



Hawkesbury Local Planning Panel

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

MINUTES

HAWKESBURY LOCAL PLANNING PANEL

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1. PROCEDURAL MATTERS

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1. PROCEDURAL MATTERS

Minutes of the Hawkesbury Local Planning Panel Meeting held at the Council Chambers, Windsor, on 27 February 2025, commencing at 10:00am.

ATTENDANCE

Present:

Mr Anthony Hudson, Chair
Mr James Harrison, Expert Representative
Mr Phillip North, Expert Representative
Ms Laura Scriven, Community Member

In Attendance:

Ms Patricia Krzeminski - Manager Governance and Risk, Hawkesbury City Council
Mr Steven Chong - Manager Development Assessment, Hawkesbury City Council
Mr Matthew Golebiowski - Coordinator Town Planning, Hawkesbury City Council
Ms Vandana Saini - Administrative Support Coordinator, Hawkesbury City Council
Mr Matthieu Santoso - Senior Town Planner & Assessing Officer, Hawkesbury City Council
Mr Andrew Matthews - Environmental Health Officer, Hawkesbury City Council
Mr Prayog Pradhan - Development Engineer, Hawkesbury City Council
Ms Lisa Prazak - Cadet Environmental Health Officer, Hawkesbury City Council
Mr Nicholas Foo - Cadet Town Planning, Hawkesbury City Council
Ms Jessica Vaughan - Administrative Support Officer, Hawkesbury City Council

Apologies:

Nil

DECLARATIONS OF INTEREST

Mr Anthony Hudson declared an interest in item 2.1.1.

All clause 4.10 Code of Conduct declaration forms were submitted by the Panel Members.

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2. REPORTS FOR DETERMINATION

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2. REPORTS FOR DETERMINATION

2.1.1. HLPP – CP -DA0120/22 - 27 Douglas Road, Kurrajong heights

Directorate: City Planning

Mr Anthony Hudson declared a non-pecuniary and less than significant interest in this Item, being that he was previously a Partner in the firm of Wilshire Webb Staunton Beattie Solicitors and the applicant's legal representative was employed at the firm as a solicitor up to March 2021. He ceased to be a Partner for the firm in July 2021 and has no contact with the legal representative since March 2021. Mr Hudson remained in the meeting and participated in the discussion and voting on the matter.

PANEL DISCUSSION

A site visit was conducted by the Panel Members prior to meeting. Ms Laura Scriven was unable to attend the site visit, however, Ms Scriven is a local resident and familiar with the site.

Council staff provided an updated report to the Panel which addressed all issues raised by the Panel at the previous meeting of 17 October 2023. The Panel discussed the additional information received from the Applicant in response to the previous decision made by the Panel.

Mary Lyons-Buckett, Mr Andrew Waterhouse, Mr Peter Van Dyk, Ms Nicola Trulock, Mr Jeremy Braithwaite, Ms Julie Braithwaite and Mr Thomas Aczel addressed the Hawkesbury Local Planning Panel, speaking against the recommendation contained in the report.

Mr Mark Hanna solicitor for applicant addressed the Panel (with Mr Diego Jaime and Mr Vince Doan experts for the Applicant).

Panel Members viewed two videos submitted by Mike Creed and Mr Jeremy Braithwaite. The video referred to speakers Ms Diane Williams, Ms Marilyn Chapman, and Ms Lesley Mason.

The Panel also received written submissions from Mr Jeremy Braithwaite on 25 February 2025, Ms Julia Braithwaite on 25 February 2025, Mr Peter Van Dyk on 26 February 2025 and Mr Thomas Aczel on 26 February 2025 and Christopher Hallam.

A written report was received from Ms Nicola Trulock and was considered by Council staff.

PANEL DECISION

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

- A. That the Hawkesbury Local Planning Panel, exercising the functions 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, subject to the recommended conditions of consent with the following amendments to the conditions below (including any necessary consequent numbering of conditions):

Condition 6 - Civil Works Specification - Private Land

Council requires the following works to be carried out as part of the development:

- a) Earthworks;

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- b) Stormwater drainage work;
- c) On-site-detention system and WSUD;
- d) Driveway and access aisle and car parking;
- e) Traffic directional signage and line marking.

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG 03, April 2021 and Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification)*.

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate compliance certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or a Registered Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

Where works within the development site or an adjoining private property, relates to existing or proposed future Council infrastructure assets or works for Subdivision Works Certificate, inspections shall be carried out and compliance certificates issued by Council.

Reason: To ensure that civil works are designed and undertaken to meet minimum specifications.

Condition 8 - Occupation Certificate Required Prior to The Use Of The Buildings

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.

Reason: To ensure compliance with the consent and confirming that the building is suitable for occupation.

Condition 18 - Amended landscape plans

Prior to the engagement of a certifier, Landscape Plans prepared by Outside Design Group, L-01, L02, L-03, and L-04 dated 30.08.24 are to be amended in accordance with the architectural plans referred to in Condition 1a) and to be provided to the satisfaction of Council.

Reason: To ensure that landscape plans are amended to suit the endorsed design.

Condition 19 - Amended Stormwater plans

Prior to the engagement of a certifier, amended stormwater plans prepared by ZAIT Engineering Revision D dated 23.8.23, are to be amended in accordance with the architectural plans referred to in Condition 1a) and to be provided to the satisfaction of Council.

Reason: To ensure that stormwater plans are amended to suit the endorsed design.

Condition 20 - Amended Hydraulic plans

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Prior to the engagement of a certifier, Hydraulic plans prepared by Sparks + Partners, Revision C dated 3.21, are to be amended in accordance with the architectural plans referred to in Condition 1a) and to be provided to the satisfaction of Council.

Reason: To ensure that Hydraulic plans are amended to suit the endorsed design.

Condition 21 - Noise generating premises – Acoustic Certification

Amendments to the following parts of Condition 21:

Patron Numbers & Operating Times

- The tea garden and the roof garden are not to operate after 10pm.
- The outdoor smoking area may operate until 12am midnight.
- Patrons within internal areas are to be limited as follows:
 - Bistro /Dining Room - up to 100 patrons at any one time.
 - Sports/casual Bars on the ground and first floors - up to 100 patrons at any one time
 - Gaming Room - up to 120 patrons at any one time
- Patrons in external areas are to be limited as follows:
 - Ground Floor verandah - up to 50 patrons at any one time
 - First Floor verandah – in accordance with the approved addendum to the acoustic as required in condition 124.
 - Tea Garden – up to 30 patrons at any one time
 - First Floor Smoking Terrace – up to 12 patrons at any one time
 - Ground Floor Smoking Area - up to 7 patrons at any one time

Additional Management Controls

- Signs are to be displayed at the entry / exit of the venue reminding patrons to minimise noise when departing the premises, especially after 10pm. It is noted that existing staff and security arrangements for the site would be able to enforce the above.
- **NOTE**
This is subject to the maximum number of patrons specified in condition 144

Condition 23 - Plan of Management - Licenced Premises

- a) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and complaints handling.
- b) The plan is to also include a detailed set of procedures to address:
 - Sewage and water truck scheduling to avoid conflict including the development of regular timing of these activities.
 - These activities to be confined to 7am to 6pm on Monday to Saturday and Sunday and public holidays 9am – 6pm.
 - Pedestrian management while water truck activities deliveries are carried out
 - How other service vehicles will interact with sewage trucks to avoid conflict.
- c) An amended Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the entire operation associated with the development.
- d) The courtesy bus referred to in the plan of management is to service a minimum distance of 15kms.

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- e) The plan must be submitted to and approved by Council prior to a commencement of the trial period associated with the extended trading hours.
- f) The plan of management is to integrate all recommendations of condition 21 into a section within the report.

The areas of the Pub are further restricted as follows:

Patron Numbers & Operating Times

- The tea garden and the roof garden are not to operate after 10pm.
- The outdoor smoking area may operate until 12am midnight.
- Patrons within internal areas are to be limited as follows:
 - Bistro /Dining Room - up to 100 patrons at any one time.
 - Sports/casual Bars on the ground and first floors - up to 100 patrons at any one time
 - Gaming Room - up to 120 patrons at any one time
- Patrons in external areas are to be limited as follows:
 - Ground Floor verandahs - up to 50 patrons at any one time
 - First Floor verandahs – in accordance with the approved addendum to the acoustic as required in 125.
 - Tea Garden – up to 30 patrons at any one time
 - First Floor Smoking Terrace – up to 12 patrons at any one time
 - Ground Floor Smoking Area - up to 7 patrons at any one time

This is subject to the maximum number of patrons specified in condition 144

The above is to be implemented into the amended plan of management. A section of the report is to detail procedures for continual management and improvement inclusive of when updated documents as required by this consent.

Reason: To ensure the acoustics related to the development are appropriately in their relevant spaces.

Condition 67 - Food Premises – waste storage area design

To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - 'Design, construction and fit out of food premises', and must be:

- a) provide with a hose tap connected to the water supply;
- b) paved with impervious floor materials;
- c) coved at the intersection of the floor and walls;
- d) graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water or Council);
- e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- f) fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (Building Code of Australia).

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Accredited Certifier with the Construction Certificate.

Reason: To ensure that the storage of waste satisfies minimum design guidelines.

Condition 88 - Adjoining Building Dilapidation Report

Delete and renumber

Condition 90 (previously 91) - Approved Colours and Finishes

The development must be completed in accordance with the approved external colours and finishes board referred to in Condition 1.

Condition 108 (previously 109) - Landscape Screen Planting

A new 1.5m-high hedge will be incorporated along the southern elevation of the Accommodation Cabins to provide privacy for the neighbour at 29 Douglas Road.

To achieve this, a 1m-high planter will be installed at the edge of the balcony facing the neighbouring property, and it will be planted with Rhipirolepis 'Oriental Pearl'. The selected plant species will be maintained to reach a minimum mature height of 500mm above the top of the planter, ensuring a total height of at least 1.5m from the balcony floor level.

The landscape screen planting is to be undertaken prior to the issue of any occupation Certificate.

Condition 126 - Landscape Screen Planting

Delete and renumber

Condition 137 (previously 139) - Hours of Operation - Reviewable Condition

The hours of operation for the pub are regulated by a reviewable condition as follows:

- a) The hours of operation are restricted to:

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

- b) **Reviewable extended hours:**

During the trial period of 12 months from the issue of an occupation certificate (the trial period) the use may operate as follows for a period of:

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

- c) The extended hours in b) above may be reviewed by Council at any time during the trial period. Such a review will occur in the event that a breach of the maximum noise restriction criteria has occurred and has not been satisfactorily resolved following a written request from Council.
- d) Notwithstanding the right of Council to review the hours of operation during the trial period a further application (including a modification application) may be lodged to continue the extended hours of operation outlined in b) above before the end of the trial.

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Council's consideration of a proposed continuation of the hours of operation will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders.

- e) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity and operational performance, and allow the management to demonstrate successful practices in relation to the above.
- f) The use of pumping facilities is to adhere to the following requirements:
 - a. Sewer pumps out activities are to only occur during the daytime hours of 7am to 6pm and 9am to 6pm Sunday and Public Holidays.
 - b. The quietest vehicle available that is capable of carrying out the service is to be used.
 - c. Vehicles are to move directly to the pump out location and to switch engines off for the duration of the pump out. Engines are to only be switched back on to exit the site.

Upon expiry of the permitted hours:

- a) all food and beverage service must immediately cease;
- b) no person must be permitted entry; and
- c) all customers on the premises must be required to leave within the following half hour.

Note: a modification to modify the trading hours is recommended to be submitted at least three (3) months prior to the lapse of the trial period to ensure sufficient time for assessment.

Condition 145 - Prescribed Conditions - Maximum Capacity Signage

Delete and renumber

Condition 144 (previously 147) Maximum Permitted Patron Numbers pub and cabins

To ensure the safety and amenity of patrons using the premises:

- a) the maximum number of patrons permitted in the whole of the pub at any one time is limited to 255 Patrons.
- b) the capacities for each of the various areas must not exceed the number referred to in condition 23 subject to the 255-maximum referred to in (a) above; and
- c) a sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

The patron numbers outlined in (a) of this condition are subject to a 12-month trial period commencing from the issue of an occupation certificate. Upon the completion of this trial period, a modification application must be submitted to Council to confirm or change these numbers. Council reserves the right to reduce patron numbers at the conclusion of the trial period.

The maximum number of persons in the cabins are:

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Large cabin: six (6)

Small cabin: four (4)

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building (and certain internal and external areas) to be displayed in a prominent position.

Condition 145 (previously 148) - Plan of Management and Incident Register

- a) The approved use of the premises must always be operated in accordance with the final Plan of Management approved with this consent.
- b) A copy of the approved final Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.
- d) The licensee must sign the final Plan of Management and must ensure compliance with all operational strategies identified in the plan at all times.

Condition 152 (previously 155) - Waste Collection

Waste and recyclable material generated by this premises must not be collected between the hours of 10pm and 7am on Monday to Saturday and 10pm to 9am on Sunday and public holidays.

Condition 160 (previously 163) - Plan of Management

The approved use of the building as Tourist and Visitor Accommodation must always be operated / managed in accordance with the final Plan of Management approved with this consent.

The Final Plan of Management is to be reviewed and updated by the operator every two years.

New Condition 173 – Patron and staff Vehicular access

All patron and staff vehicles to enter from Douglas Street and exit Warks Hill Road.

B. The reasons for the decision are:

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 addresses the characteristics of Kurrajong Heights and 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.

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5. The development would not create unreasonable demands for the provision or extension of public amenities and services; and

The Panel members voted on the matter the results of which were as follows:

For the Motion: Anthony Hudson, James Harrison and Phillip North

Against the Motion: Laura Scriven

Absent: Nil.

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Meeting Date: 27 February 2025

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

Directorate: City Planning

PANEL DISCUSSION

There were no addresses to the Panel for this Item.

The Panel notes that the proposed development in the DA being considered does not include the Municipal Solid Waste processing trial demonstration plant.

PANEL DECISION

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, subject to the recommended conditions of consent with the following amendments (including any necessary consequent numbering of conditions):

Condition 6 - Time Limited Consent

Delete and renumber

Condition 24 - Dilapidation Report - Completion of Works

Delete and renumber

New Condition 10a – Stormwater Management

The approved plans are to be consistent with the Hawkesbury City Waste Management Facility Stormwater Management Plan. Details of satisfactory arrangements are to be provided to the satisfaction of the certifying authority.

- B. The reasons or the decision are:
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.

The Panel members voted on the matter the results of which were as follows:

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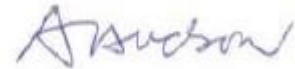
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For the Motion: Anthony Hudson, James Harrison, Phillip North and Laura Scriven

Against the Motion: Nil.

Absent: Nil.

The meeting terminated at 12:28pm



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Chair



Hawkesbury Local Planning Panel Meeting

End of Minutes

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