



Attachment 2 to Item 2.1.2.

Plans Used During Assessment

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

**Section 4.15 Assessment Report
Environmental Planning and Assessment Act 1979**

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

1. 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 relates to development on Council owned land.

2. Proposal

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

- Installation of three (3) Container Mounted Dome Structures (CMDS) comprising 40 x 20 foot shipping containers with a fabric awning in an arched form and gravel surface base. Each CMDS will be used as follows:
 - Shelter Site 1
 - To be used to store dry and inert waste materials including domestic kerbside recyclables, paper and cardboard, scrap metal and mattresses.
 - Site equipment such as bulldozers, excavators and front-end loaders would also be stored.
 - Shelter Site 2
 - To accommodate the Municipal Solid Waste (MSW) processing trial demonstration plant. The plant will bioprocess organic putrescible waste and incorporate a mechanical process to convert residual inorganics and undigested organics into substitute high carbon and hydrogen feedstock to be sold as a substitute for coal and metallurgical coke in the form of synthetic coal. The synthetic coal will be stored onsite for a maximum of two (2) days prior to dispatch to an external processing facility.



- Shelter Site 3
 - To be used for the storage of Geotech fabric that is utilised to secure infilling. Currently, the Geotech fabric is stored in the open at the proposed location of Shelter 3.
- Upgrade part of the existing internal access road to an all-weather road with aggregate.
- **Note:** No changes are proposed to be made to the materials currently received at the Hawkesbury Council Waste Management Facility.

3. Permissibility

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

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

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

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

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

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

4. Consultation

The application was notified in accordance with Council’s community participation plan.

The notification periods were as follows:

Notification: 20 December 2024 to 7 February 2025:

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

5. Key issues

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

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



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

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

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

Recommendation

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

A. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0491/24 for the construction of three (3) temporary all-shelter buildings at the existing waste management facility for the storage of materials, plant and infrastructure at 1 The Driftway, South Windsor, for the following reasons:

1. The proposed development is permissible in the SP1 Waste Management Facility zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls
2. The proposed development will result in the enhancement of the existing Hawkesbury Council Waste Management Facility.
3. The proposed development does not impact the operation or amenity of surrounding properties.
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.

2. Site Description & Conditions

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

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



Figure 1. Site Location (Source: SIX Maps)



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

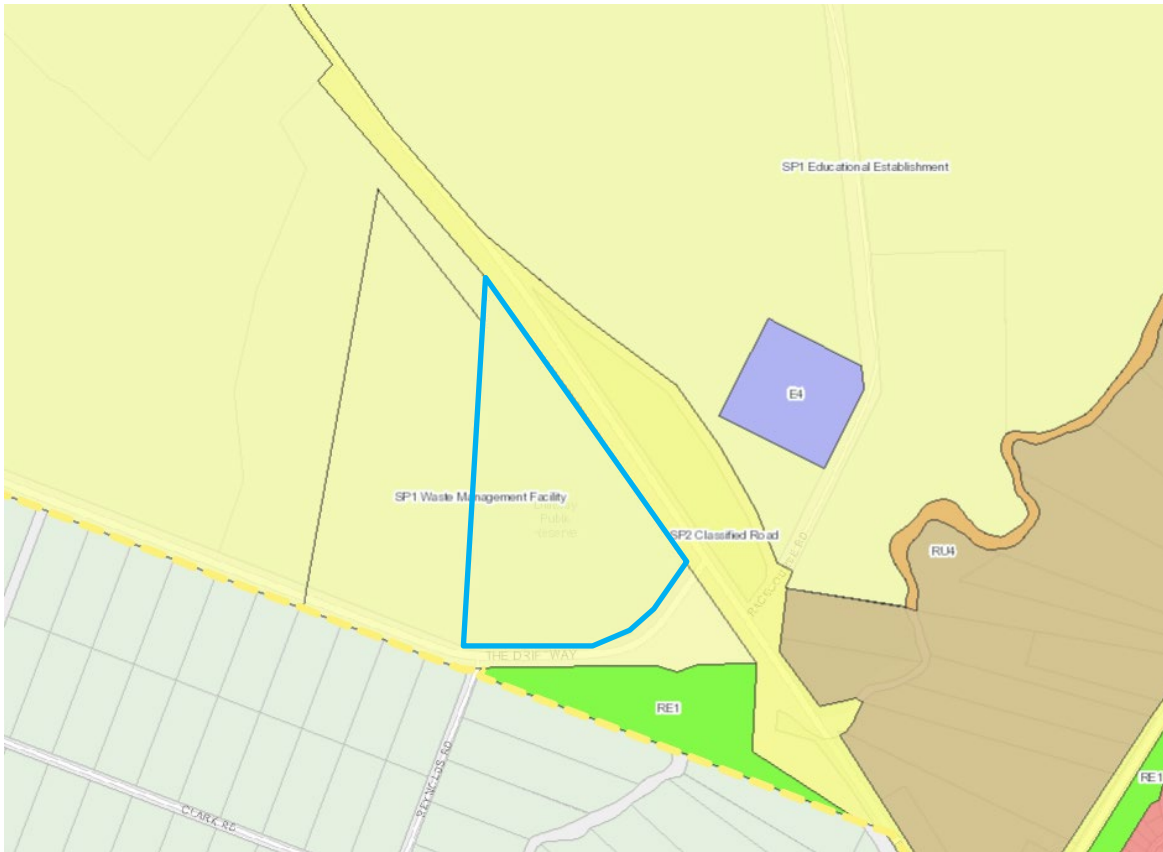


Figure 3. Zoning Map (Source: NSW eSpatial viewer)

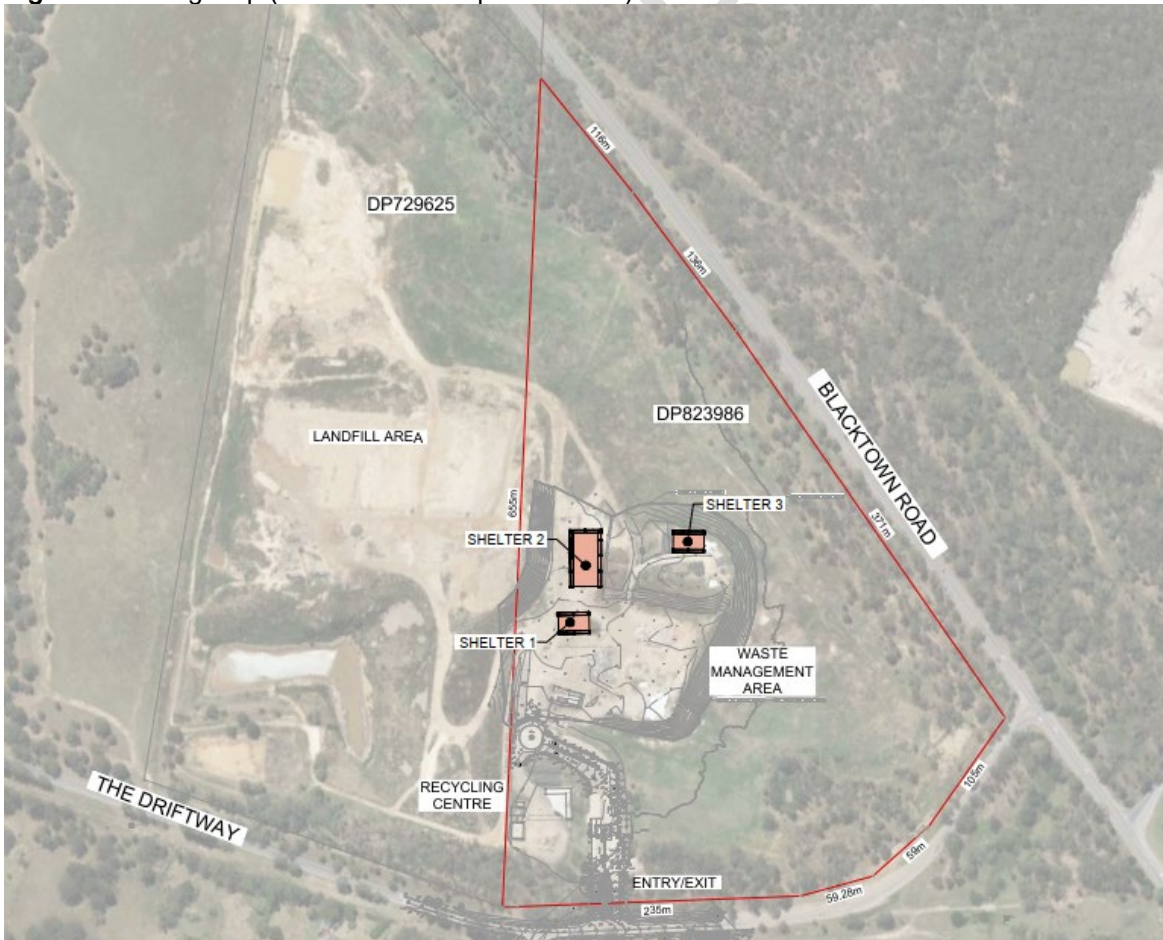


Figure 4. Location Plan prepared by SA Design

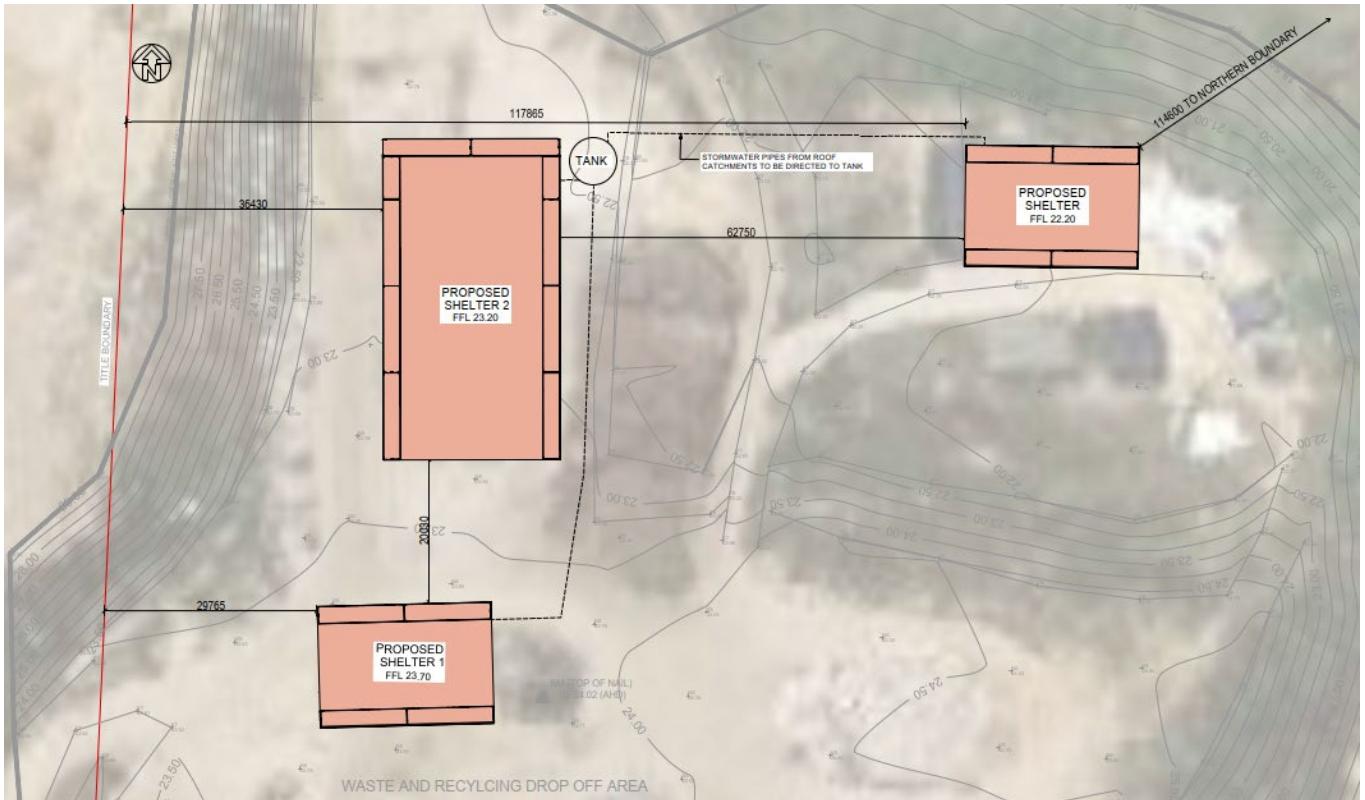
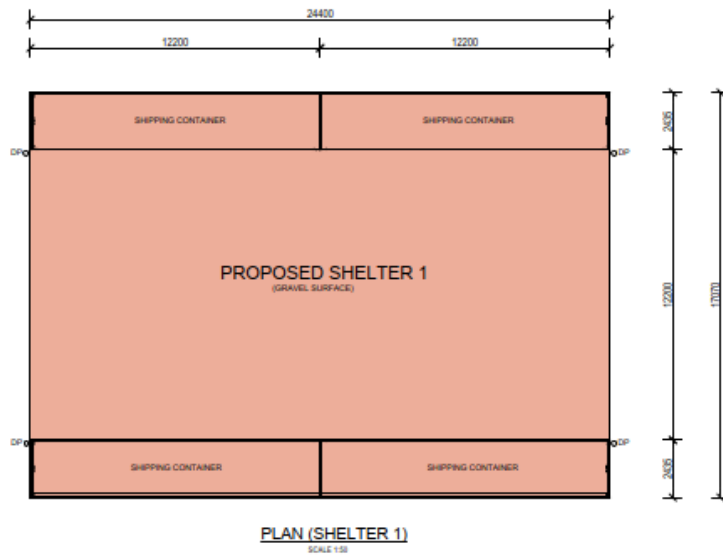
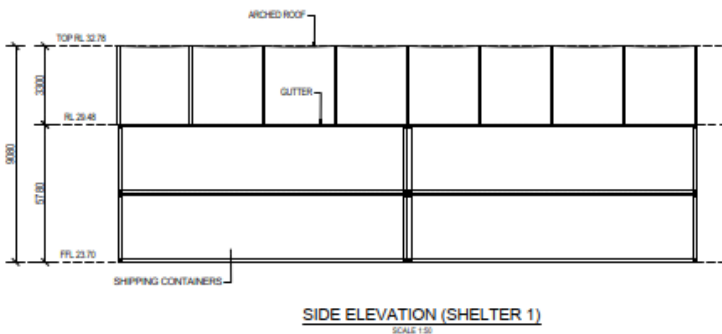


Figure 5. Site Plan prepared by SA Design.

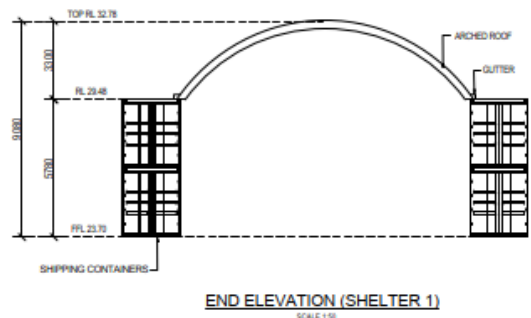


PLAN (SHELTER 1)
SCALE 1:50

STORMWATER NOTE
PROPOSED GUTTERS TO DISCHARGE INTO STORMWATER PIPES VIA DOWNPIPES AND DIRECTED TO STORMWATER TANK (REFER SITE PLAN)



SIDE ELEVATION (SHELTER 1)
SCALE 1:50



END ELEVATION (SHELTER 1)
SCALE 1:50

Figure 6. Shelter 1 details prepared by SA Design.

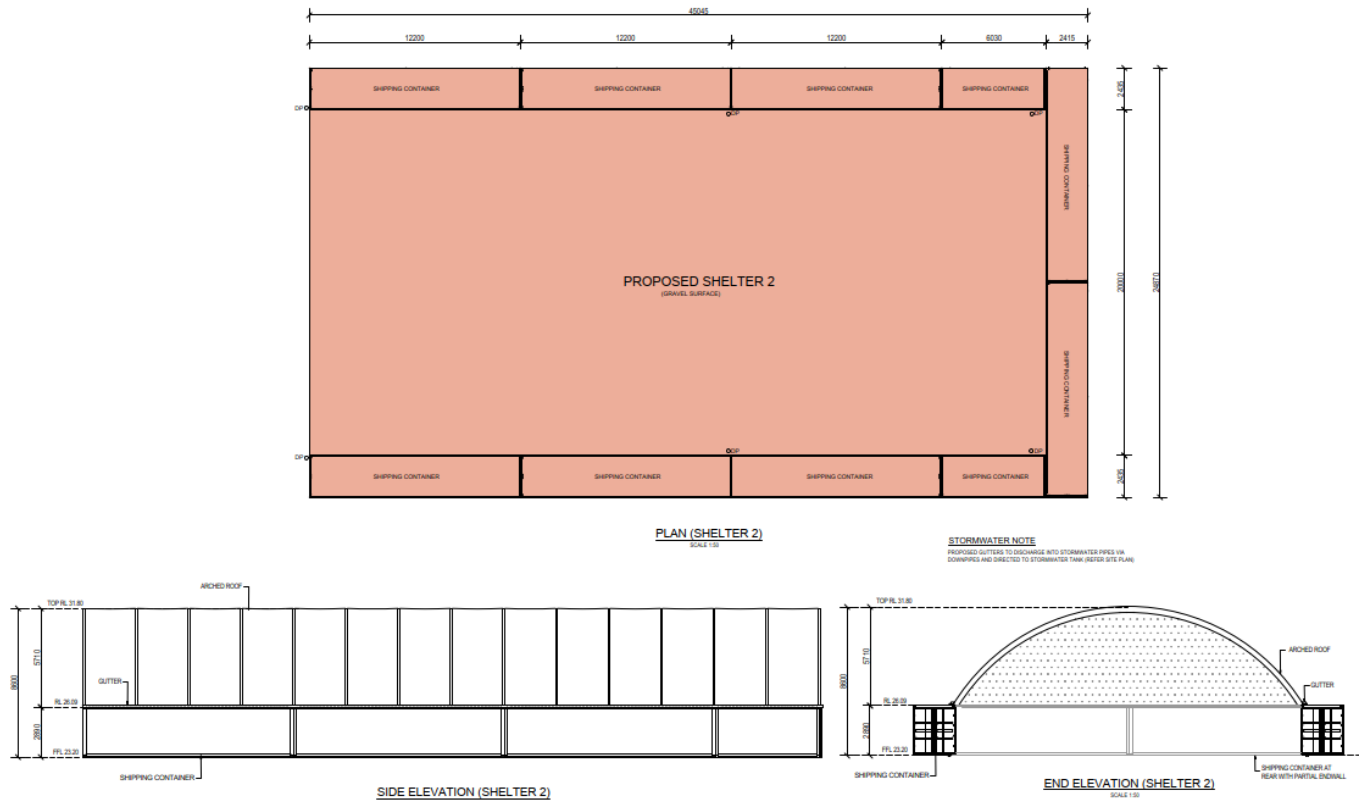


Figure 7. Shelter 2 details prepared by SA Design.

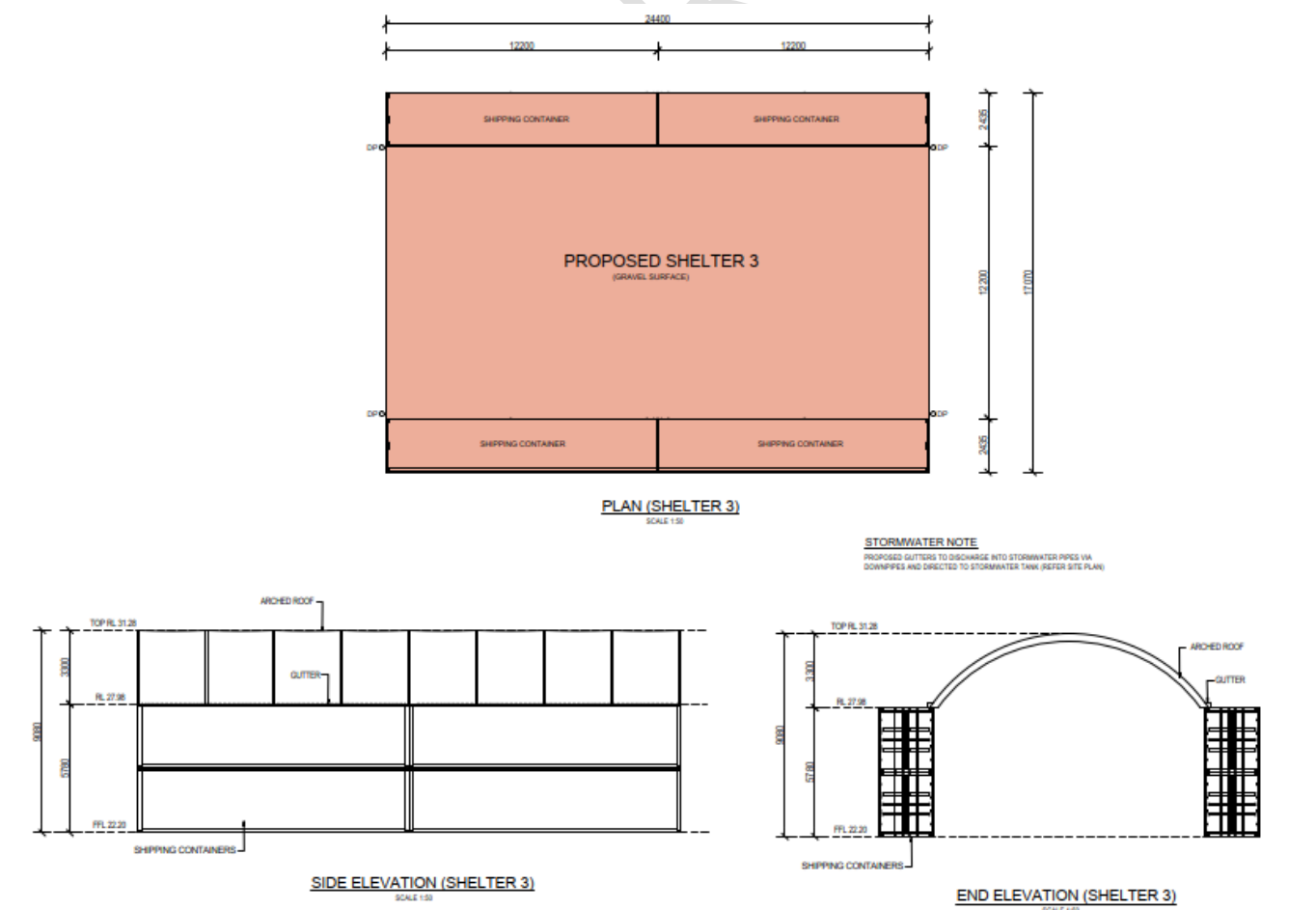


Figure 8. Shelter 3 details prepared by SA Design.



Figure 9. Proposed location of Shelter 1.



Figure 10. Proposed location of Shelter 2.



Figure 11. Proposed location of Shelter 3.



3. Relevant Site History

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

4. The Proposal

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

The proposed development consists of specifically:

- Installation of three (3) Container Mounted Dome Structures (CMDS) comprising 40 x 20 foot shipping containers with a fabric awning in an arched form and gravel surface base. Each CMDS will be used as follows:
 - Shelter Site 1
 - To be used to store dry and inert waste materials including domestic kerbside recyclables, paper and cardboard, scrap metal and mattresses.
 - Site equipment such as bulldozers, excavators and front-end loaders would also be stored.
 - Shelter Site 2
 - To accommodate the Municipal Solid Waste (MSW) processing trial demonstration plant. The plant will bioprocess organic putrescible waste and incorporate a mechanical process to convert residual inorganics and undigested organics into substitute high carbon and hydrogen feedstock to be sold as a substitute for coal and metallurgical coke in the form of synthetic coal. The synthetic coal will be stored onsite for a maximum of two (2) days prior to dispatch to an external processing facility.
 - Shelter Site 3
 - To be used for the storage of Geotech fabric that is utilised to secure infilling. Currently, the Geotech fabric is stored in the open at the proposed location of Shelter 3.

Note: No changes are proposed to be made to the materials currently received at the Hawkesbury Council Waste Management Facility.

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

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



Staff	Ten (10) full-time staff.
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Note: The proposed operational hours for the MSW processing plant are recommended to operate in accordance with the existing operating hours of the waste management facility, subject to a 12 month trial period.

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

5. Relevant Application History

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

6. Referrals

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



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

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

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

7.2 State Environmental Planning Policy – Biodiversity & Conservation 2021.

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

Chapter 2 Vegetation in non-rural areas

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

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



Chapter 6 Water Catchments

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

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

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

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

7.3 State Environmental Planning Policy – Resilience & Hazards 2021

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

Chapter 3 – Hazardous and offensive development

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

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

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

Chapter 4 – Remediation of land

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

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

7.4. State Environmental Planning Policy – Transport and Infrastructure 2021

7.4.1 Chapter 2 - Infrastructure

Chapter 2, Part 2.3, Division 23 of State Environmental Planning Policy – Transport and Infrastructure 2021 (SEPPTI) relates to development of waste or resource management facilities. Clause 2.153 of the SEPP allows waste or resource management facilities to be considered within prescribed zones with consent. However, as the proposal is



permitted with consent under the Hawkesbury LEP 2012, the application does not rely on the SEPPTI for permissibility. No further considerations are required.

8. Hawkesbury Local Environmental Plan 2012

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

8.1. Clause 1.2 Aims of plan.

The aims of the plan are outlined as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (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 application is made to promote and manage the orderly and economic development of the site as a waste or resource management facility. As discussed below in this report, the application has considered the context of the immediate locality and is made subservient to the controls found under the Hawkesbury Local Environmental Plan 2012 and the Hawkesbury Development Control Plan 2002. It is therefore recognised that the proposed development aligns with the aims of the plan.

8.2. Clause 2.3 Zone objectives and Land use table.

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

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

Comment:

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

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

Comment:

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

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

Comment:

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



8.3 Permissibility

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

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

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

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

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

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

8.4 Development Provisions

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



Figure 12: 1% AEP Flood Map

Part 6 – Additional local provisions

<p>6.1 Acid sulphate soils</p>	<p>The site is mapped as containing class 5 acid sulfates. However, no other classes of acid sulfate soils are located within 500m of the subject site. No further considerations are necessary.</p>
<p>6.4 Terrestrial biodiversity</p>	<p>A portion of the site is identified on Hawkesbury LEP 2012 Terrestrial Biodiversity Map as containing “significant vegetation” and “connectivity between significant vegetation.” The majority of this vegetation is located within the southern and eastern portions of the site (see Figure 13 below).</p>

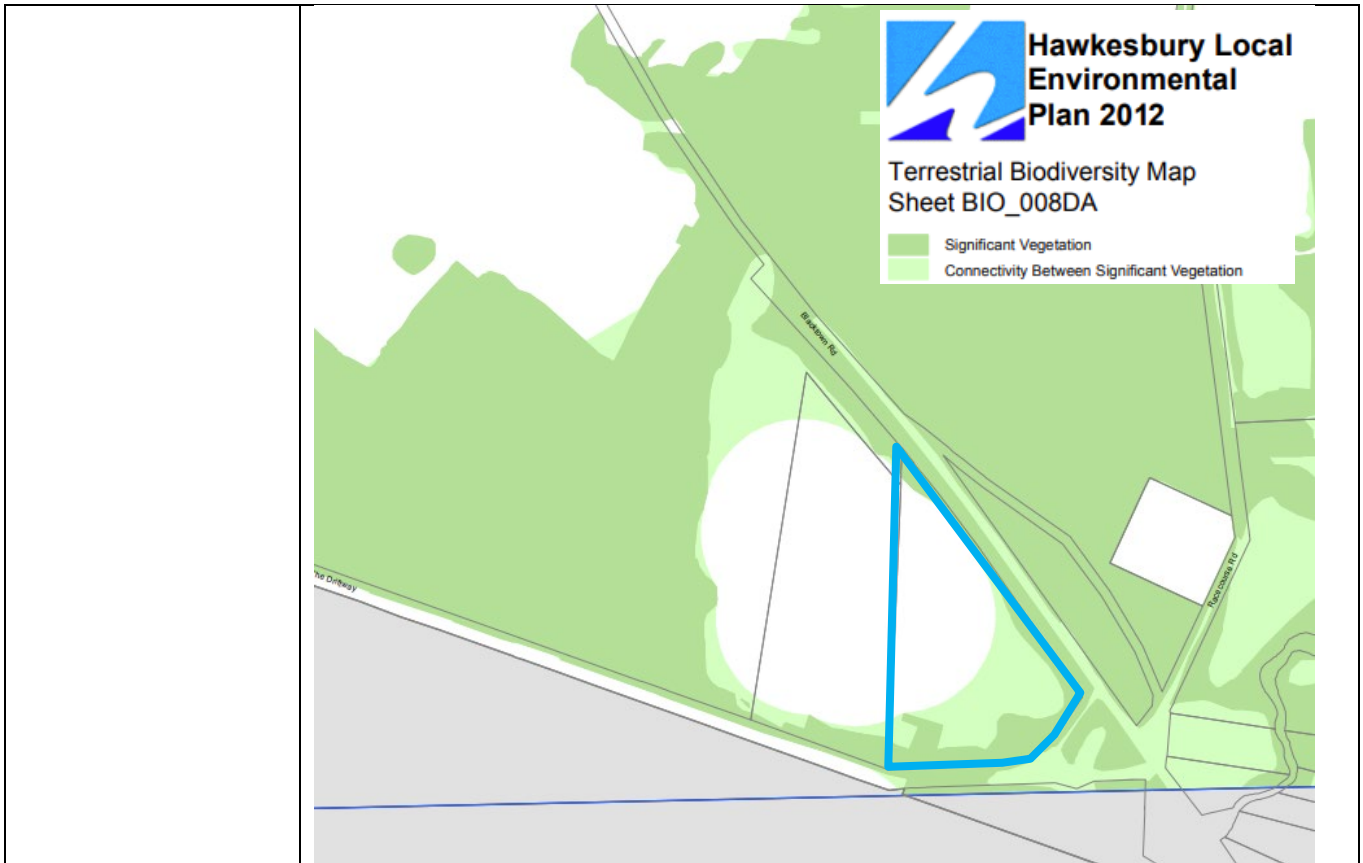


Figure 13. Terrestrial Biodiversity Map (Source: Hawkesbury LEP 2012).

The location of the proposed structures occur within existing cleared areas of the waste management facility. As such, no tree or vegetation removal is required to accommodate the proposed works. In accordance with Clause 6.4, Council is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact.

6.6 Development in areas subject to aircraft noise	The site is not subject to aircraft noise.
6.7 Essential services	Yes The proposal relates to alterations and additions to an existing waste management facility. Essential services required for the operation of the facility are already provided on site. The proposed works do not require additional services.

9. Hawkesbury Development Control Plan 2002

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

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



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

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

Clause	Compliance
Chapter 7 Landfill	
7.1 – General principles	
<ul style="list-style-type: none"> • <i>allow alteration of land where it enhances the development and/or use of the land;</i> • <i>ensure that no adverse impact results on local drainage or floodway characteristics in a catchment from landfill works;</i> • <i>ensure that fill material is satisfactory in terms of compaction, type and characteristics in order to mitigate against potential problems such as landslip, soil erodibility, sedimentation or siltation of natural watercourses or drainage lines;</i> • <i>ensure that appropriate environmental measures are applied to landfill/earthwork sites in order to conserve the landscape and protect the surrounding environment;</i> • <i>establish, maintain and promote appropriate site rehabilitation or revegetation techniques for landfill works in order to ensure properties are not sterilised for future land uses and protect the surrounding environment;</i> • <i>maintain and enhance the visual and scenic quality of locality by controlling form, bulk and scale to complement the environment and have minimum environmental impact;</i> • <i>ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);</i> • <i>protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;</i> • <i>protect the health and safety of human residents;</i> • <i>maintain water quality within the Hawkesbury Catchment area; and</i> • <i>ensure that degradation of the environment does not recur from acid sulphate soils, sodic soil or saline soils.</i> 	
7.3 General Landfill Requirements	
<p>7.3.1 Council Consent</p> <p>Rules:</p>	<p>Yes.</p> <p>The proposal relates to the installation of shelter structures on existing cleared portions of the site. As such, only minor</p>



<p>Any DA for landfill/earthworks should contain sufficient documentation to demonstrate that:</p> <ul style="list-style-type: none"> • soil erosion will be controlled; • filling will have no adverse effect on the surrounding drainage systems (including overland flow); • the height, scale and bulk of the fill will be in character with the surrounding topography (batter slopes and finished levels are particularly important) and will not be visually intrusive; and • that fill material will be capable of sustaining plant growth and the proposed plant material is in character with the surrounding landscape. 	<p>levelling work is required to accommodate the proposed development. No extensive excavation or filling works are proposed.</p>
<p>7.3.2 Riverbank/Foreshore Reshaping, Regrading and Stabilisation</p> <p>Rules: The filling, reshaping or regrading of foreshore/riverbank lands is only permissible in situations where no material is removed from the subject property.</p>	<p>N/A.</p> <p>The site is not located in proximity to a riverbank or foreshore area.</p>
<p>7.3.3 Temporary Stockpiles</p> <p>Rules: Any temporary stockpiling of fill material must also be identified in a DA, with supporting plans to address the following matters/issues:</p> <ul style="list-style-type: none"> • location and configuration of fill stockpiles; • land clearing and other proposed preparation requirements; • proposed depth of stockpiled materials; • proposed soil erosion/sedimentation mitigation measures; • possibility of leachate resulting from fill stockpiles and their potential effect on the surrounding land, and ecosystems; • quality, quantity and characteristics of stockpiled fill material; and • proposed period of stockpiles. 	<p>Planners Note: The proposal does not involve the stockpiling of temporary fill. However, as waste materials will be stored under the proposed shelters, a merit-based assessment of part 7.3.3 of the DCP has been undertaken.</p> <p>The proposed development involves the installation of three (3) temporary shelter structures on the site. The location of these structures has been identified within the submitted plans. No land clearing is required to accommodate the proposed works.</p> <p>As previously noted, a stormwater management plan has been prepared by SMEC and submitted with the proposal. The management plan indicates the existing strategies undertaken on site to ensure erosion, leachate generation and runoff are limited and managed appropriately. Additionally, the proposed shelter structures will provide weather protection to the waste materials, thereby reducing the generation of erosion and leachate during storm events.</p>
<p>7.3.4 Maintenance</p> <p>Rules: A maintenance program should be required detailing the frequency of inspection, and provisions for the repair of damaged structures and vegetation.</p>	<p>Yes</p> <p>As noted by the Environment Waste Officer, the proposed development aligns with existing and historical operations onsite, involving the storage and management of municipal waste. As such, no additional/revised maintenance program is required for the ongoing management of the facility, especially considering that the proposed works occur on existing portions of the site that is clear of structures and vegetation.</p>
<p>7.3.5 Removal/Reinstatement or Removal/Rehabilitation</p>	<p>N/A.</p>



<p>Rules: In some cases it may be necessary for unauthorised landfill to be removed from a site. In such instances the applicant will be required to consult with the EPA to determine an approved location to dispose of the subject filling material.</p>	<p>The proposal relates to the alterations and additions to an approved waste management facility. No unauthorised fill is located on site.</p>
<p>7.3.6 Aboriginal/Archaeological Sites</p> <p>Rules: Applicants for landfill within the rural and environmental protection scenic areas of Hawkesbury should consult with the National Parks and Wildlife Service to determine whether or not the subject site is affected by an Aboriginal habitation site, or a matter of archaeological significance.</p>	<p>N/A.</p> <p>The site is zoned SP1 Waste Management Facility. The proposal relates to alterations and additions to an existing waste management facility.</p>
<p>7.3.7 Limited Consent</p> <p>Rules: The filling, reshaping or associated alteration of land may be subject to a limited consent period in order to guarantee timely completion of works. This limited period includes all landfill works and final site rehabilitation works.</p>	<p>Yes.</p> <p>The Municipal Solid Waste (MSW) processing trial demonstration plant proposed within Shelter 2 will be subject to an operational trial period of 12 months from the issue of an occupation certificate. An appropriate condition has been proposed.</p>

10. Hawkesbury Development Control Plan 2023

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

- Car Parking and Access
- Effluent Disposal
- Heritage Conservation

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

Clause	Compliance
<p>Chapter 5: Traffic, Access, Street Design and Parking</p> <p>3. Objectives <i>The primary objectives of this Chapter are to:</i></p> <ul style="list-style-type: none"> • <i>Ensure pedestrian and traffic safety and achieve a balance between the needs of proposed development and the needs of vehicular and pedestrian traffic and cyclists.</i> • <i>Provide streets that are safe, functional and comfortable for all users (vehicles, cyclists and pedestrians).</i> • <i>To integrate parking facilities within the design of the development to ensure adequate traffic safety and management, integration with the streetscape and acceptable environmental and sustainability outcomes.</i> • <i>Ensure that adequate provision is made for off-street parking and loading of passenger and service vehicles generated by new developments and redevelopments, including visitor parking.</i> • <i>Ensure the provision of sufficient and suitably located parking for persons with a disability, cyclists, and motorcyclists within developments.</i> 	



- To protect neighbourhood amenity and safety in the design and operation of all parking, loading and service facilities.
- To ensure streets and related infrastructure and designed for a high level of convenience for all users, and economy of construction and maintenance,
- To encourage use of sustainable forms of transport, including public transport.
- To ensure that all road safety measures are considered and accounted for in the design of the development.

<p>4.1 Off Street Parking Rates</p> <p>Performance Criteria: Provide off street car, bicycle and motorcycle parking requirements to meet the needs of the development.</p>	<p>N/A.</p> <p>The Table 1 Parking rates identified in the Hawkesbury DCP 2023 note that parking for waste management facilities is based on a merit assessment.</p> <p>The proposed works do not alter the existing car parking spaces afforded to the site. Moreover, the proposed alterations and additions do not significantly alter the existing operations of the waste management facility. In this circumstance, no changes to the existing parking provisions available on the site are necessary.</p>
<p>4.2 Parking Design Requirements</p> <p>Performance Criteria: Adoption of relevant standards and guidelines.</p>	<p>Yes.</p> <p>Council’s Development Engineer has reviewed the proposal and confirmed that adequate space is available on site to allow for safe B-Double Vehicle manoeuvring. All vehicles are able to ingress and egress the site in a forward direction.</p>

11. Development Contributions

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

12. EP&A Regulations 2021

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

13. The likely impacts of the development

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

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

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



whether the operation of the plant is extended beyond the 12-month period or is to be decommissioned and removed from site.

14. Suitability of the Site

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

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

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

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

15. Public Consultation

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

The notification period was as follows:

20 December 2024 – 7 February 2025

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

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

Issue	Response
<p>Heavy vehicle movements</p> <p><i>Concern is raised that the proposal will introduce a 50% increase of heavy vehicle movements to a portion of The Driftway that is poorly designed to cater for heavy haulage routes.</i></p>	<p>Council's Development Engineer has reviewed the proposal and considered the potential traffic implications. The following comment was provided:</p> <ul style="list-style-type: none"> • <i>"Additional traffic due to proposed development is likely to be minor and unlikely to impact existing situation. However, there is an objection from a public of the proposed development in relation to existing traffic hazard at The Driftway Road intersection at waste facility entry point. This may be an existing situation and the proposed minor traffic increase due to the development is unlikely to exacerbate the existing situation.</i> <p><i>It is also noted that The Driftway is proposed to be upgraded between Blacktown Road and Londonderry, and this may address the road safety issue in the near future."</i></p> <p>The road upgrade referenced in the Council Engineer Referral relates to the Transport for NSW New Richmond Bridge Project. As part of Stages 1 and 2B of this project, The Driftway is proposed to be upgraded between Blacktown Road and Londonderry Road. In December 2024, Transport for NSW provided a "Have Your Say" package seeking feedback for Stage 2 of</p>



	<p>the project. Within this package it is advised that funding is committed for the delivery of upgrades and the installation of roundabouts to The Driftway intersections at Blacktown Road and Londonderry Road to improve safety. It is advised that construction on these works will start mid 2025 and be opened to traffic in 2026.</p> <p>Overall, while the proposed works are unlikely to exacerbate the existing situation, construction of upgrade works to The Driftway and Blacktown Road intersection will begin in 2025 and subsequently improve traffic flow and safety.</p>
<p>Location of the weighbridge</p> <p><i>Concern is raised that the location of the weighbridge will result in a bank up of the weighbridge spilling out to The Driftway, resulting in a hazardous bottleneck.</i></p>	<p>The application does not seek to alter the existing location of the weighbridge. Nevertheless, as noted above, Council's Development Engineer has reviewed the proposal and determined that the proposed minor increase to traffic is unlikely to exacerbate the existing situation.</p>

16. Public Interest

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

17. Conclusion

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

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

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

19. Recommendation

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

- C. That** the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0491/24 for the construction of three (3) temporary all-shelter buildings at the existing waste management facility for the storage of materials, plant and infrastructure at 1 The Driftway, South Windsor, for the following reasons:

1. The proposed development is permissible in the SP1 Waste Management Facility zone under the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls



2. The proposed development will result in the enhancement of the existing Hawkesbury Council Waste Management Facility.
3. The proposed development does not impact the operation or amenity of surrounding properties.
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.

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

Report prepared by

Roberto Bianco
Town Planner
GAT & Associates

DRAFT FOR REVIEW