



Hawkesbury Local Planning Panel

Date of meeting: 17 October 2024
Location: Council Chambers
Time: 10:00 AM

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

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1. PROCEDURAL MATTERS

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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.

2. REPORTS FOR DETERMINATION

2.1.1. HLPP - Disclosure of Interest and Other Matters Return - (95496)

Directorate: Corporate Services

PURPOSE OF THE REPORT

The purpose of this report is to table Pecuniary Interest Returns lodged by Hawkesbury Local Planning Panel Members.

EXECUTIVE SUMMARY

The Local Planning Panels Code of Conduct (the Code) contains the requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Panel Members. This report provides information regarding Returns recently lodged with the Chair by Panel Members.

RECOMMENDATION

That the Panel note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the Chair, have been tabled.

BACKGROUND

Part 4 of the Code requires Panel Members to make and lodge with the Panel Chair, a return in the form set out in Schedule 2 to the Code disclosing interests as specified in Schedule 1 to the Code within one month or prior to a Panel Member's first consideration of a Panel Matter, whichever occurs earlier after:

"a) becoming a panel member".

The Panel Chair must provide returns to the General Manager, who must keep a register of returns, and returns lodged are required to be tabled at the first meeting of the Panel after the last day the return is required to be lodged.

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DISCUSSION

The following Returns have been lodged under Clause 4.17(a) of the Code, and provided to Council:

Panel Member	Return Date	Date Lodged
Anthony Hudson	27 May 2024	30 September 2024
Mary-Lynne Taylor	27 May 2024	3 September 2024
Grant Christmas	27 May 2024	10 July 2024
Paul Berkemeier	11 June 2024	14 July 2024
Graham Brown	11 June 2024	30 July 2024
Garry Chapman	11 June 2024	18 July 2024
Stephen Davies	11 June 2024	1 October 2024
Marcia Doheny	11 June 2024	12 September 2024
Christopher Hallam	11 June 2024	27 September 2024
James Harrison	11 June 2024	11 September 2024
Glennys James	11 June 2024	21 July 2024
David Johnson	11 June 2024	10 July 2024
Elizabeth Kincade	11 June 2024	15 July 2024
Paul McFarland	11 June 2024	24 July 2024
Philip North	11 June 2024	12 July 2024
Sue Weatherley	11 June 2024	29 September 2024
Greg Woodhams	11 June 2024	9 July 2024
Katrina Hiltbrunner	11 June 2024	29 August 2024
Preeti Karan	11 June 2024	8 September 2024
Wayne Mitchell	11 June 2024	25 June 2024
Laura Scriven	11 June 2024	20 June 2024

Council received correspondence from the Department of Planning, Housing and Infrastructure on 27 May 2024 confirming the appointment of Anthony Hudson as Chair of the Hawkesbury Local Planning Panel and the appointment of Mary-Lynne Taylor and Grant Christmas as alternate Chairs.

Council resolved the appointment of the expert and community representatives on the Hawkesbury Local Planning Panel on 11 June 2024.

Attachments

There are no supporting documents for this report.

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION**

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2.1.2. HLPP - DA0120/22 - 27 Douglas Road, Kurrajong Heights - (144940, 96329)

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	3,923m2
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
Submissions	<u>1st round (26 May 2022 – 09 June 2022):</u> ·142 Total Submissions (105 were deemed unique submissions). <u>2nd Round (16 August 2024 – 30 August 2024)</u> ·100 Total Submissions (91 were deemed unique submissions).
Recommendation	Approval subject to conditions

EXECUTIVE SUMMARY**1. 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.

2. 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
- 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.

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. Consultation

The application was notified in accordance with Council's community participation plan on two 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.

5. 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.

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- 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:

A. 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:

1. 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
2. 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.
3. 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.
4. The operational management of the proposed development is considered satisfactory and contains measures to mitigate and minimise impacts to the surrounding locality.
5. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
6. For the reasons given above, approval of the application is in the public interest.

B. That those who made a submission, be advised of the decision of the Hawkesbury Local Planning Panel.

BACKGROUND

1. 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.

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



Figure 1. Site Location

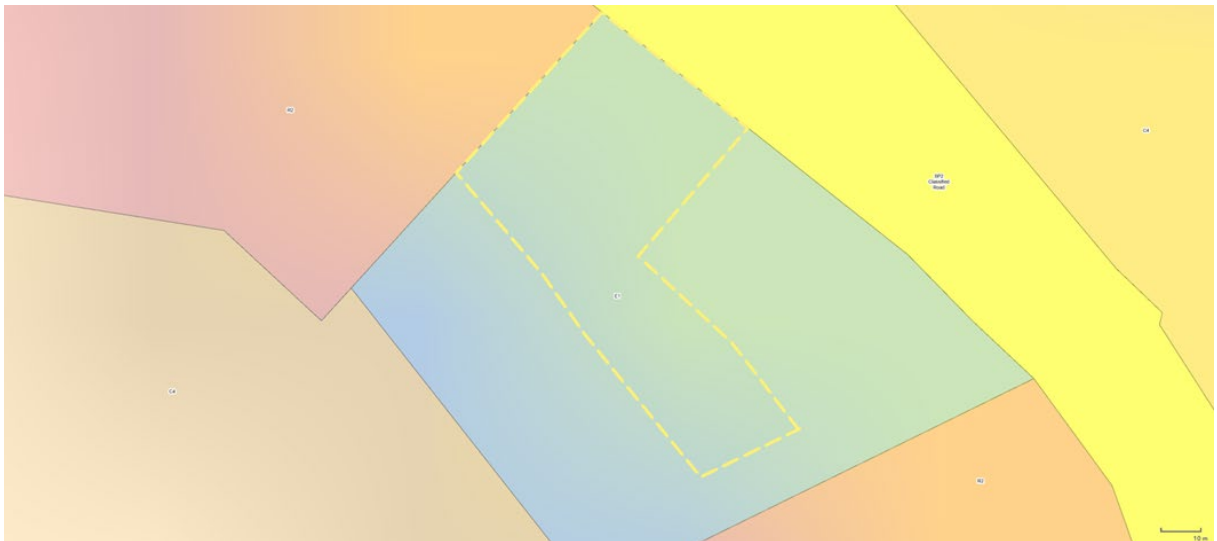


Figure 2. Zoning Map.

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Figure 3. Site Plan.

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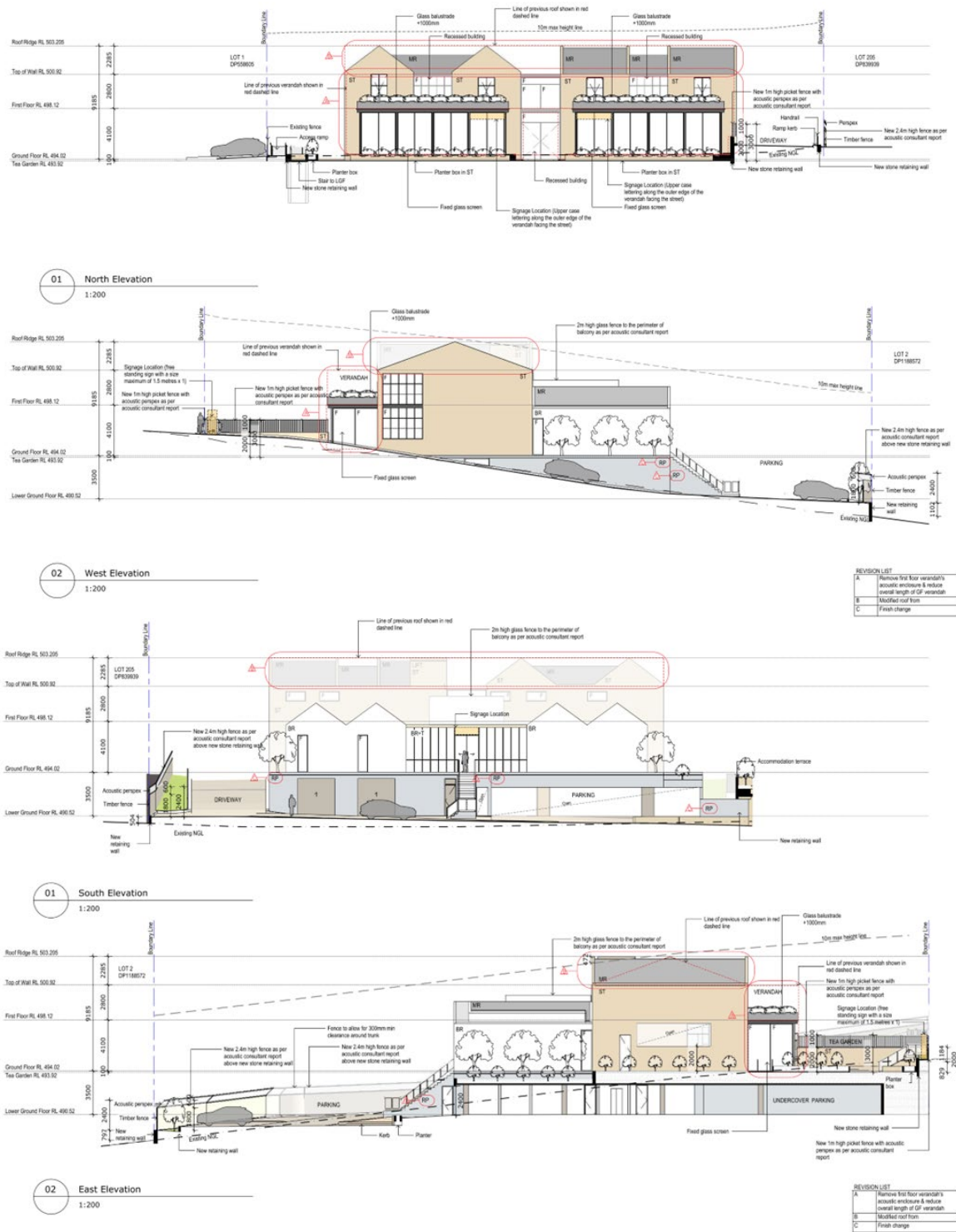


Figure 4. Elevations.

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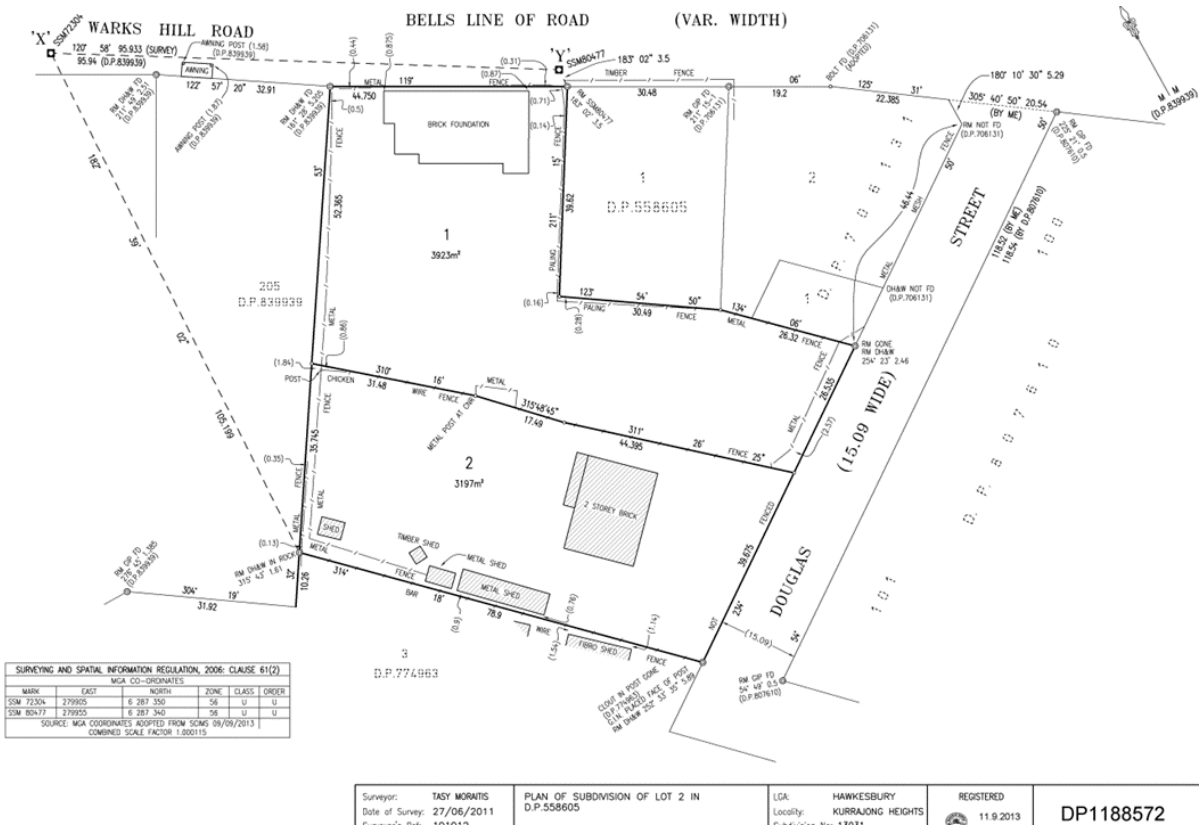


Figure 5. Lot 1 DP1188572

2. Relevant Site History

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

3. 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 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

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- 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: 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 recommending 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

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Tourist and visitors accommodation

Operational	<p>Eight (8) cabins with capacity of small and large room.</p> <p>One (1) manager's residence.</p> <p>Small rooms will cater for up to four (4) persons.</p> <p>Large rooms will cater for up to six (6) persons.</p> <p>All cabins will contain bedding, bathroom facilities, kitchenettes, table with chairs, TV, AC & outdoor table and chairs.</p>
Period of use	<p>Available via bookings only. Guests of the pub will not be able to use this space without a prior booking.</p>
Security	<p>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.</p> <p>Further management rules are set out under the plan of management:</p> <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.

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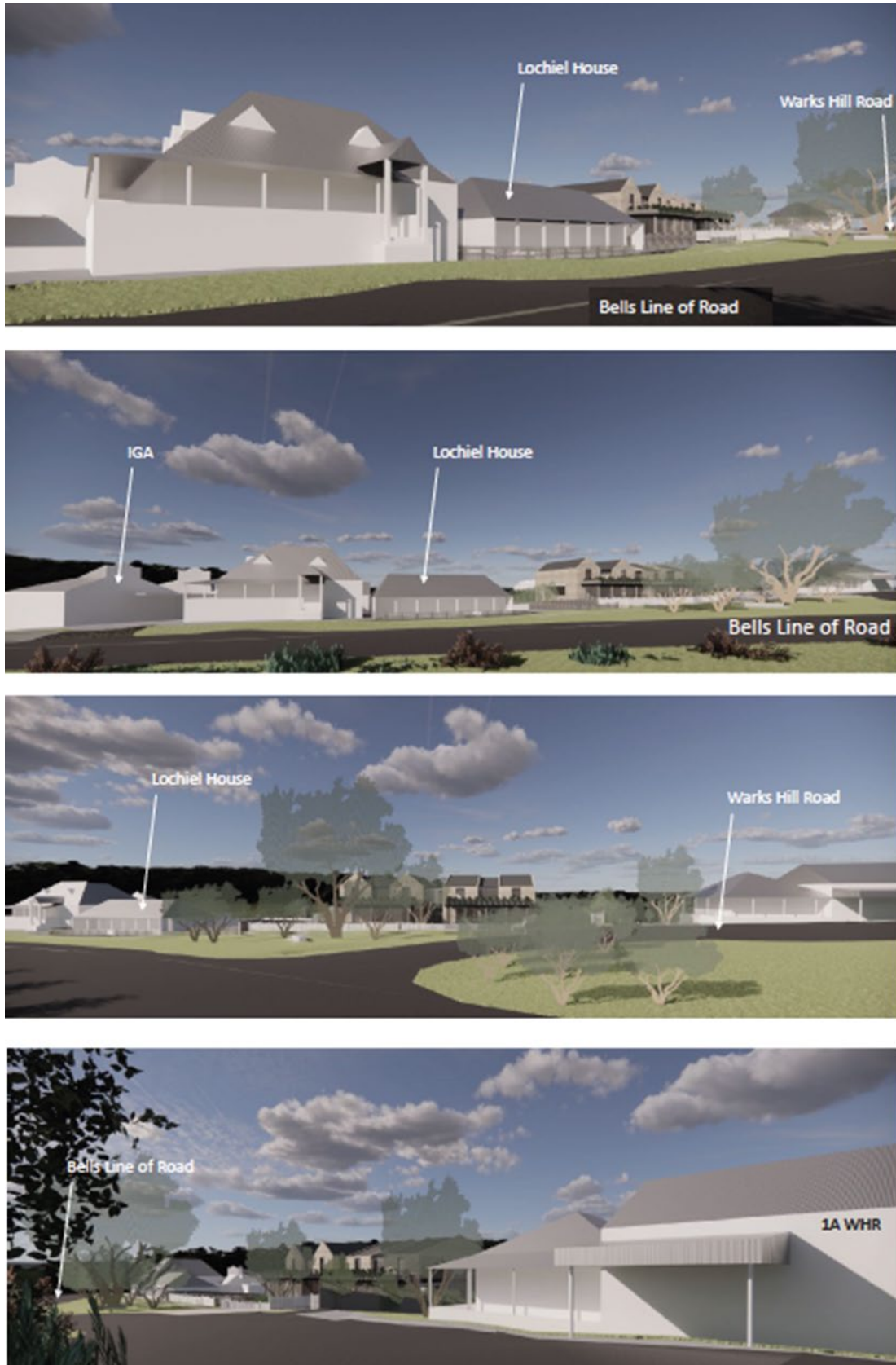


Figure 6. Photomontage of Pub as viewed from Bells Line of Road & Warks Hill Road.



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.



Figure 9. Proposed Colour & Material Schedule

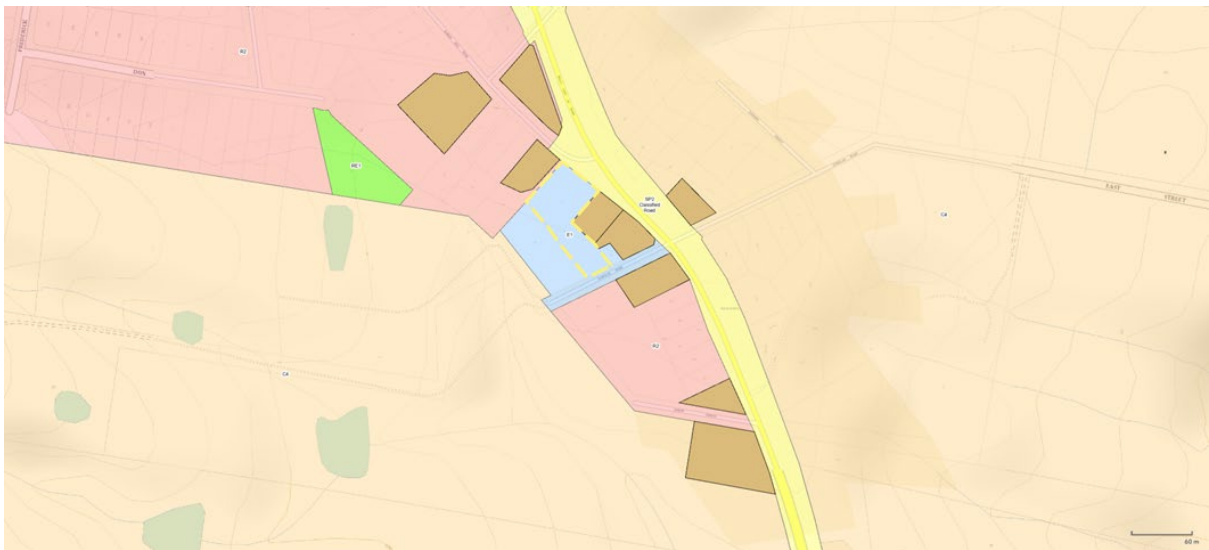


Figure 10. Zoning map denoting heritage items within the vicinity of the subject site.

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION****Meeting Date:** 17 October 2024**4. 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 requirements.• 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.

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5. Referrals

Stakeholder	Comment
Development Engineering	Comments and Conditions of consent provided. 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 condition in accordance with this position from TfNSW.
Environmental Health	Comments and Conditions of consent provided.
Arborist	Supported subject to the imposition of conditions.
Heritage	Comments provided Comment: Comments have been made under the relevant sections of 8 & 9 of this report.
External Referrals	
TFNSW	Comments provided in support of the application. 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.
RFS	GTA provided. Comment: Standard general terms of approval have been provided by the RFS under Section 100B of the Rural Fires Act 1997.

6. Environmental Planning Instruments

6.1 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

6.2 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.

6.3 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 garden / 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.*
- *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.

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6.4. State Environmental Planning Policy – Transport and Infrastructure 2021

6.4.1 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.

7. Hawkesbury Local Environmental Plan 2012

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

7.1. 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 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.

7.2. 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 .

The subject site is situated along Bells Line of Road and is a gateway hub for travelers 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.

7.3 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.

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7.4 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 NGL below at 493.5.
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 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.

Comment:

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:

1. *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.*
2. *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.*

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 development (during and post construction) will have on significant branches of these trees which overhand Douglas Road.



Figure 11. Laurel Camphor located along Warks Hill Road.

A reduction in the canopy of these trees would:

- *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.*

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Clause	Comment
	<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 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.

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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 plana 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 15 kL 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>

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8. 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	Yes 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.
Clause	Compliance
Chapter 2 Car Parking and Access	
2.5.2 Commercial Parking	Yes
Control:	Note:
Hotel and License Club	The proposed development has a total service area of 866m ² 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.
<ul style="list-style-type: none"> • 1 Space per 10m² of service area/bar area, plus • 1 space per 2 employees 	The applicant has produced a Parking and Traffic report which has had regard to the Guide to Traffic Generating Developments.
Accommodation	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.
·1 space per bedroom or motel type unit	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 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.

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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.

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

Chapter 1 Kurrajong Heights Village	
Clause	Compliance
1.2 – General principles	<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>

1.3 Village Setting and Containment

The objectives are listed as below:

- *The landscaped setting of the village within its defined topographic space shall be retained.*
- *Major large scale development will not be supported.*
- *Small scale development within the escarpment area shall be designed and constructed to blend with the landscape.*

Council's Heritage Advisor comments:

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'.

The elements of the proposal which are considered to constitute a "major large-scale development" within these comments are:

- 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 development in comparison with the scale, form, and historic character of other buildings within Kurrajong Heights Village.
- The extent of modifications required both within and external to the property (within the Kurrajong Heights Village) to facilitate the development.

Planner's comment:

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.

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:

Use of basement parking:

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.

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 development.

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 3 hours of sunlight on the 21 June.

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.

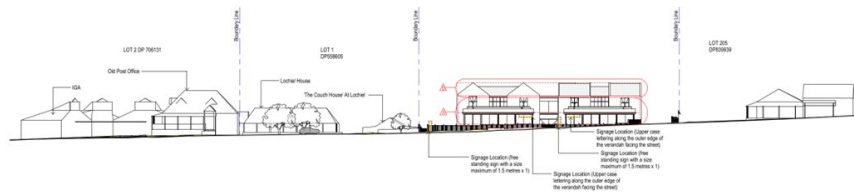


Figure 12. Streetscape Design and integration along Bells line of Road.

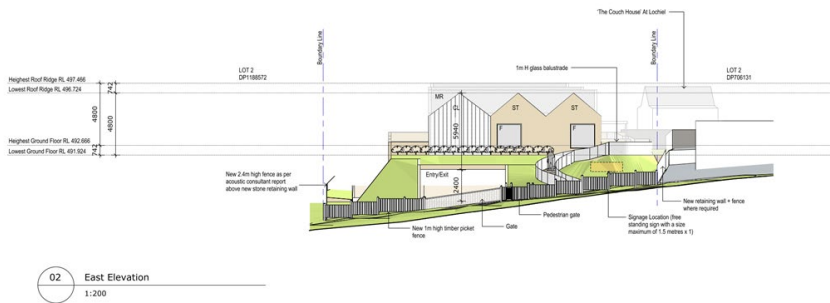


Figure 13. East Elevation demonstrating consistent scale with 'Lochiel house'.

Scale of development

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.

The proposal seeks the construction of a three storey Pub with Tourist and Visitor accommodation in the form of 9 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 development retains a compliant height limit of 9.7m.

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.

Historic character of the Kurrajong Heights Precinct

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.

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.

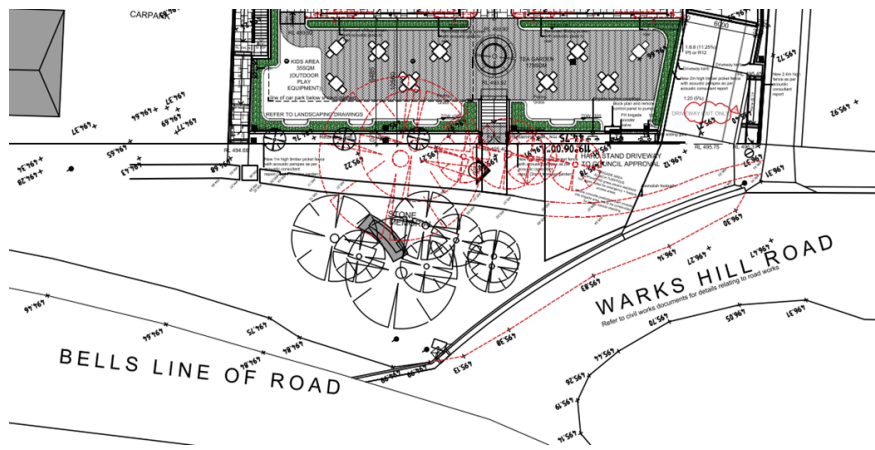


Figure 14: Tree removal plan

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 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

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Clause	Compliance
	<p>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.
1.4 Village Character	<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. <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>

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Clause	Compliance
1.5 Heritage items and new development	<p>Yes</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 reinforces the character of the village. "Pseudo historic" and "new replica" buildings should be avoided. <p>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 facade will not only enclose the buildings and reinstate a dominant townscape element but also link buildings with the village.</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>

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Chapter 1 Kurrajong Heights Village	
Clause	Compliance
1.6 Land use	<p>Yes</p> <p>Rules:</p> <p>a) The retention of existing commercial activities located on lands with frontage to Warks Hill Road</p> <p>Note: 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>
1.7 Traffic	<p>Yes</p> <p>Rules:</p> <p>a) Assessed on merit.</p> <p>Note: 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>
1.8 Commercial Activity and Tourism	<p>Yes</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. <p>Note: Open spaces should be used as outdoor eating places, local produce outdoor markets and places to rest or simply view the surroundings.</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>

8. 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.

9. Environmental Planning and Assessment Regulation 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.

10. 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 15: 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.

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 used 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.

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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 considered that the operational measures contained above in terms of security and staffing personnel are considered to be appropriate. Council's Environmental Health Officer had reviewed the proposal and 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.

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.

11. 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.

12. Public Consultation

The application was notified in accordance with Council's community participation plan on two 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.

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 LGF - 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.
- 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.

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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 150 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.

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.

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

Issue	Response
Traffic entering from Bells Line of Road into Warks Hill Road. <i>Concern is raised due to the number and intensity of traffic entering Bells Line of Road (considered to be a Classified Road) from the development via Warks Hill road.</i>	As discussed earlier in the report, the application was referred to Council's internal development engineer and 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 have been prepared.
There is an existing Pub at Kurrajong (Archibald Hotel)	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.

HAWKESBURY LOCAL PLANNING PANEL**2. REPORTS FOR DETERMINATION**

Meeting Date: 17 October 2024

Issue	Response
<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 verandahs.</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 installed along the entire length of the western boundary of the carpark.• Signage to minimise patron noise• Tables in the outdoor tea garden limited to seat four (4) persons. <p>A condition of consent has been recommended outlining all recommendations of the acoustic report to be integrated into an updated plan of management.</p>

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Issue	Response
<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 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>
<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 has been recommended.</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>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 October 2024

Issue	Response
<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 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>

HAWKESBURY LOCAL PLANNING PANEL

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Issue	Response
<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 an 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 a 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>Location of bushfire appliances and adequacy of bushfire report</p>	<p>The application has been assessed by the RFS. General terms of approval have been provided.</p>
<p>Road widening and resulting removal of trees</p>	<p>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.</p>
<p>Roof Form</p> <p><i>Concern was raised that the roof form was not "aesthetically appealing".</i></p>	<p>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.</p>
<p>Cut and fill</p> <p><i>Concern was raised as to the amount of cut & fill being proposed and the implications of stormwater run off.</i></p>	<p>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.</p>
<p>Front fence is tokenistic</p>	<p>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).</p>

HAWKESBURY LOCAL PLANNING PANEL

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Issue	Response
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 Koala Trees and bandicoot environment	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. All delivery vehicles will need to accommodate to this standard.
Aboriginal relics <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>	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
Proximity of emergency services to the site	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.
Poker machines <i>Concern was raised with the use of gambling machines.</i>	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.

HAWKESBURY LOCAL PLANNING PANEL

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Meeting Date: 17 October 2024

Issue	Response						
<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"> <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> </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>	<p>A condition of consent has been recommended to ensure future signage on site is compatible with the Kurrajong Heights Village DCP.</p>						
<p>Retention of the memorial Louise Atkinsons memorial</p>	<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 system.</p>						
<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. 						

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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Issue	Response
Turning Douglas road into a single way road.	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.
Civil works lacking detail and noting “to Council specification”	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.
Contingency plan in the event of a blackout & capability of the electricity grid	The relevant certificate related to electricity supply are to be provided as part of post-consent procedures.
Prohibition of “Major recreation facility” <i>Some members of the community raised concern with the proposed development being characterised as a major recreation facility.</i>	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.

13. 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.

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

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

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

AT - 4 Traffic Report - *(Distributed under separate cover)*.

AT - 5 Acoustic Report - *(Distributed under separate cover)*.

AT - 6 Plan of Management Plan - *(Distributed under separate cover)*.

AT - 7 Hydraulic Service Report.

AT - 8 Statement of Environmental Effects - *(Distributed under separate cover)*.

Attachment 7 - Hydraulic Services Report

HYDRAULIC | CIVIL | FIRE



Level 1, 91 George Street
PARRAMATTA NSW 2150
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ABN 95 161 152 969

HYDRAULIC SERVICES REPORT

Proposed Kurrajong Heights Hotel & Accommodation

Date: 3rd February 2022

Issue: C

Ref. No: 21078

Disclaimer

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Document Control

Revision	Date	Description	Prepared	Reviewed	Approved
1	07.12.2021	Prelim DA issue	GS		
A	13.12.2021	Final DA Issue	GS	LD	GS
B	24.01.2022	Final DA Issue	GS	LD	GS
C	03.02.2022	LPG Added	GS	LD	GS

Generally

This services report is prepared for the Development Application for a proposed hotel and accommodation facility located at 27 Douglas Road, Kurrajong Heights. The application is to be submitted to Hawkesbury City Council for approval.

The Hydraulic services proposed will comply with the following authority and Australian standards:

- AS 3500.1 2018 Water Services
- AS 3500.2 2018 Sanitary Plumbing and Drainage
- AS 2419.1 2005 Fire Hydrant Installation
- AS 1546.3 2008 On-site Wastewater Treatment
- AS 5601.1 2013 Gas Installations
- Hawkesbury City Council LEP 2012 and DCP 2002
- Good Design Practise

This report shall be read in conjunction with the following Hydraulic Services drawings:

H1101	COVER PAGE & DRAWING SCHEDULE
H1401	SITE PLAN
H2101	GRAVITY SERVICES PLAN – LOWER GROUND PART 1
H2102	GRAVITY SERVICES PLAN – LOWER GROUND PART 2
H2801	SCHEMATIC PLAN
H5101	DETAIL SHEET

Services covered in this report:

- Potable water supplies
- Rainwater harvesting
- Fire hydrant service
- Wastewater treatment
- LPG Service

Potable Water Supply

Kurrajong Heights is not currently serviced with an authority piped reticulated potable water system and this service will be a stand-alone on-site system as follows:

On-site storage tank with partial rainfall top-up and road tank delivery service.

The storage capacity is based upon:

Hotel portion 3.8 litres/day/sq m	
1243 sq m x 3.8	= 4723 l/day
Accommodation 360l/room/day	
12 x 360	= 4320 l/day
General Cleaning	= 1000l/day
Total	= 10,043 l/day

Allow 7 days storage= 70kl.

We are allowing storage capacity of 100kl on site.

Electric pressure pumps will deliver potable water to all outlets via filtration treatment.

Rainwater Harvesting

Approximately 810 m² of roof area will receive rainwater and deliver to the rainwater tank. Based upon an annual average rainfall of 729kl/annum and a monthly average of 60.75 kl, we propose to provide a 75kl capacity tank on site.

The harvested rainwater will supply all WC's, urinals and landscaping.

Electric pressure pumps will deliver rainwater to all outlets listed above.

Potable water will back-up the RW service via a solenoid valve and in tank float controls.

Fire Hydrant Services

This service will be a stand alone storage / booster system in accordance with AS 2419.1 2005. Dual storage tanks comprising 100% storage for a 20 litre per second flow system with each tank capacity of 144 kl will be provided.

Dual diesel booster pumps will draw water from those tanks to supply fire hydrants around the site to cover all buildings in accordance with the standard.

Brigade appliance suction couplings and booster assembly will be provided at the property frontage including the required appliance hard stand.

An electric booster pump will deliver stored water to the Brigade suction coupling located at Wanks Hill Road entry in accordance with the standard.

A separate dedicated 10kl storage tank solely for firefighting with suction couplings will be provided adjacent the appliance hard stand in accordance with the Rural Fire and Rescue requirements.

Wastewater Treatment

Kurrajong heights has no authority provided gravitywaste drainage system and the project will be provided with an onsite waste treatment plant with provisions for private contractor waste disposal via road tankers. No on site disposal will be permitted or proposed.

The waste treatment system will receive all toilet / ablution wastes, kitchen waste (pre treated via a grease arrestor) bar wastes and accommodation amenities.

All laundry washing will be not carried out on site and will be picked up and completed off site.

The proposed waste treatment service will be provided by a 'Biocycle' system comprising a 15 kl clarification tank, 2 x 50kl treatment tanks and 2 x 150 kl holding tanks.

Holding tanks are sized for 14 days storage based upon peak population of 474 persons / day including staff and accommodation patrons.

A suction coupling will be provided at Douglas Road boundary for the private contractor connection for disposal of treated wastes off site on a periodic basis.

The complete system will be in accordance with:

- AS/NZS 1546.3:2008 On-Site domestic wastewater treatment units – Aerated Wastewater Treatment Systems
- Hawkesbury City Council relevant standards, chapters and conditions for on site waste treatment and effluent disposal.
- Basis of system sizing:

Accommodation of 12 units x 2 persons @ 150l/day	=	3600
Bistro/Bar 130 persons @ 30l/person/day	=	3900
Bar 300 persons @ 20l/person/day	=	600
Staff 20 persons @ 30l/person/day	=	600
Daily Total	=	14100l

Treatment System:

Receiving / balance / clarification tank	1 x 15 kl
Aerobic treatment tanks	2 x 50 kl
Treated holding tanks (14 days)	2 x 150 kl

Liquid Petroleum Gas Service (LPG)

LPG tank/s are intended to be used in the development to service the kitchen cooking appliances and possibly also for hot water and heating to be resolved at construction certificate design stage. The location of the LPG tank in the development is to be determined at the time construction certificate design plans are prepared in consultation with and in accordance with the specifications of an LPG tank supplier such as Elgas, and in accordance with the Gas Supply Act and Regulation and relevant Australian Standards referenced in these statutes. Elgas has been consulted in the preparation of the DA and is able to service the development with LPG tank supply.

The whole service will be in accordance with AS/NZS 5601.1 2013 Gas Installations Part 1: General Installations.

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 October 2024

2.1.3. HLPP - DA0526/23 - 40 Racecourse Road, Clarendon - (144940, 96329)

Directorate: City Planning

Development Application No.	DA0526/23
Date Received	16 February 2024
Proposal	Construction roof cover over an existing dressage area and a portable amenities block
Estimated Cost	\$1,609,000.00
Legal Description	Lot 1871, DP 1253353
Property Address	Gate 5, No. 40 Racecourse Road, Clarendon
Area	36.76ha
Zoning	RE1 – Public Recreation & SP1 – Recreation Facility under the Hawkesbury Local Environmental Plan 2012
Applicant	Michele Christiansen Design Pty. Ltd.
Owner	Hawkesbury City Council
Exhibition Dates	Not applicable (notification not required)
Submissions	Nil
Recommendation	Approval, subject to conditions

EXECUTIVE SUMMARY

1. Reason for Consideration by 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 land is owned by Hawkesbury City Council.

2. Proposal

The development application seeks consent for the construction of a roof cover over the existing dressage area and portable amenities block at Lot 1871, DP 1253353, Gate 5, No. 40 Racecourse Road, Clarendon.

The subject site and existing facilities are shared by the Sydney Showjumping Club, Hawkesbury Riding Club and Hawkesbury Sheepdog Trialling Club, under the banner of Hawkesbury Equestrian Club. The development is proposed to be located to the western portion of the site to cover the existing sand arena.

The site comprises of four lots, with Lot 1871 (subject of this application) adjoining the Hawkesbury Showground to the north and Hawkesbury Riding Club to the east. Access to the site is via Racecourse Road and is identified as Gate 5. The various clubs utilising the site as a whole maintain access 7 days a week, carrying out various club activities and competition days throughout the year. The site accommodates parking, seating, and areas for viewing and access.

3. Permissibility

The site is part zoned RE1 Public Recreation and SP1 Recreational Facility and is known as Lot 1871. The proposal would be located entirely within the SP1 zone. The proposal is suitably defined as ancillary works to a recreation facility (major), which is a form of development permitted with consent in Zone SP1 under the Hawkesbury Local Environmental Plan 2012 (HLEP 2012).

4. Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was not required to be notified.

The proposal does not seek to vary any of the relevant development standards as per Hawkesbury Local Environmental Plan 2012.

As such, noting Council's Policy in Managing Council Related Development, the subject application has been externally assessed by an independent planning consultant and is reported to the Hawkesbury Local Planning Panel for determination.

5. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), taking into consideration all relevant state and local planning provisions. The proposed development is considered to deliver an appropriately balanced and responsive planning outcome which enables more efficient use of the existing Equestrian Club facilities by its various users in a variety of weather conditions and reducing maintenance, whilst maintaining the amenity of surrounding properties.

RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

A. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA0526/23 for the construction of roof cover over an existing dressage area and a portable amenities block on land at No. 40 Racecourse Road, Clarendon for the following reasons:

1. The proposed development is permissible in the SP1 zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls;
2. The proposed development would deliver an appropriately balanced and responsive planning outcome which enables more efficient use of the existing Equestrian Club facilities by its various users in a variety of weather conditions and reducing maintenance, whilst maintaining the amenity of surrounding properties
3. The proposed development is not considered to result in excessive bulk with the built form of the roof appropriate to the scale of the existing arena and the buildings characteristics of the showgrounds and broader recreation area
4. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
5. For the reasons given above, approval of the application is in the public interest.

BACKGROUND

1. Site Description & Conditions

The subject site is comprised of four (4) lots with a legal description of Lot 2 DP 814397, Lot 1871 & 1872 DP 1253353 and Lot 7004 DP 1030961. The works are proposed within Lot 1871, DP 1253353.

The site is part zoned RE1 Public Recreation and SP1 Recreation Facility (Major). The site directly adjoins land in Zone RU4 – Primary Production Small Lots and Zone RE2 – Private Recreation to the south-east, Clarendon Train Station and land in Zone RE1 – Public Recreation to the north-east, identified as Friendship Park, and land in Zone SP1 – Educational Establishment to the south-west. To the north-east of the site, across Hawkesbury Valley Way, is and on Zone SP1 – Aerodrome, being the Royal Australian Air Force (RAAF) Richmond Base.

The site is located south-west from Hawkesbury Valley Way and north-east from Blacktown Road. The site is surrounded by detached rural dwellings within Zone RU4, including various rural uses, and a large portion of and in Zone SP1 currently vacant and containing dense vegetation and mature trees.

The site is currently used for various equestrian sports and is shared by the Sydney Showjumping Club, Hawkesbury Riding Club and Hawkesbury Sheepdog Trialling Club, all of which are under the banner of the Hawkesbury Equestrian Club. Each group has 7 day a week access, including various club activities and competition days throughout the year. The site accommodates for parking, seating, viewing and access.



Figure 1: Aerial image of subject site outlined in yellow with location of proposed development identified by red marker to north-western corner (Source: Nearmap)

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 October 2024

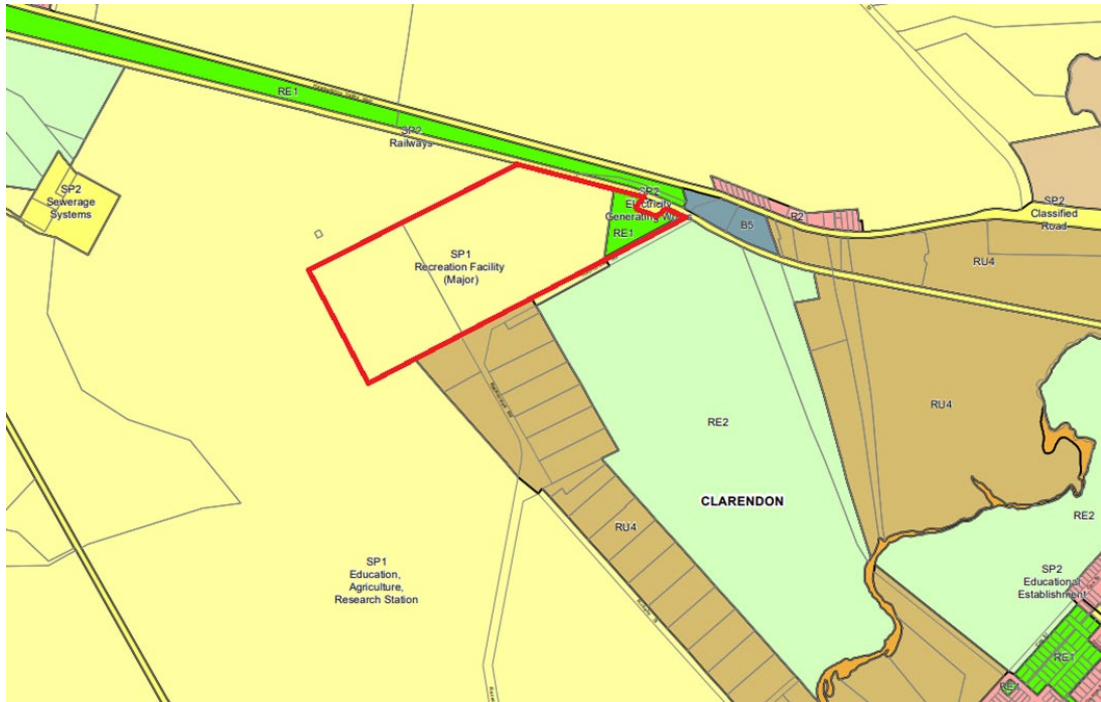


Figure 2: Zoning Map with subject site outlined in red (Source: HLEP 2012 – Land Zoning Map-Sheet LZN 008DA)



Figure 3: Existing sand arena with roof cover (right) and existing sand arena and location of proposed roof cover (left)

HAWKESBURY LOCAL PLANNING PANEL

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Figure 4 Proposed location of relocatable toilet block

2. Relevant Site History

The following development applications apply to the site:

Application	Proposal	Determination
DA0103/05	Freestanding building for use by dressage competitors	Approved – 07/04/2005
DA0302/05	Four (4) sand dressage arenas	Approved – 10/10/2005
DA0762/06	Dining room, kitchen and facilities within the existing grandstand	Approved – 07/12/2006
DA0177/09	Additions to pavilion	Approved – 16/04/2009
DA0075/10	Rural shed – milking shed	Approved – 23/02/2010
DA0126/11	Community facility – awning and concrete slab	Approved – 25/03/2011
DA0287/11	Community facility – awning	Approved – 27/05/2011
DA0373/13	Ancillary development to recreation facility (major) shed	Approved – 11/09/2013
DA0363/14	Alterations and additions to clubhouse – special activities	Approved – 05/09/2014
DA0645/14	Construction of an amenities building	Approved – 06/01/2015
DA0774/14	Subdivision – subdivision for lease purposes	Approved – 19/03/2015

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Application	Proposal	Determination
SC0022/15	Torrens Title subdivision – DA0774/14	Determined – 01/06/2015
DA0435/18	Cover for existing horse arena	Approved – 19/02/2019
DA0030/19	Stables and outbuilding	Approved – 08/03/2019
DA0036/20	Amenities Building	Approved – 17/02/2020
DA0387/20	Demolition of existing structures and construction of exhibition building to be completed in two stages	Approved – 13/01/2021
DA0128/21	Covered Seating Area	Approved – 24/06/2021
DA0526/23	Construction of roof cover over existing dressage arena	Current

3. The Proposal

The proposal seeks consent for the construction of a roof covering over the existing dressage arena 2, and the construction of a portable amenities block. The existing dressage arena was approved under the conditions of DA0302/05. The proposal will consist specifically of the following:

- 80m long x 40m wide x 10.2m high metal roof;
- 1.6m high steel perimeter wall;
- Five (5) solar panels to eastern elevation;
- Thirty (30) non-reflective LED lights located on roof;
- Two (2) access gates;
- Steel mesh lockable storage; and
- 12m long x 3m wide x 3.25m high prefabricated amenities block and relocatable tank with 4,000 litre capacity (serviced fortnightly)

No other building works are proposed and all existing structures and access arrangements to the site are to remain as existing. The current facilities have been developed over the last 25 years and have been continuously used for equestrian sports. The existing operational uses of the site are not proposed to change and as such, the proposed roof covering is not anticipated to result in any detrimental impacts to parking, traffic and acoustics.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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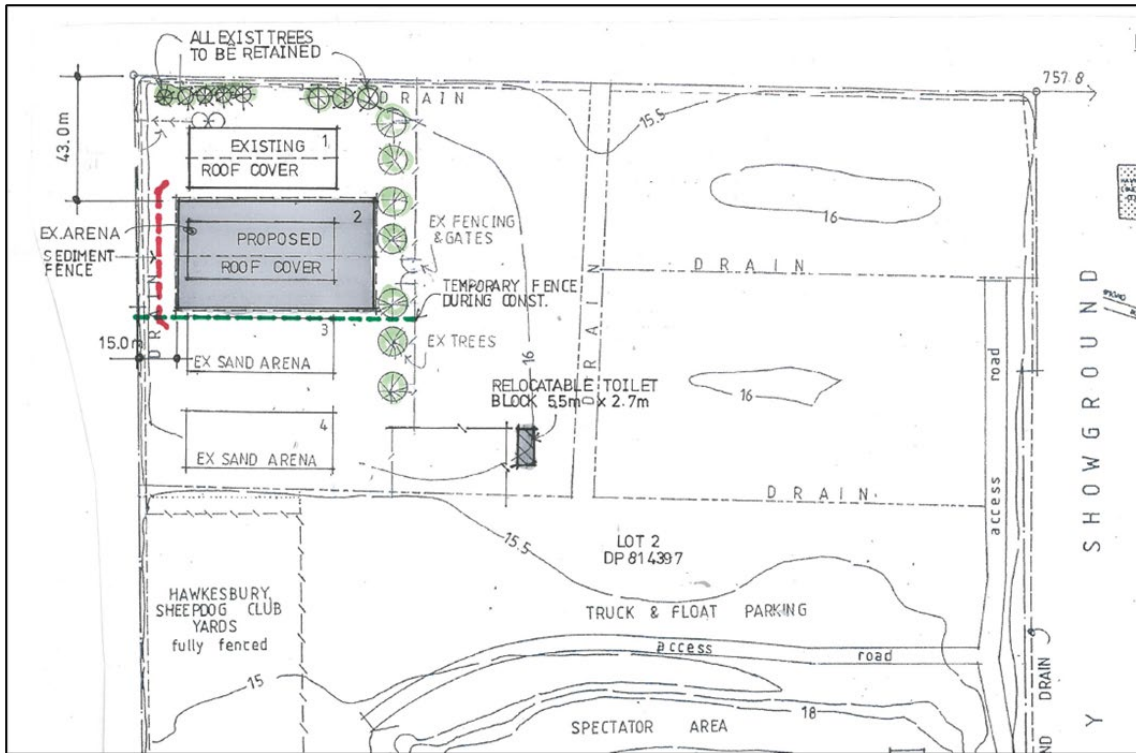


Figure 5: Location of proposed roof and relocatable amenities building in north-eastern corner of site



Figure 6: Proposed plan of roof cover over dressage area

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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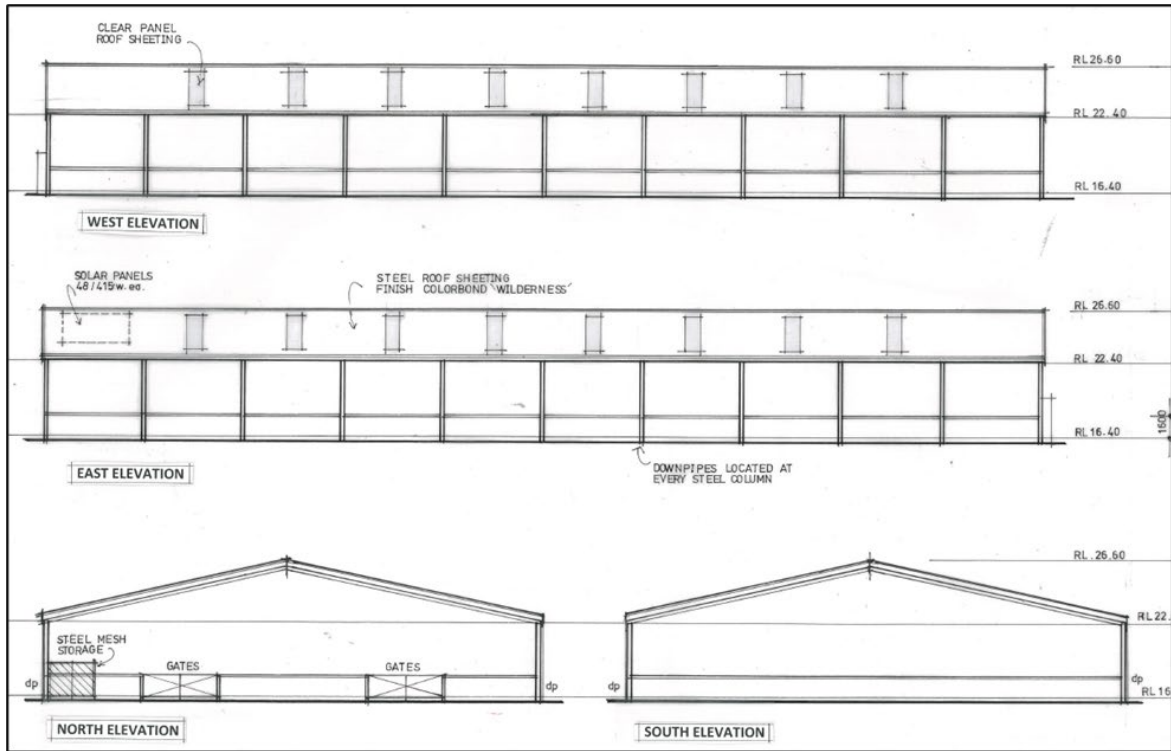


Figure 7: Proposed elevations of roof cover

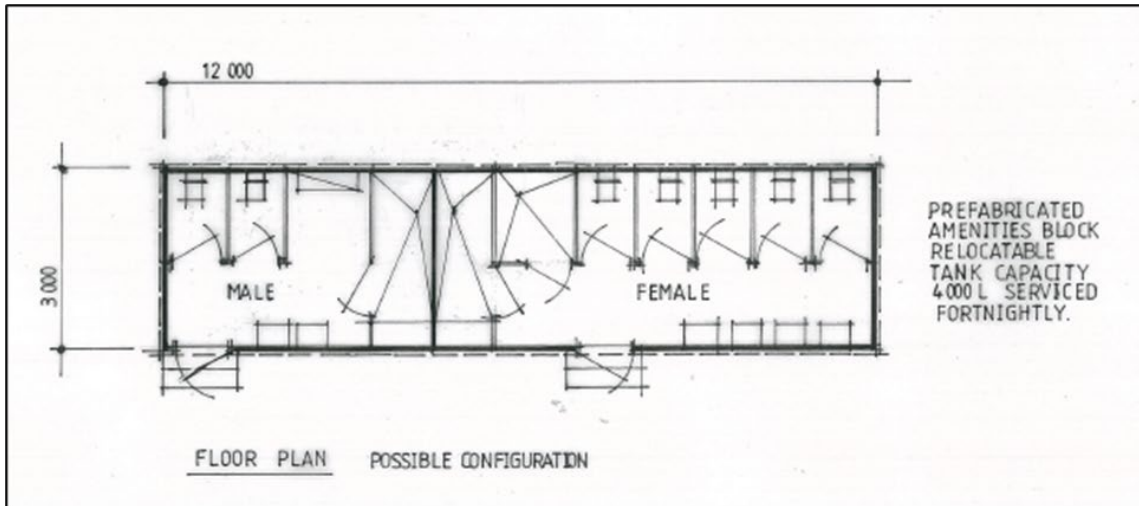


Figure 8: Proposed floor plan of amenities block

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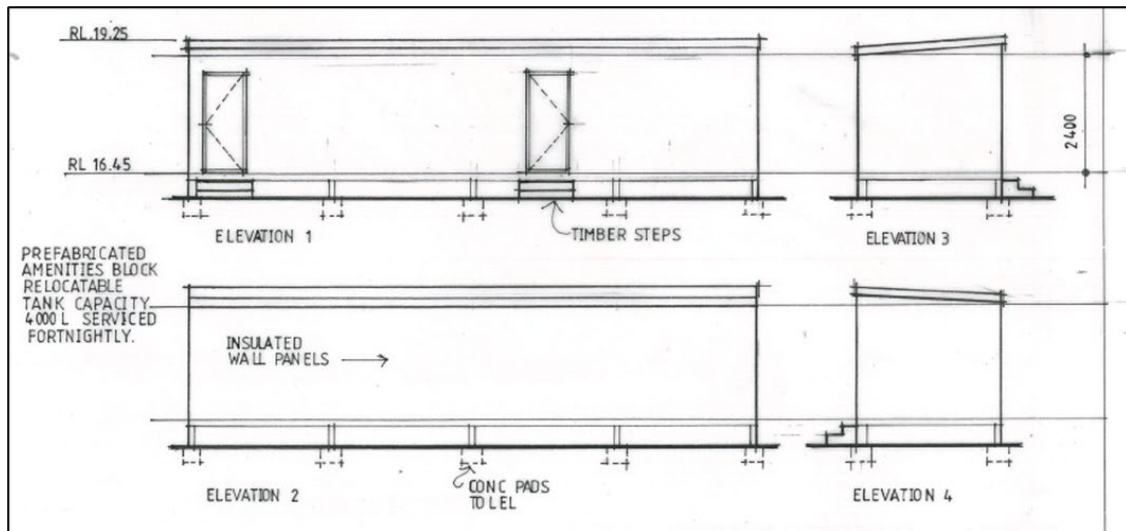


Figure 9: Proposed elevations of amenities block

4. Relevant Application History

Date	Comment
22/12/2023	Application received on NSW Planning Portal
25/01/2024	Request for additional information
08/02/2024	Additional information request received

5. Referrals

Department	Comment
Development Engineer	<p>No objections to proposal, noting the following comments:</p> <ul style="list-style-type: none"> It is noted that the two 6m wide gates to the arena are located on the low side of the NGL. This will allow flood water to enter the arena in flood events resulting in no loss of flood storage area and redirection of flood water with the installation of solid 1.6m colour bond perimeter fence around the dressage arena. The proposed development is supported on engineering grounds. No engineering conditions required other than standard Flood Compatibility Construction and roof drainage and plumbing. <p>Above conditions to form part of development consent.</p>
Building Surveyor	No objections, subject to standard conditions of development consent.

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Department	Comment
SMF Officer	<p>No objections, subject to the following conditions of consent:</p> <p><u>Prior to Issue of a Construction Certificate</u></p> <p><i>1. Prior to the issue of the Construction Certificate, approval must be obtained for the installation of an onsite sewage management system. The application must be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.</i></p> <p><i>Following installation and prior to use of the approved on-site sewage management system an Approval to Operate the system must be obtained from Council.</i></p> <p><u>During Construction</u></p> <p><i>2. Inspections for sanitary drainage works can only be conducted by Hawkesbury City Council.</i></p> <p><i>Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch.</i></p> <p><i>To arrange inspections and pay required fees please telephone Customer Service on (02) 4560-4444.</i></p> <p><u>Prior to Issue of Interim or Final Occupation Certificate</u></p> <p><i>3. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.</i></p>
External Referrals	
Department of Planning, Housing and Infrastructure – Crown Lands & Public Spaces	Owners consent for lodgement of development application from Department of Planning, Housing and Infrastructure – Crown Lands & Public Spaces with Hawkesbury City Council in relation to development on Crown Land was received on 5 February 2024.

6. Environmental Planning Instruments

6.1 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 (HLEP 2012);
- Hawkesbury Development Control Plan 2002 (HDCP 2002) & 2023 (HDCP 2023); and
- Hawkesbury City Council Flood Policy 2020

6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity & Conservation) 2021 applies to the site.

Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 Vegetation in non-rural areas replaces the previous SEPP (Vegetation in Non-Rural Areas) 2017. The primary aims and objectives of Chapter 2 are related to the protection of the biodiversity values of the trees and other vegetation in non-rural areas. This chapter works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

Chapter 2 regulates clearing that is not ancillary to development that requires consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process. The proposal does not include the removal of any trees or vegetation in order to accommodate for the development.

Chapter 6 – Water Catchments

Chapter 6 of the Biodiversity and Conservation SEPP generally aims to improve water quality and river flows, protect and enhance the environmental quality of water catchments and ensure consistency with local environmental plans and principles of ecologically sustainable development. The site is mapped as being located within the Hawkesbury-Nepean Catchment. The proposal has been designed to avoid adverse impact upon water quality and river flows and has been designed to respond to the surrounding site context and environmental considerations.

The proposal has been considered against Clause 6.13 of the SEPP. The proposal is not considered to cause interference with the sub-catchment or create adverse impacts to the structure and floristics of native vegetation. The subject site contains existing development associated with the equestrian facility, with the proposed works not being considered to create detrimental scenic quality impacts. The application was referred to Council's Development Engineer who has raised no objections to the proposal, subject to conditions of consent.

Part 13.4 – Strategic Conservation Planning

The development does not include the removal of native vegetation in order to accommodate for the proposed development. The proposal is not considered to create adverse impacts to any significant vegetation in the immediate area and will not cause detrimental impacts to the ecological function of the locality.

6.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the site.

Chapter 4 – Remediation of Land

The aims of this chapter is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with this chapter, Council must consider if the land is contaminated, and if it is contaminated, if the land can be made suitable for the intended use.

The proposal includes the construction of a roof cover over the existing dressage area, and an amenities block. Minimal earthworks are proposed as part of this application. Given the existing use of the subject site and previous application records indicating no previous potentially contaminating use, there is no specific evidence that indicates the site is contaminated. This is considered to be acceptable in this instance.

6.4. State Environmental Planning Policy – Transport and Infrastructure 2021.

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development outlined below.

Clause 2.120 Impact of road noise or vibration on non-road development

This clause applies to development that is located adjacent on a frontage to a classified road. Hawkesbury Valley Way is identified as a SP2 – Classified Road and is located along the north-east portion of the site

“2.119 Development with frontage to classified road

- (1) The objectives of this section are—*
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

The proposed works are located towards the rear and are not considered to impact upon the effective and ongoing operation and function of Hawkesbury Valley Way. The proposal will not change the vehicle access and egress arrangements or traffic volumes and trip generation. Due to the nature of the proposal, traffic noise and vehicle emissions are not considered to create adverse impacts on the proposal.

7 Hawkesbury Local Environmental Plan 2012

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

7.1. Clause 1.2 Aims of plan

(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 proposed development will allow for the continued use of the site for recreational purposes and will allow for the continuation of events to be held at the site. The site is considered to be an appropriate use of the land for recreational purposes. The proposal is considered to align with the relevant aims of HLEP 2021.

7.2. Clause 2.3 Zone objectives and Land use table.

The site is part zoned RE1 – Public Recreation and SP1 – Recreation Facility under the HLEP 2012. Lot 1871 (subject of this application) is entirely within Zone SP1, with the objectives of this zone as follows:

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

The proposed development achieves the above objectives because it improves the ongoing efficient, all-weather use of the equestrian facility by associated clubs and is in keeping with the character of the site and its uses. The proposal is not considered to create adverse amenity impacts to the site and adjoining properties.

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The proposed development is best described as ancillary development to a 'recreation facility', which is a permissible form of development in Zone SP1 under the HLEP 2012. A 'recreation facility (major)' is defined as:

“Recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.”

Clause	Comment	Compliance
Part 2 – Permitted or prohibited development		
2.6 Subdivision – consent requirements	No subdivision proposed as part of application.	N/A
2.7 Demolition requires development consent	No demolition works proposed as part of application.	N/A
Part 4 – Principal development standards		
4.1 Minimum subdivision lot size	The application does not include subdivision works.	N/A
4.3 Height of buildings	No height controls apply to the site. The maximum height proposed is 10.2m to the peak of the roof and is considered accepted noting the surrounding built form of the immediate area.	N/A
4.4 Floor Space Ratio	No FSR applies to the site.	N/A
4.6 Exceptions to development standards	The proposed development does not seek any variation to the development standards.	N/A
Part 5 – Miscellaneous provisions		
5.1A Development on land intended to be acquired for public purposes	N/A	N/A
5.10 Heritage conservation	The site is not identified as being an item of heritage significance, nor is it within proximity to heritage items.	N/A
5.11 Bush fire hazard reduction	The site is not mapped as being located on bushfire prone land.	N/A

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<p>5.21 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable</p>	<p>The site is identified as being located on flood prone land. The application was referred to Council’s Development Engineer who noted:</p> <ul style="list-style-type: none"> • <i>It is noted that the two 6m wide gates to the arena are located on the low side of the NGL. This will allow flood water to enter the arena in flood events resulting in no loss of flood storage area and redirection of flood water with the installation of solid 1.6m colour bond perimeter fence around the dressage arena.</i> • <i>The proposed development is supported on engineering grounds.</i> • <i>No engineering conditions required other than standard Flood Compatibility Construction and roof drainage and plumbing.</i> <p>Recommended conditions are to be imposed in a consent in the event of approval.</p>	<p align="center">Yes</p>
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Clause	Comment	Compliance
<p>erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
Part 6 – Additional local provisions		
6.1 Acid sulphate soils	The subject site is mapped as containing Class 5 Acid Sulfate Soils. The proposal does not include works by which the water table is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. An Acid Sulfate Soils Management Plan was not required in this case.	Yes
6.2 Earthworks	The proposal includes the construction of a roof cover and relocatable toilet block. The proposal includes minimal earthworks in order to accommodate for the development. The application was referred to Council's Development Engineer who has raised no objections to the proposal, subject to conditions of development consent.	Yes
6.6 Development in areas subject to aircraft noise	The proposal is not considered to be a noise sensitive development.	N/A
6.7 Essential services	The subject site is connected to all available essential services.	Yes

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8. Hawkesbury Development Control Plan 2002 & 2023

Consideration of the relevant provisions within the Hawkesbury Development Control Plan 2002 & 2023 is provided below:

Control	Comment	Compliance
Part A: Introduction		
Chapter 2: Site Analysis		
<p>4.1 Site Analysis Plan</p> <p>A Site analysis plan must be submitted for construction of any building, external alterations to existing buildings and Torrens title subdivision of land and must address all matters identified in the acceptable solutions column.</p> <p>The scope of the site analysis will depend on the scale and nature of the development, the sensitivity of the site and the extent of the area that may be affected by the proposed development. The site analysis must clearly demonstrate an appreciation of the site and its context, and the opportunities and constraints on the layout and design of the site. The site must demonstrate that the development will integrate within the streetscape or context when considering scale, proportion and massing.</p>	<p>The site plan submitted provides sufficient detail to demonstrate that the works are appropriate to the site and existing site features as well as neighbouring land uses and structures.</p>	Yes
Chapter 4: Effluent Disposal		
<p>This section of the DCP provides objectives, performance criteria and deemed-to-satisfy controls for the design, installation, operation and maintenance of on-site sewerage management facilities that hold, process, re-use or otherwise dispose of sewerage and sewerage-by-products.</p>	<p>The proposal includes a prefabricated amenities block and relocatable tank with a 4,000 litre capacity, which is to be serviced fortnightly. The application was referred to Council's SMF Officer who has raised no objections to the proposal, subject to conditions of consent.</p>	Yes
Chapter 5: Traffic Access, Street Design and Parking		
<p>This section of the DCP outlines Councils requirements for the design and provision of roads, car parking, motor cycle parking, bicycle parking and storage, and loading facilities for specific developments. All development must make provision for off-street parking to cater to for the needs of residents, visitors, employees and service vehicles.</p>	<p>No proposed changes to existing on-site parking and access arrangements.</p>	N/A
Part C: General Guidelines		

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<p>4.3 Guidelines for earthworks and erosion control</p> <p>To minimise soil erosion, one or more of the following measures may be required during earthworks:</p> <ul style="list-style-type: none"> • Run-off and erosion controls prior to disturbance or removal of any of site vegetation; • topsoil from approved areas be stockpiled for re-use during site rehabilitation and landscaping; • uncontaminated run-off intercepted up-slope and diverted around all disturbed areas; ? run-off detention and sediment interception measures to reduce flow velocities and to prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural watercourses; • the capacity and effectiveness of run-off and erosion control measures maintained at all times; • erosion and sediment control devices, as per documented references, installed and maintained to ensure there is no increase in downstream levels of nutrients, litter, vegetative debris and other waterborne pollutants; • stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface; • measures applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; or • dust control measures (vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. 	<p>Conditions of development consent will be imposed requiring the satisfactory mitigation or erosion and sediment control.</p>	<p>Yes</p>

Control	Comment	Compliance
<p>8.2.1 Waste Management Plans</p> <p>A Waste Management Plan is a simple checklist that will provide Council with information about the volume, treatment, storage, disposal and ongoing treatment of C&D waste. Applicants seeking development approval from both Council and accredited certifiers must complete a Waste Management Plan that will show that:</p> <ul style="list-style-type: none"> • The potential for waste is avoided • Where possible, waste is reused on site • Waste that cannot be reused on site is separated and recycled • Waste with no reuse or recycling potential is disposed of at an authorised landfill site 	<p>The application is supported by a Waste Management Plan which will form part of the conditions of development consent.</p>	<p>Yes</p>

9. Hawkesbury City Council Flood Policy 2020

The application has been assessed against Councils Flood Policy. The application was referred to Council’s Development Engineer who has raised no objections to the proposal and notes the following:

- It is noted that the two 6m wide gates to the arena is located on the low side of the NGL. This will allow flood water to enter the arena in flood events resulting in no loss of flood storage area and redirection of flood water with the installation of solid 1.6m colour bond perimeter fence around the dressage arena.
- The proposed development is supported on engineering grounds.
- No engineering conditions required other than standard Flood Compatibility Construction and roof drainage and plumbing.

10. Development Contributions

Pursuant to Council’s adopted 7.11 Contributions Plan, the proposed works do not trigger development contributions.

11. Environmental Planning and Assessment Regulation 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 are addressed by the recommended conditions of consent.

12. The likely impacts of the development

The development application seeks consent for the construction of a roof cover over the existing dressage arena, and a new amenities block. The proposal does not involve excessive earthworks to accommodate the proposed development, with the proposed works being considered to have minor disturbance. The proposed works are compatible with the existing features and uses of the site.

The proposed development is considered to deliver an appropriately balanced and responsive planning outcome which enables ongoing use of the site and its various facilities, whilst maintaining the amenity of surrounding properties. The existing operational uses of the site are not proposed to change and as such, the proposed roof covering is not anticipated to result in any detrimental impacts to parking, traffic and acoustics.

The proposal is not considered to result in excessive bulk with the built form of the roof appropriate to the scale of the existing arena and the buildings characteristics of the showgrounds and broader recreation area. No additional building works or changes to access arrangements are proposed.

The proposed development will utilise existing infrastructure available to the site, with the inclusion of a prefabricated amenities block and tank system. Stormwater to be collected through the proposed down pipes will overflow to existing open drains/swales and discharge to the existing dam.

The application has been assessed against Councils Flood Policy and was referred to Councils Development Engineer who has raised no objections to the proposal, subject to conditions of consent.

The proposal is not considered to result in adverse economic and social impacts. The works will improve the use of the arena in a variety of weather conditions (providing shade and protection from rain and some wind). The amenities will improve facilities and convenience. These are positive economic and social outcomes for public recreation facilities.

The proposed development is supported subject to the imposition of appropriate conditions

13. Suitability of the Site

The site is located in Zone SP1 – Recreation Facility (major), with the proposal being permitted with development consent. The proposal is considered to support and improve the ongoing use of the site and facilities by the Hawkesbury Equestrian Club and visitors. No changes are proposed to the existing parking and access arrangements.

The proposed works are considered to be typical with a site of this nature and will not appear visually intrusive when viewed from Hawkesbury Valley Way. The proposal retains all of the other existing build elements, landscaping and fencing. The proposal has been designed to ensure the built form and materials complement the character of the site and immediate locality.

The application was referred to Councils Development Engineer, SMF Officer and Building Surveyor, who have raised no objections to the proposal and have provided conditions of development consent.

The site is considered to be suitable for the proposed development.

14. Public Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application did not require notification or advertising.

15. Public Interest

The proposed development is appropriate in size, scale, function and context.

The proposal will not result in adverse effects on neighbouring properties or the environment. The development complies with the principal controls and objectives of the LEP and the DCP. The proposal is not considered to result in adverse amenity impacts to the residents and public. Accordingly, the proposed development is considered to be in the public interest.

16. Conclusion

The application has been assessed in accordance with Section 4.15 and Section 4.46 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, the development is considered to be appropriate for the site and in the public interest. It is considered that the proposal sufficiently minimises potential adverse impacts on the amenity of neighbouring properties and the environment. The development is consistent with the aims of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. 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 of consent.

Attachments

AT - 1 DA0526/23 - Draft Conditions – [Hawkesbury Showground] 40 Racecourse Road
CLARENDON

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Attachment 1 - DA0526/23 - Draft Conditions – [Hawkesbury Showground] 40 Racecourse Road CLARENDON**General Conditions****1. Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Job No.	Drawing Description	Prepared by	Revision	Sheet	Date
20232/040	Site Plan	Michele Christiansen Design Pty. Ltd.	-	-	December 2023
20232/040	Floor Plan	Michele Christiansen Design Pty. Ltd.	-	2/4	Dec 2023
20232/040	West Elevation, East Elevation, North Elevation, South Elevation	Michele Christiansen Design Pty. Ltd.	-	3/4	Dec 2023
20232/040	Cross Section, Floor Plan (amenities), Elevation 1, 2, 3 & 4 (amenities)	Michele Christiansen Design Pty. Ltd.	-	4/4	Dec 2023
20232/040	Stormwater Layout	Michele Christiansen Design Pty. Ltd.	-	4A/4	Dec 2023

b) Document Reference:

Document Title	Reference	Prepared By	Date
Statement of Environmental Effects	-	Michele Christiansen Design Pty. Ltd.	-
Waste Management Plan	-	Michele Christiansen Design Pty. Ltd.	21.12.23

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

2. Works Must Not Commence Until a Construction Certificate is Issued

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

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- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

3. Appointment of a Principal Certifier

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. Part 6 Certificates Required

The accredited certifier must provide copies of all Part 6 Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

5. Occupation Certificate Required Prior to The Use Of The Building

The buildings must not be occupied or used prior to the issuing of an Occupation Certificate by

the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

6. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

Prior to the Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

The Accredited Certifier may require a Compliance Certificate to address particular matters below:

7. Flood Prone Land – Flood Compatible Construction

All structures must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.

Note: Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials).

8. Flood Prone Land – Engineers Certification

The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3 metres AHD (Australian Height Datum).

An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

- a. Debris: Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
- b. Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and
- c. Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Accredited Certifier prior to issue of the Construction Certificate

9. On-Site Sewerage Management System

Prior to the issue of the Construction Certificate, approval must be obtained for the installation of an onsite sewage management system. The application must be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation and prior to use of the approved on-site sewage management system an Approval to Operate the system must be obtained from Council.

10. **Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$25,000 and above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

11. **Structural Engineers Design – Concrete and Structural Steel**

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.

12. **Erosion and Sediment Control Plan**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a. Timing of works;
- b. nature and extent of earthworks, including the amount of any cut and fill;
- c. where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d. location of all soil and other material stockpiles including topsoil storage;
- e. location and type of proposed erosion and sediment control measures;
- f. site rehabilitation proposals; and
- g. frequency and nature of maintenance program.

Prior to Any Works Commencing on Site

13. **Principal Certifier - Details**

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

14. **Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;

- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

15. **Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

16. **Principal Certifier Site Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

17. **Construction Certificate - Required Prior to Commencement of Works**

A Construction Certificate as specified in this consent is required prior to the commencement of work on the site.

18. **Safety Fencing**

The site is to be secured by a fence, in accordance with SafeWork NSW requirements, to prevent unauthorised access during the period of all works.

19. **Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

20. **Sydney Water – Endorsement of Approved Plans**

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.

During Construction

21. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a. between 7am and 6pm, Mondays to Fridays inclusive;
- b. between 8am and 4pm, Saturdays;
- c. no work on Sundays and public holidays; and
- d. works may be undertaken outside these hours where:
 - i. the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iii. a variation is approved in advance in writing by Council.

22. Site Management During Construction

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during

construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be sign posted and such signposting be maintained in a way that ensures public safety at all times.

23. Sanitary Drainage Works – Inspections

Inspections for sanitary drainage works can only be conducted by Hawkesbury City Council.

Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch.

To arrange inspections and pay required fees please telephone Customer Service on (02) 4560-4444.

24. Tree Removal

No approval is expressed or implied for the removal of trees. No trees are to be removed without separate Council approval.

25. Loading and Unloading During Construction

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

26. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

27. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping;

- b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing must be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

28. Approved Colours and Finishes

The development must be completed generally in accordance with the approved colorbond roof sheeting in 'Evergreen'.

29. Erosion and Sediment Control Plan – Implementation

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

Prior to Issue of Occupation Certificate

30. An Occupation Certificate must be obtained from the Principal Certifier prior to commencement of use.

31. Dilapidation Report - Completion of Works

On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a final dilapidation report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifier and Council identifying:

- a. Whether any damage to surrounding properties and/or public infrastructure has occurred as a result of the development;
- b. the nature and extent of any damage caused to the adjoining property and/or public infrastructure as a result of the development;
- c. the nature and extent of works required to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the proposed development;

- d. the nature and extent of works carried out to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the development; and
- e. the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property and/or public infrastructure as a result of the development.

This report must reference the original dilapidation survey and reports that were required to be provided to the Principal Certifier in accordance with this consent.

The developer must bear the cost of carrying out works to restore all damage to adjoining buildings as a result of the carrying out of the development, and no occupation of the development must occur until damage caused as a result of the carrying out of the development is rectified.

32. Infrastructure Repair at Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

33. Written Clearance

A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.

Operational Conditions

34. Neighbourhood Amenity

The management must ensure that the behaviour of members and visitors visiting and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by visitors of the premises and must ensure that visitors leave the vicinity of the premises in an orderly manner.

35. Graffiti Removal

The owner/lessee of the building must remove any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application in accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design'.

36. Protection of the Environment

Any activity carried out in accordance with this approval shall not give rise to pollution such as odour, offensive noise or pollution of land and water as defined by the Protection of the Environment Operations Act 1997.

Advisory Notes (if applicable)

(i) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphate soils are not encountered

during works. Signs that may indicate the presence of acid sulphate soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(ii) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iii) Dial Before You Dig

Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(iv) Requirements of 88B Instrument

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(v) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(vi) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to construction to determine requirements for access to, diversion, protection, and/or support.

Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development must be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements must be borne by the developer.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 October 2024

2.1.4. HLPP - DA0293/24 - 16 Stewart Street SOUTH WINDSOR - Hawkesbury Indoor Stadium - (144940, 96329)

Directorate: City Planning

DEVELOPMENT INFORMATION

Development Application No.	DA0293/24
Date Received	19 July 2024
Proposal	Installation of shade structures for an at-grade carpark ancillary to an existing indoor recreation facility
Estimated Cost	\$544,279.60
Legal Description	Lot 4 DP 816809
Property Address	16 Stewart Street SOUTH WINDSOR NSW 2756
Area	2.4450 Hectares
Zoning	RE1 Public Recreation under <i>Hawkesbury Local Environmental Plan 2012</i> .
Applicant	The Trustee for Stimson & Baker Unit Trust
Owner	Hawkesbury City Council
Exhibition Dates	31/07/2024 – 14/08/2024
Submissions	Nil
Recommendation	Approval subject to conditions

EXECUTIVE SUMMARY

1. Reason for Consideration by 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 property is owned by Hawkesbury City Council with an ongoing agreement with the Police Citizens Youth Clubs (PCYC) NSW for management of the facility.

2. Proposal

The application seeks consent for the installation of shade structures over the existing car park containing 130 spaces associated with an indoor sports stadium at the subject site which operated by the Police Citizens Youth Clubs (PCYC) NSW

The shade structures would comprise of the following:

- Galvanised Steel posts and structural beams;
- Light coloured PVC Polyester fabric shading for weather proofing protection;
- Solar powered lighting on the underside of the shade sails; and
- Photo-voltaic charging installations.

The proposal involves the installation of five (5) separate shade structures consisting of a barrel-vault design that spans across two rows of parking, cantilevered off a central column located within a planter between the two rows.

No changes are sought as part of the subject application to the existing Indoor Stadium carparking, access or landscaping on site

3. Permissibility

The subject site is currently zoned RE1 Public Recreation under the Hawkesbury Local Environmental Plan 2012 and the proposal is permissible with consent as it is ancillary to the approved and ongoing use of the existing indoor recreation facility.

4. Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was notified from 31 July 2024 to 14 August 2024. No submissions have been received by Council during this period.

Moreover, having regard to Council's Policy in respect to Managing Council Related Development, the subject application has been externally assessed by an independent planning consultant.

Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), taking into consideration all relevant state and local planning provisions. The proposed development seeks to improve the existing parking conditions on site by providing shade sails that would reduce the build-up of heat inside vehicles of patrons using the facility. The shading of the carpark would also reduce radiant urban heat reflected from the bitumen car park. Moreover, the provision of underside lighting power by solar panels would improve upon safety of patrons entering and exiting the site at night while enhancing the efficiency of the site operation.

RECOMMENDATION

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

A. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent for DA0293/24 for the installation of shade structures over an existing at-grade carpark at 16 Stewart Street, South Windsor for the following reasons:

1. The proposed development is permissible in the RE1 zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls;
2. The proposed development seeks to improve the existing parking conditions on site by providing shade sails that would reduce the build-up of heat inside vehicles of patrons using the facility;
3. The shading of the carpark would also reduce radiant urban heat reflected from the bitumen car park;
4. The proposed development is not considered to result in excessive bulk with the built form of the roof appropriate to the scale of the existing buildings;
5. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
6. For the reasons given above, approval of the application is in the public interest.

BACKGROUND

1. Site Description & Conditions

The subject site is legally known as Lot 4 DP 816809, 16 Stewart Street South Windsor, bound by Batter Circuit Reserve to the south, low density residential dwelling to the east and west and other facilities within the Greenhills Community Precinct, to the north.

The subject site forms a central part of the Greenhills Community Precinct along with No.2, 2A and 12 Stewart Street (Lots 1, 2 and 3 of DP 816809) in addition to the Hawkesbury Indoor Stadium (PCYC), the South Windsor Family Centre (No.6 Stewart Street), Hawkesbury Sports Council (No.2A Stewart Street), Greenhills Child Care Centre (2 Stewart Street), Hawkesbury Early Childhood Intervention Centre (12 Stewart Street), and tennis courts being located within the precinct.

The site is zoned RE1 Public Recreation under the Hawkesbury Local Environmental Plan 2012 and is surrounded by other sites currently zoned RE1 Public Recreation, SP2 Infrastructure and R2 Low Density Residential (as seen in Figure 2 below).

The property has an area of approximately 2.4450ha and has its predominant frontage to Stewart Street. Access to the buildings and facilities within the Greenhills Community Precinct, including the Hawkesbury Indoor Stadium, are available from Ham Street via Greenhills Way and via a right of carriageway over 2A Stewart Street from Stewart Street.

Further, the site is identified to not be within an area prone to flooding and bushfire. However, the site is identified to be within an area with terrestrial biodiversity values under the Hawkesbury Local Environmental Plan 2012.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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Figure 1 – Aerial image of the subject site and outlined in yellow is the location of the proposed development on site

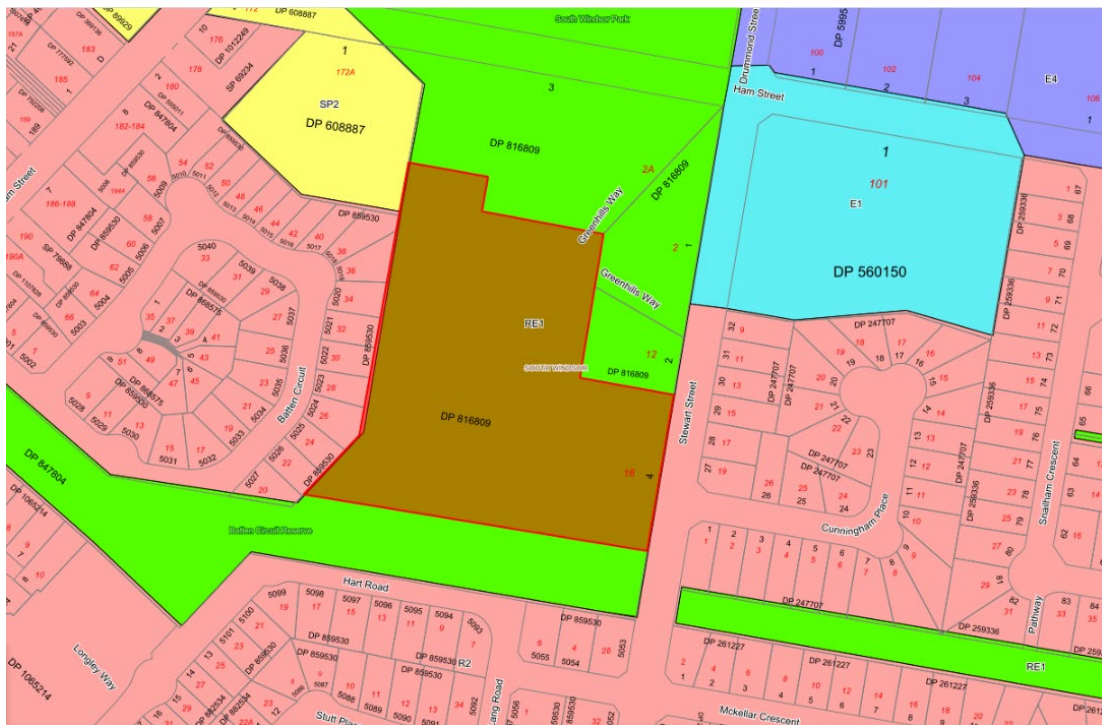


Figure 2 – Zoning Map (Source NSW Planning Portal Spatial Viewer)

HAWKESBURY LOCAL PLANNING PANEL

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Figure 3 – Terrestrial Biodiversity Map with SIXmaps base (Source NSW Planning Portal Spatial Viewer)



Figure 4a– View from the southeast corner of the car park towards the north (Source GAT & Associates)

HAWKESBURY LOCAL PLANNING PANEL

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Figure 4b – View of the existing carpark towards the west (Source GAT & Associates)

2. Relevant Site History

The site was subject to the following development applications:

Date	Application ID	Comment
27/01/1994	D0296/23	Construction indoor sports centre with (3) three stadiums
29/09/1994	D0233/94	Construction multi-purpose sports facility
18/11/2004	DA741/04	Family/community centre
09/08/2006	DA741/04A	Modification to DA741/04
17/04/2019	CDCPC1117/19	Solar Panels – Indoor Stadium
27/03/2019	CDCPC118/19	Solar Panels – Family Centre
05/04/2022	DA0115/21	Recreational Facilities (Indoor) – Alterations and additions to the indoor sports stadium and car park, landscaping works and long-term lease subdivision
30/04/2024	DA0139/24	Car park shade structures, application was returned.
31/05/2024	DA0215/24	Car park shade structures, application was returned.

3. The Proposal

The application seeks consent for the installation of shade structures over the existing car park containing 130 spaces associated with an indoor sports stadium at the subject site which operated by the Police Citizens Youth Clubs (PCYC) NSW

The shade structures would comprise of the following:

- Galvanised Steel posts and structural beams;
- Light coloured PVC Polyester fabric shading for weather proofing protection;
- Solar powered lighting on the underside of the shade sails; and
- Photo-voltaic charging installations.

The proposal involves the installation of five (5) separate shade structures consisting of of a barrel-vault design that spans across two rows of parking, cantilevered off a central column located within a planter between the two rows.

No changes are sought as part of the subject application to the existing Indoor Stadium, carparking, access or landscaping on site

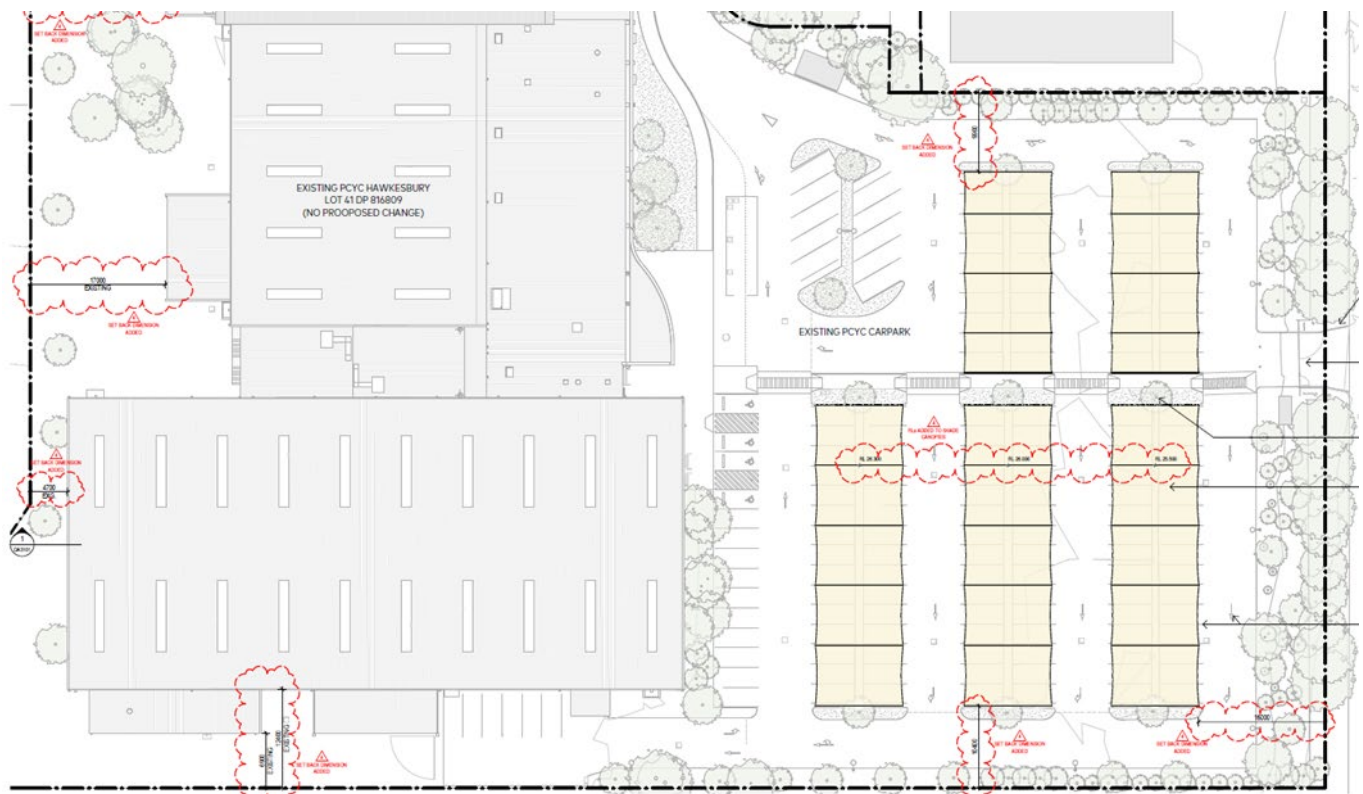


Figure 5 – Extract of Site Plan (Source AJC Architects)

HAWKESBURY LOCAL PLANNING PANEL

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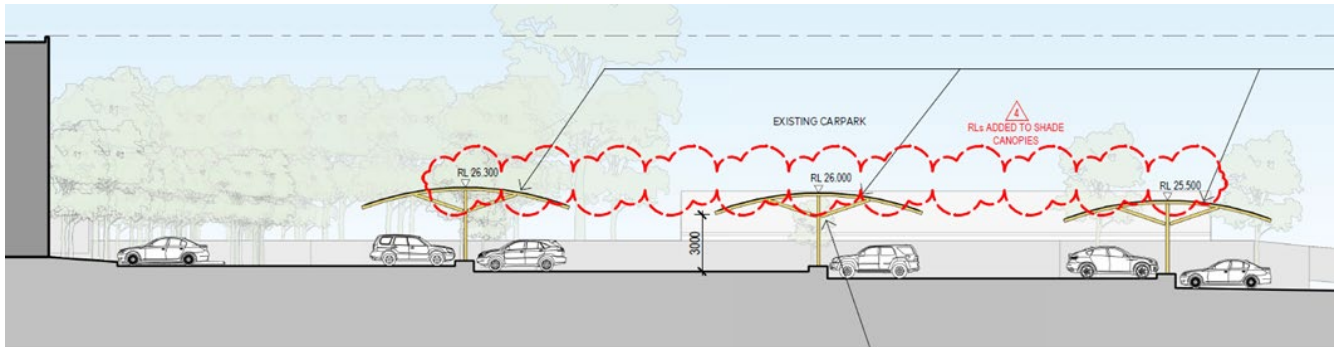


Figure 6– Extract of Section AA (Source AJC Architects)

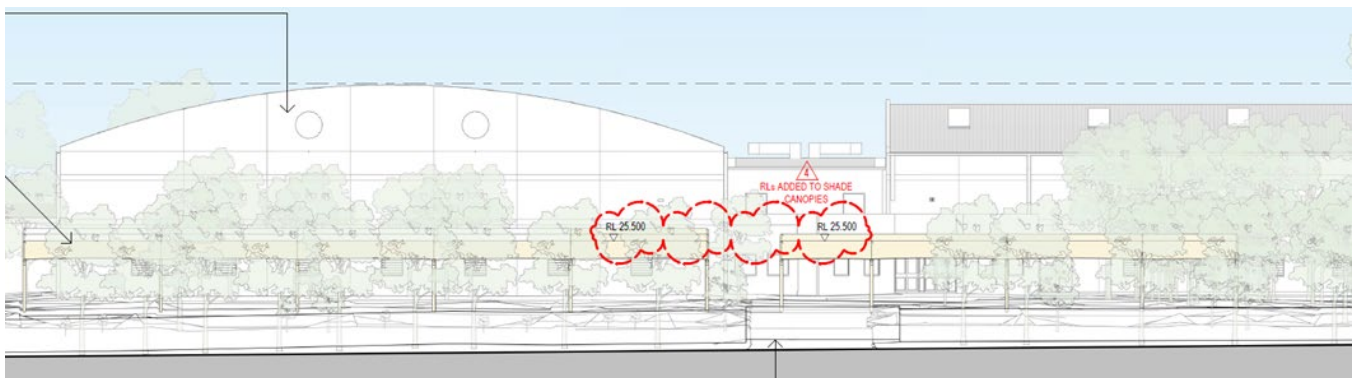


Figure 7: Extract of Section the East/Stewart Street Elevation (Source AJC Architects)

4. Relevant Application History

Date	Comment
15/07/2024	Application submitted in the NSW Planning Portal
19/07/2024	Application accepted
31/07/2024	Notification commences
22/07/2024	Internal referral to Council's Property team
14/08/2024	End of notification
12/09/2024	Internal referral to Council's Building Surveyor team
24/09/2024	Internal referral to Council's Engineering team

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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5. Referrals

Stakeholder	Comment
Development Engineering	No objections raised, and the proposal was supported subject to conditions of consent with regards to stormwater drainage. These conditions have been included as conditions of this consent.
Property Team	No objections raised and no additional conditions have been recommended.
Building Surveyor	No objections raised, and the proposal was supported subject to conditions of consent with regards to building certification. These conditions have been included as conditions of this consent
External Referrals	
No external referrals were required.	

6. Environmental Planning Instruments

6.1 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); and
- Hawkesbury Development Control Plan 2002 (HDCP 2022) & 2023 (HDCP 2023).

6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 regulates clearing and tree removal in non-rural areas.

Chapter 2 – Vegetation in Non-Rural Areas

This development application does not propose the removal of any trees or vegetation, therefore no further assessment is deemed necessary in this regard.

Chapter 6 – Water Catchments

Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to improve water quality and river flows, protect and enhance the environmental quality of water catchments and ensure consistency with local environmental plans and principles of ecologically sustainable development. The site is mapped within the Hawkesbury-Nepean Catchment.

Given the scale and the nature of the proposed development within the context of the existing and built form, there will be a neutral effect on water quality within the catchment, with no changes required to the existing stormwater system on the site.

6.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the site.

Chapter 4 Remediation of Land

This aims of this chapter of the SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with this chapter, Clause 4.6 requires Council to consider if the land is contaminated, and if the land is contaminated, if the land can be made suitable for the proposed used.

The proposal includes installation of shade sail structures over the existing car park only with no alterations to the existing building and ongoing use. Given the existing use of the site as a recreation facility (indoor) and the previous application records indicate there are no previous contaminating use, the site is considered suitable for the continued use and the proposed works do not warrant further assessment.

6.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to the site.

Clause 2.48 – Determination of development applications—other development

The proposed works are not within an electrical easement nor immediately adjacent to an electrical infrastructure, therefore no further assessment is deemed necessary in this regard.

Clause 2.119 Development with frontage to classified road

The subject site does not front a classified road, therefore no further assessment is deemed necessary in this regard.

Clause 2.120 Impact of road noise or vibration on non-road development

The subject site does not adjoin a road with an annual average daily traffic volume of more than 20,000, therefore no further assessment is deemed necessary in this regard.

7. Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the Hawkesbury Local Environmental Plan 2012 (HLEP 2012) for the proposed development are outlined below:

7.1. Clause 1.2 Aims of plan.

The aims of the HLEP 2012 are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.*
- (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*

- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*
- (e) *to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,*
- (f) *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,*
- (g) *to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

The proposed development would allow for the continued use of the site as a public recreation facility with the added benefit of reducing urban heat from the car park and reducing heat build-up of cars using the shaded spaces. The siting and design of the shade structures would not result in adverse environmental effects on the site or to adjoining development. As such, the proposal aligns with aims (aa),(b) and (g) of the HLEP 2021.

7.2. Clause 2.3 Zone objectives and Land use table.

The subject site is zoned RE1 Public Recreation under the HLEP 2012. The objectives of the RE1 Public Recreation zone are as follows:

- *To enable land to be used for public open space or recreational activities.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and enhance the natural environment for environmental purposes.*
- *To restrict development on land required for future open space purposes.*

The proposal is consistent with the objectives of the zone for the following reasons:

- Enables the continuation of the land to be used for public open space or recreational activities;
- Does not detract the existing recreational settings nor the land use compatibility with the adjoining lots as a result;
- Does not involve removal of any trees thus protecting the natural environment which may be used for recreational purposes.

The proposed shade sail structures are considered to ancillary to the car park which form part of the existing 'recreation facility (indoor)' use as per the land use definition below:

“recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”

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7.3 Development Provisions

Consideration of the applicable development provisions are made as follows:

Clause	Comment
Part 4 – Principal development standards	
Clause 4.1 Minimum subdivision lot size	The proposed development does not seek any new subdivision onto the site.
Clause 4.2 Rural subdivision	The proposed development does not seek any new subdivision onto the site.
Clause 4.3 Height of buildings	N/A, the site is not nominated with a maximum building height.
Clause 4.4 Floor Space Ratio	N/A, no maximum Floor Space Ratio (FSR) applies to 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	N/A, land is owned by the Council will continue to be used as a recreation facility (indoor).
5.10 Heritage conservation	N/A , the subject site is not identified to be an item of heritage significant nor within the vicinity of other heritage listed items.
5.21 Flood planning	The subject site does not fall within an area prone to riverine flooding.
Part 6 – Additional local provisions	
6.1 Acid sulfate soils	The site is located in land identified as containing Acid Sulfate Soils – Class 5. The installation of the shade structures does not include any cut or fill therefore, the proposal is unlikely to affect acid sulfate soils in the area.
6.2 Earthworks	No earthworks are proposed, as the shade structures are proposed for installation at the existing ground levels.
6.6 Development in areas subject to aircraft noise	The subject site is partially mapped with land identified as 'significant vegetation' (refer Figure 3) however, the proposal includes installation of shading over an existing car park which is not a mapped area. Therefore, the proposal would not adversely affect terrestrial biodiversity within the area.

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6.7 Essential services	<p>The proposal will not affect existing services on the site.</p> <p>Supply of electricity for lighting on the underside of the shade sails is proposed with the use of solar panels. A condition of consent is recommended for amended plans which detail the lighting and solar panels.</p>
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8. Hawkesbury Development Control Plan 2002 & 2023

The Hawkesbury Development Control Plan 2023 was adopted by Council on the 22 November 2022 and commenced on the 24 July 2023.

It revokes and replaces the following Chapters of the Hawkesbury Development Control Plan 2002:

- Car parking & access
- Effluent disposal
- Heritage conservation

A summary of the assessment of the application pursuant to the Hawkesbury Development Control Plan 2023 (HDCP 2023) is provided below:

Control	Compliance/Comments
HDCP 2023 – Part A & B Introduction and General Requirements	
Chapter 2: Site Analysis	
4.1 Site Analysis Plan A Site analysis plan must be submitted for construction of any building, external alterations to existing buildings and Torrens title subdivision of land and must address all matters identified in the acceptable solutions column. The scope of the site analysis will depend on the scale and nature of the development, the sensitivity of the site and the extent of the area that may be affected by the proposed development. The site analysis must clearly demonstrate an appreciation of the site and its context, and the opportunities and constraints on the layout and design of the site. The site must demonstrate that the development will integrate within the streetscape or context when considering scale, proportion and massing.	Yes The site plan shows the existing buildings and proposed structures over the existing park on the site. The site plan shows the adjoining early childhood centre to the north of the car park and residential development to the east, opposite the site along Stewart Street. Given the minor nature of the works proposed which are entirely within the car park only, the site plan is considered sufficient for the context of the proposal and indicates the proposal shall integrate within the existing streetscape and context of the site and its immediate surrounds in terms of scale, proportion and massing.

Chapter 5: Traffic Access, Street Design and Parking

4.1 Off-Street Parking Rates

D1.1.1 Parking is to be provided in accordance with Table 01. Uses not referred to in the Table 01 will be assessed on merit for bicycle, motor cycle and car parking. Note: In the circumstances where the car parking and/ or other requirements are not defined by this chapter for a particular land use or where a development may cause a potential significant impact on the surrounding road network and properties, a detailed Car Parking and Traffic Impact Assessment Study and Road Safety Audit may be required to be prepared for the proposed development to substantiate proposed parking provisions.

Recreation facilities (Indoor) merit.

'For any type of recreation facility (indoor) except Fitness Centres and Gyms (that are subject to specific rates) parking rate is determined on merit.'

Traffic and parking study may be required depending on scale of development taking into consideration the proposed uses and equivalent rates for similar uses.'

Not applicable

The proposal does not alter the number of car parking spaces on the site and intends to provide shading over 130 of the 161 total car spaces approved under DA0115/21.

4.2 Parking design requirements

D2.1.1 The following standards and guidelines must be complied with:

- AS 2890.1 Part 1: Parking Facilities: Off-street Car Parking;
- AS 2890.2 Part 2: Parking Facilities: Off-street Commercial Vehicle Parking Facilities;
- AS 2890.3 Part 3: Bicycle Parking Facilities;
- AS 2890.5 Part 5: On-street parking; and
- AS 2890.6 Part 6: Disabled parking.
- Planning for Bushfire Protection 2019.
- Austroads Guide to Traffic Management Part 11: Parking
- Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development
- Western Sydney Engineering Design Manual (Version April 2021)
- Western Sydney Street Design Guidelines
- Cycling Aspects of Austroads Guide
- Council's Construction Specifications and related table (under development)

D2.2.6 For any public or shared/communal parking areas provision of suitable traffic calming devices, pedestrian paths and crossings, barriers, line markings and directional and safety signage is required in

Yes

The proposal does not alter the existing siting, design, number of car parking spaces and the landscaping currently on site. Further, the existing features, traffic calming devices, line markings, crossings and directional signage, which shall also remain unaltered as a result of the proposed development.

The shade structures are proposed with a cantilever design with a minimum clearance of 3m from ground level to allow a wide variety of vehicle types to use the parking spaces and are considered to minimizing the visual impact of the existing hardstand areas.

In addition, a condition of consent requiring the lighting structures and solar panels be shown on plans, prior to issue of a construction certificate that shall

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<p>accordance with the Western Sydney Engineering Design Manual.</p> <p>D2.2.7 All carparking circulation must be provided within the site, and not include the public road network.</p> <p>D2.3.1 Standing areas for service vehicles must ensure adequate space for queuing on site commensurate with the demand associated with the use.</p> <p>D2.4.1 All carparking areas are to include appropriate landscaping for shade, to lessen the visual impact of large paved areas and to provide screening.</p> <p>D2.4.2 Landscaped areas must be provided in the form of tree planting, garden beds, mounding, lawns, water sensitive urban design features and the like in accordance with the landscaping chapter of this DCP and the following additional requirements:</p> <ul style="list-style-type: none">a) A minimum of one tree must be planted per 4 spaces within a landscaped bay designed for deep soil planting; andb) A minimum 1 metre wide landscaping strip must be provided at the end of parking aisles; andc) A minimum 1 metre landscaped strip to be provided along the side and rear boundaries and a minimum 2 metres landscaped strip to be provided along the front boundary (primary frontage). <p>D2.6.1 Design of off-street parking for people with a disability must comply with AS2890.6 and the Commonwealth Disability Discrimination Act (1992).</p> <p>D2.6.2 A continuous accessible path of travel between designated car parking spaces for people with a disability and lift lobby or access points servicing development.</p> <p>D2.7.1 Carpark design must incorporate lighting in accordance with the relevant Australian Standards.</p>	<p>ensure the proposal will be in accordance to Australian Standards.</p>
2002 DCP – Part C General Guidelines	
Chapter 1 Landscaping 1.2 Landscaping Requirements A landscape concept plan is required for most developments in the Hawkesbury. The landscape plan is to be prepared by a suitably qualified person and must incorporate the requirements detailed below.	<p>The proposal is for installation of car park shade structures with no change to landscaping proposed.</p>

1.2.1 Existing Environment

Existing vegetation

Landscaping should retain, protect and enhance existing native vegetation. Maximum advantage should be taken of existing mature trees and shrubs on the site and these should be incorporated into the overall landscape strategy.

During construction, all trees and stands of vegetation which are to be preserved, should be protected by temporary staking or fencing which shall be the drip line of the tree, to ensure root and trunk damage does not occur as a result of machinery movements or storage of building materials.

1.2.2 Proposed Landscaping

Planting Considerations

Landscaping should include a suitable proportion of trees, other than palms, in order to:

- reduce the visual impact of buildings;
- shade their western elevations from the hot afternoon summer sun;
- promote privacy between sites; and
- provide shade for car parking areas, outdoor recreation areas, and children's play areas.

Wind buffers

Existing stands should be retained as wind buffers. Where clearing is necessary, it should be undertaken only in a direction at right angles to the prevailing winter winds.

Drainage

Existing vegetation should be retained along natural drainage lines and supplementary planting should be considered, to reduce moisture levels and lower stormwater velocities, thus reducing the possibility of erosion of top soil.

Wind Control

Landscaping should protect buildings and outdoor spaces from unfavourable and cold winter winds.

Solar Radiation Control

Landscaping should maximise winter sun and minimise summer sun.

This application does not propose any additional vegetation or change in species of tree planting.

<p>Landscaping should reduce glare and reflection, particularly off driveways and car parks.</p>	
<p>Chapter 8 Management of Construction & Demolition Waste</p>	
<p>8.2 General Principles</p> <p>8.2.1 Waste Management Plans</p> <p>A Waste Management Plan is a simple checklist that will provide Council with information about the volume, treatment, storage, disposal and ongoing treatment of C&D waste. Applicants seeking development approval from both Council and accredited certifiers must complete a Waste Management Plan that will show that:</p> <p>he potential for waste is avoided</p> <ul style="list-style-type: none"> • Where possible, waste is reused on site • Waste that cannot be reused on site is separated and recycled • Waste with no reuse or recycling potential is disposed of at an authorised landfill site 	<p>The waste management plans provided details that the development is unlikely to generate waste as the shade structures will be specifically built for installation without demolition or construction waste.</p> <p>The site inspection conducted on 28 August 2024 showed multiple light poles located where the shade structures are proposed which would need removal (see Figures 6, 7 & 8) therefore, a condition of consent will require an amended waste management plan prior to issue of a construction certificate to address the removal and disposal of the existing light poles.</p>

10. Development Contributions

Pursuant to the Council’s adopted Section 7.11 Contributions Plan, Section 2.7, the development is exempt from requiring development contributions as the application is on behalf of the Council for Community Infrastructure.

11. EP&A Regulations 2021

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

12. The likely impacts of the development

The development application seeks consent for the removal of existing light poles and the Installation of car parking shading structures over 130 car parking spaces for the Hawkesbury Indoor Stadium.. This proposal retains the existing car parking provisions and does not alter compliance with the Hawkesbury DCP 2002 or 2023.

This application seeks to improve upon the existing parking conditions on site by providing shade sails which will reduce the build-up of heat inside vehicles of patrons using the facility. The shading of the carpark will also reduce radiant urban heat reflected from the bitumen car park.

The provision of underside lighting power by solar panels will improve upon safety of patrons entering and exiting the site at night while enhancing the efficiency of the site operation.

The proposal is therefore not considered to result in adverse economic or social impacts and will not result in adverse environmental impacts subject to conditions of consent.

13. Suitability of the Site

The site is located in an RE1 Public Recreation zone with the proposal being ancillary to a permissible form of development with consent. The development is sought to improve on the ongoing use of the Hawkesbury Indoor Stadium (PCYC) facility.

The shade structures will improve conditions for patrons using the facility during the summer and improve safety for patrons at night through lighting of the carpark.

14. Public Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was advertised between 31 July 2024 to 14 August 2024. No submissions were received.

15. Public Interest

The proposed development has been considered to improve the use of the recreation facility during higher temperatures as patrons will have less concern of significant heat build-up in their vehicles when compared to vehicles directly exposed to the sun. The proposal will improve upon safety for patrons by provision of lighting dispersed from the underside of the shade structures.

Accordingly, the proposed development is considered in the public interest.

16. 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, the development is considered to be appropriate for the site and in the public interest. It is considered that the proposal will reduce adverse impacts such as urban heat reflected from the bitumen car park, reduce heat build-up of vehicles that would otherwise be exposed to direct sunlight, and improve safety through lighting of the car park.

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 of consent.

Recommendation

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

- A. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent for DA0293/24 for the installation of shade structures over an existing at-grade carpark at 16 Stewart Street, South Windsor for the following reasons:
1. The proposed development is permissible in the RE1 zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls;
 2. The proposed development seeks to improve the existing parking conditions on site by providing shade sails that would reduce the build-up of heat inside vehicles of patrons using the facility.
 3. The shading of the carpark would also reduce radiant urban heat reflected from the bitumen car park.
 4. The proposed development is not considered to result in excessive bulk with the built form of the roof appropriate to the scale of the existing buildings.

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5. 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. Attachments

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

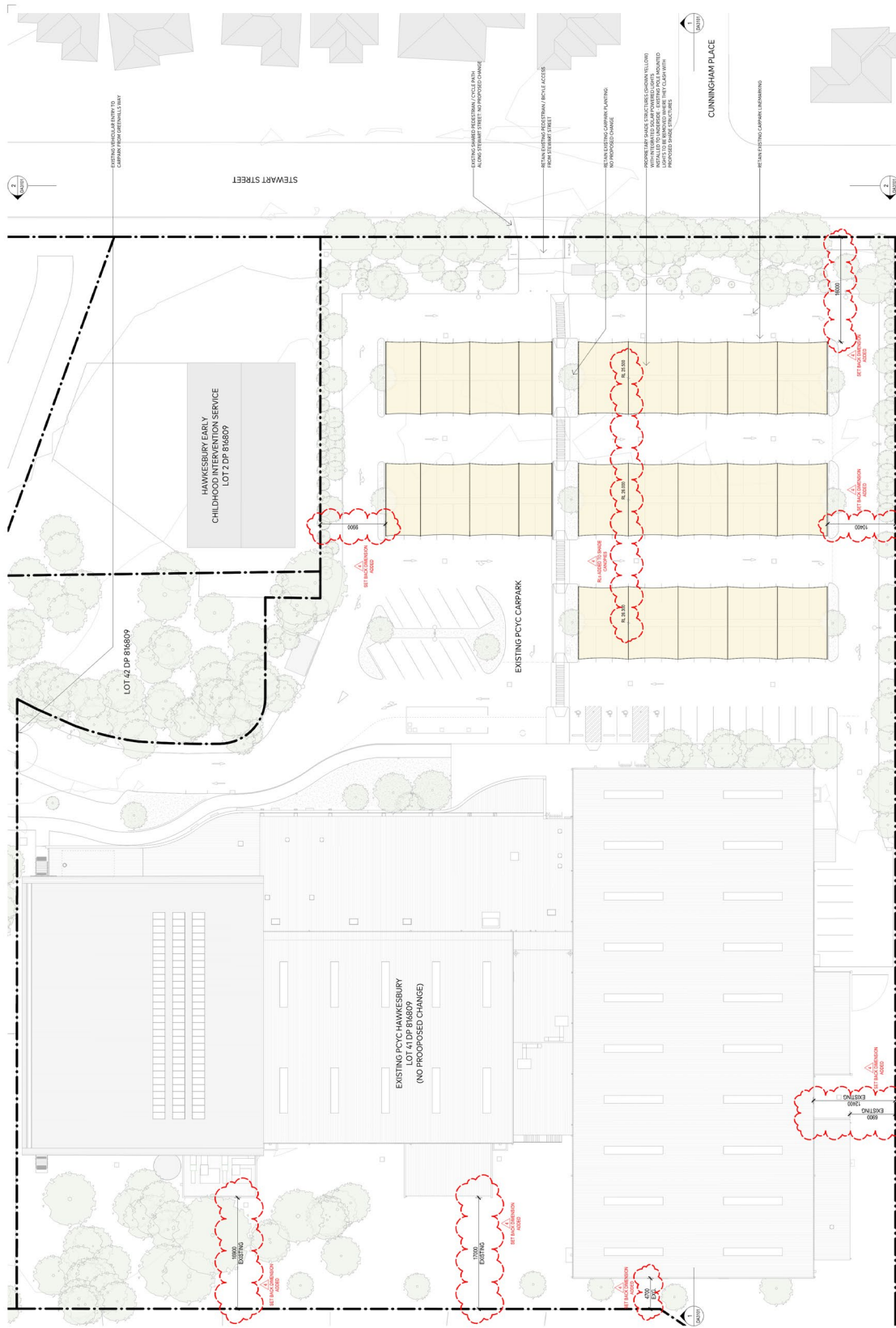
AT - 2 Plans used during Assessment.

AT - 3 Statement of Environmental Effects - (*Distributed under separate cover*)

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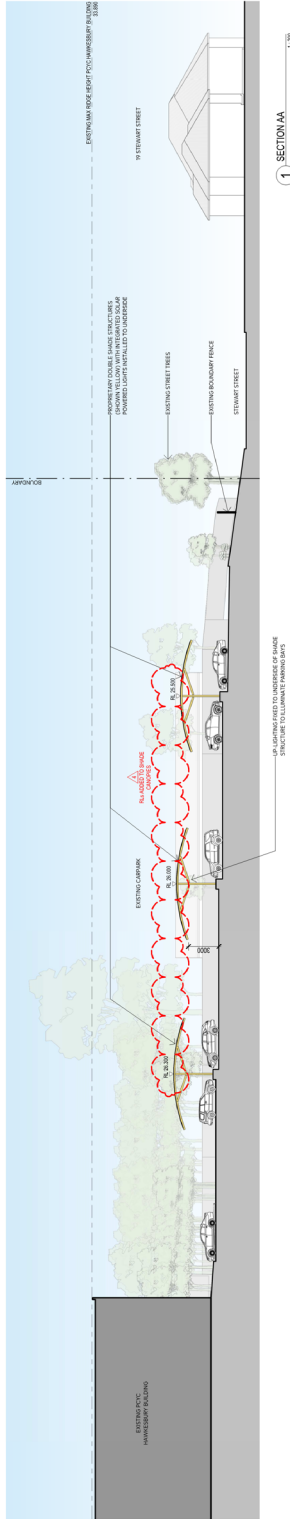


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Hawkesbury Local Planning Panel Meeting

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