitigation measures; • possibility of leachate resulting from fill stockpiles and their potential effect on the surrounding land, and ecosystems; • quality, quantity and characteristics of stockpiled fill material; and • proposed period of stockpiles. 	<p><u>Planners Note:</u></p> <p>The proposal does not involve the stockpiling of temporary fill. However, as waste materials will be stored under the proposed shelters, a merit-based assessment of part 7.3.3 of the DCP has been undertaken.</p> <p>The proposed development involves the installation of three (3) temporary shelter structures on the site. The location of these structures has been identified within the submitted plans. No land clearing is required to accommodate the proposed works.</p> <p>As previously noted, a stormwater management plan has been prepared by SMEC and submitted with the proposal. The management plan indicates the existing strategies undertaken on site to ensure erosion, leachate generation and runoff are limited and managed appropriately. Additionally, the proposed shelter structures will provide weather protection to the waste materials, thereby reducing the generation of erosion and leachate during storm events.</p>
<p>7.3.4 Maintenance</p> <p>Rules:</p> <p>A maintenance program should be required detailing the frequency of inspection, and provisions for the repair of damaged structures and vegetation.</p>	<p>Yes</p> <p>As noted by the Environment Waste Officer, the proposed development aligns with existing and historical operations onsite, involving the storage and management of municipal waste. As such, no additional/revised maintenance program is required for the ongoing management of the facility, especially considering that the proposed works occur on existing portions of the site that is clear of structures and vegetation.</p>
<p>7.3.5 Removal/Reinstatement or Removal/Rehabilitation</p> <p>Rules:</p> <p>In some cases it may be necessary for unauthorised landfill to be removed from a site. In such instances the applicant will be required to consult with the EPA to determine an approved</p>	<p>N/A.</p> <p>The proposal relates to the alterations and additions to an approved waste management facility. No unauthorised fill is located on site.</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
location to dispose of the subject filling material.	
<p>7.3.6 Aboriginal/Archaeological Sites</p> <p>Rules:</p> <p>Applicants for landfill within the rural and environmental protection scenic areas of Hawkesbury should consult with the National Parks and Wildlife Service to determine whether or not the subject site is affected by an Aboriginal habitation site, or a matter of archaeological significance.</p>	<p>N/A.</p> <p>The site is zoned SP1 Waste Management Facility. The proposal relates to alterations and additions to an existing waste management facility.</p>
<p>7.3.7 Limited Consent</p> <p>Rules:</p> <p>The filling, reshaping or associated alteration of land may be subject to a limited consent period in order to guarantee timely completion of works. This limited period includes all landfill works and final site rehabilitation works.</p>	<p>Yes.</p> <p>The Municipal Solid Waste (MSW) processing trial demonstration plant proposed within Shelter 2 will be subject to an operational trial period of 12 months from the issue of an occupation certificate. An appropriate condition has been proposed.</p>

10. Hawkesbury Development Control Plan 2023

The Hawkesbury Development Control Plan 2023 was adopted by Council on 22 November 2022, and commenced on 24 July 2023. The Hawkesbury Development Control Plan 2023 revoked the following Chapters of Hawkesbury Development Control Plan 2022:

- Car Parking and Access
- Effluent Disposal
- Heritage Conservation

The proposed development does not relate to any works to a heritage item or within a heritage conservation area nor relates to effluent disposal. However, the proposal does involve minor works to existing internal access roads within the facility, an assessment against the provisions of Chapter 5 of the Hawkesbury Development Control Plan 2023 relevant to the proposal has been undertaken below.

Clause	Compliance
	<p>Chapter 5: Traffic, Access, Street Design and Parking</p> <p>3. Objectives</p> <p><i>The primary objectives of this Chapter are to:</i></p> <ul style="list-style-type: none"> • <i>Ensure pedestrian and traffic safety and achieve a balance between the needs of proposed development and the needs of vehicular and pedestrian traffic and cyclists.</i> • <i>Provide streets that are safe, functional and comfortable for</i>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

Clause	Compliance
	<p><i>all users (vehicles, cyclists and pedestrians).</i></p> <ul style="list-style-type: none"> • <i>To integrate parking facilities within the design of the development to ensure adequate traffic safety and management, integration with the streetscape and acceptable environmental and sustainability outcomes.</i> • <i>Ensure that adequate provision is made for off-street parking and loading of passenger and service vehicles generated by new developments and redevelopments, including visitor parking.</i> • <i>Ensure the provision of sufficient and suitably located parking for persons with a disability, cyclists, and motorcyclists within developments.</i> • <i>To protect neighbourhood amenity and safety in the design and operation of all parking, loading and service facilities.</i> • <i>To ensure streets and related infrastructure and designed for a high level of convenience for all users, and economy of construction and maintenance,</i> • <i>To encourage use of sustainable forms of transport, including public transport.</i> • <i>To ensure that all road safety measures are considered and accounted for in the design of the development.</i>
<p>4.1 Off Street Parking Rates</p> <p>Performance Criteria:</p> <p>Provide off street car, bicycle and motorcycle parking requirements to meet the needs of the development.</p>	<p>N/A.</p> <p>The Table 1 Parking rates identified in the Hawkesbury DCP 2023 note that parking for waste management facilities is based on a merit assessment.</p> <p>The proposed works do not alter the existing car parking spaces afforded to the site. Moreover, the proposed alterations and additions do not significantly alter the existing operations of the waste management facility. In this circumstance, no changes to the existing parking provisions available on the site are necessary.</p>
<p>4.2 Parking Design Requirements</p> <p>Performance Criteria:</p> <p>Adoption of relevant standards and guidelines.</p>	<p>Yes.</p> <p>Council's Development Engineer has reviewed the proposal and confirmed that adequate space is available on site to allow for safe B-Double Vehicle manoeuvring. All vehicles are able to ingress and egress the site in a forward direction.</p>

11. Development Contributions

Pursuant to Council's adopted Section 7.12 Contributions plan, a development contribution is **not required** to be paid as development conducted by Council is exempt from the payment of contributions.

12. EP&A Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection will be covered under the recommended conditions of consent.

13. The likely impacts of the development

The application as proposed will result in minimal impacts given the existing circumstances of the site. The proposal relates to the installation of shade structures and a trial demonstration processing plant to an existing waste management facility. The proposed structures are located in the inner portion of the site and will not be identifiable from any public road. Access to these structures will be controlled by the existing entrance/exit booth at the southern (front) portion of the site, preventing opportunities for unauthorised access into the proposed shelters.

The proposal seeks to provide shelter structures and process existing waste collected onsite, thus no change to the existing type and quantity of waste accepted onsite will occur. The proposed shelter structures will provide weather protection to the waste storage sites, minimising the potential of stormwater runoff and leachate generation, improving the overall function and operation of the existing waste management facility.

An operational trial period of 12 months from the issue of an occupation certificate is recommended with regard to the MSW Processing Plant. This trial period will provide Council the opportunity to review the operation of the MSW Processing Plant and assess any impacts generated by the operation. In this regard, Hawkesbury Council will undertake a review of audit results and the operation of the plant during the first year of operations and determine whether the operation of the plant is extended beyond the 12-month period or is to be decommissioned and removed from site.

14. Suitability of the Site

The proposed works sought on the site are considered to be permissible under the Hawkesbury Local Environmental Plan 2012, especially noting that the proposal relates to alterations and additions to an existing waste management facility. The LEP is the guiding document for land uses and Council's development control plan provides guidance on how design may be achieved to address potential impacts that may arise with such land uses.

The subject site is currently zoned and utilised for the purpose of a waste management facility. Therefore, the proposed works, which relate to alterations and additions to a licenced waste management facility, are suitable to the site.

No change to existing access into the site is proposed. The additional traffic generated by the proposed development is likely to be minor and unlikely to impact the existing traffic conditions along The Driftway and Blacktown Road. It should be noted that The Driftway is proposed to be upgraded between Blacktown Road and Londonderry Road as part of Stages 1 and 2B of the Transport for NSW New Richmond Bridge project.

Overall, the impacts of development of been considered within the submitted documentation and assessment of the application. It is considered that the site is suitable for the proposed development.

15. Public Consultation

The application was notified in accordance with Council's community participation plan on one (1) occasion.

The notification period was as follows:

20 December 2024 – 7 February 2025

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 27 February 2025

- A total of one (1) submission was received during the notification period.

The issues raised in the submission have been summarised below. A response to each issue raised has been provided.

Issue	Response
<p>Heavy vehicle movements</p> <p><i>Concern is raised that the proposal will introduce a 50% increase of heavy vehicle movements to a portion of The Driftway that is poorly designed to cater for heavy haulage routes.</i></p>	<p>Council’s Development Engineer has reviewed the proposal and considered the potential traffic implications. The following comment was provided:</p> <p align="center"><i>“Additional traffic due to proposed development is likely to be minor and unlikely to impact the existing situation. However, there is an objection from the public to the proposed development in relation to existing traffic hazard at The Driftway Road intersection at the waste facility entry point. This may be an existing situation and the proposed minor traffic increase due to the development is unlikely to exacerbate the existing situation.</i></p> <p align="center"><i>It is also noted that The Driftway is proposed to be upgraded between Blacktown Road and Londonderry, and this may address the road safety issue in the near future.”</i></p> <p>The road upgrade referenced in the Council Engineer Referral relates to the Transport for NSW New Richmond Bridge Project. As part of Stages 1 and 2B of this project, The Driftway is proposed to be upgraded between Blacktown Road and Londonderry Road. In December 2024, Transport for NSW provided a “Have Your Say” package seeking feedback for Stage 2 of the project. Within this package it is advised that funding is committed for the delivery of upgrades and the installation of roundabouts to The Driftway intersections at Blacktown Road and Londonderry Road to improve safety. It is advised that construction on these works will start mid 2025 and be opened to traffic in 2026.</p> <p>Overall, while the proposed works are unlikely to exacerbate the existing situation, construction of upgrade works to The Driftway and Blacktown Road intersection will begin in 2025 and subsequently improve traffic flow and safety.</p>
<p>Location of the weighbridge</p> <p><i>Concern is raised that the location of the weighbridge will result in a bank up of the weighbridge spilling out to The Driftway, resulting in a hazardous bottleneck.</i></p>	<p>The application does not seek to alter the existing location of the weighbridge. Nevertheless, as noted above, Council’s Development Engineer has reviewed the proposal and determined that the proposed minor increase to traffic is unlikely to exacerbate the existing situation.</p>

16. Public Interest

Council considers that the proposed development has been developed in line with the key objectives of the Local Environmental Plan, Development Control Plan and other such requirements and therefore concludes that the application remains in the public interest.

17. Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide for an enhancement of the existing waste management facility. It is considered that the proposal sufficiently minimises adverse impacts on surrounding properties. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions.

Attachments

AT - 1 Recommended Conditions of Consent - *(Distributed under separate cover)*.

AT - 2 Plans used during assessment - *(Distributed under separate cover)*.

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Hawkesbury Local Planning Panel Meeting

End of Business Paper

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