



Hawkesbury Local Planning Panel

Date of meeting: 21 March 2024
Location: By audio-visual link
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.

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2. REPORTS FOR DETERMINATION

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2. REPORTS FOR DETERMINATION

2.1.1. DA0350/23 - 361 George Street, Windsor - (96329)

Directorate: City Planning

DEVELOPMENT INFORMATION

Application Number:	DA0350/23
Date Received	09 October 2023
Proposal Details	Construction of a Cenotaph at McQuade Park. The application is a Nominated Integrated Development pursuant to Section 58 of the Heritage Act 1977
Estimated Cost	\$70,000
Legal Description	Lot 1, DP 556829
Property Address	McQuade Park – 361 George Street, WINDSOR
Site Area	8.125Ha
Zoning	RE1 – Public Recreation
Applicant	Windsor District Sub Branch of the RSL
Owner	Crown Lands
Exhibition Dates	23 October 2023 – 20 November 2023
Submissions	Nil
Key Issues	Flooding
Recommendation	Approval, subject to conditions

EXECUTIVE SUMMARY

1. Reason for Consideration by Local Planning Panel

The application is reported to the Hawkesbury Local Planning Panel as the land, subject to the proposed development is owned by Council.

2. Proposal

The Development Application seeks consent for the construction of a cenotaph at McQuade Park. The proposal includes the construction of a memorial structure with a three-tiered base and sandstone monument with three pillars and is to be located adjacent to the western side of the existing lake.

The immediate location of the proposal comprises of an open grass area, existing lake, pedestrian footpath and existing mature trees and is within proximity to the Windsor Bowling and Sports Club, Windsor Tennis Club and Memorial Park. To the north is Hawkesbury Valley Rugby Union Club and to the north-west is Don't Worry Oval.

4.1.1.

3. Statutory Situation

The subject site is zoned RE1 Public Recreation under the Hawkesbury Local Environmental Plan 2012 (HLEP 2012). The proposal is identified as ancillary works to a 'recreation area', which is a permissible form of development in the RE1 zone under the HLEP 2012.

McQuade Park is identified as being of State Historical significance due to it being a powerful testimony to the first stage of formal town-planning in New South Wales. The expanse of open green space in the centre of Governor Macquarie's most significant Hawkesbury town has survived and been expanded over two centuries and is still today an essential historic asset for public recreation, both sporting and passive. Its deliberate siting adjacent to the iconic Anglican Church of St Matthew and cemetery enhances the state significance of the park, church and cemetery.

McQuade Park is identified with State Significance in the HLEP 2012 and is listed on the NSW State Heritage Register. Consequently, the application is identified as Nominated Integrated Development pursuant to Section 58 of the Heritage Act 1977. The application was referred to the Heritage Council of NSW pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 of which, no objections was raised to the proposal with their general terms of approval issued to Council.

The land is owned by Crown Lands under the care and control of Council. It is noted that a Plan of Management applies to the site in which the proposed Cenotaph structure is identified as future development. As such, Council's Policy for Managing Council Related Development applies to the subject application, in which Council had engaged Planning Ingenuity to carry out an independent planning assessment of the subject application.

4. Consultation

In accordance with Schedule 1 of the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan 2019, the Development Application was required to be advertised for a minimum exhibition period of 28 days for Nominated Integrated Development and Council related Development Applications. The application was placed on public advertising and neighbour notification from 23 October 2023 to 20 November 2023. No submissions were received in response to the proposed development.

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 development is located on Crown Land owned by Council with Council being the applicant.

5. Conclusion

Having regard to the matters for consideration outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the context of the site, the proposed development is considered to deliver an appropriately balanced and responsive planning outcome which enables ongoing use of the existing park whilst maintaining the amenity of surrounding properties. It is recommended that Development Application DA0350/23 be approved, subject to conditions of consent. The recommended conditions of consent are within Attachment 1.

RECOMMENDATION

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

- That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0350/23 for the construction of a Cenotaph at McQuade Park on the site of 361 George Street Windsor, subject to conditions of consent for the following reasons:
 - The development is permissible in the RE1 zone pursuant to the Hawkesbury Local Environmental 2012 and satisfies the requirements of all applicable planning controls.
 - The development has received its general terms of approval from the Heritage Council of NSW and will continue to protect and enhance the heritage significance of McQuade Park.
 - The development is consistent with the Plan of Management for McQuade Park and will positively contribute towards the park for its continued use as public open space.
 - The development has been assessed having regard to the applicable planning provisions and the context of the site and is considered to deliver an appropriately balanced and responsive planning outcome.
- For the reasons given above, approval of the application is in the public interest.

BACKGROUND

1. Site Description and Conditions

The subject site is legally described as Lot, DP 556829, No. 361 George Street, Windsor.

The site is surrounded by R2 – Low Density Residential, E1 – Local Centre and E2 – Commercial Centre and SP1 zoned land. To the north and east of the site SP2 zoned land for the purposes of place of public worship and education establishments identified as St Matthew's Anglican Church, St Matthew's Catholic Church, St Mathews Primary School and Windsor Public School. The site directly adjoins RE1 – Private Recreation zoned land identified as Windsor Bowling Club.

The site is located approximately 325 metres from Windsor Railway Station and south-west from Hawkesbury River. McQuade Park is surrounded by established residential development characterised by detached dwelling houses of various architectural styles, varying scale and periods of construction. The built form of the area is reflective of an established suburban neighbourhood with a variety of single and double storey dwelling designs.

The site is zoned RE1 Public Recreation under the HLEP 2012 and is identified on the State Heritage Register (SHR No: 01851). McQuade Park's significance is based on its outstanding and rare feature of Governor Macquarie's concept of a planned country town in 1810. A central square played a pivotal role in a Macquarie town and McQuade Park retains this role in relation to public activities and open space, as well as its relationship to one of the great early churches and cemeteries of New South Wales (St Matthews). The intimate association with Macquarie himself and with his chief surveyor, James Meehan, is of state significance.

The early adjustment in the shape and dimensions of the park is significant because it offers uncommonly legible evidence of the accommodations which colonial Governments made with landowners to respect existing rights. The later extensions of functions within the park, including sporting, recreational and commemorative, have not obscured the original purpose of Macquarie's Great Square, though many of these additional functions have local rather than state significance. The Boer War Memorial is, however, an exception because of its rarity and because of the aesthetic merit of O'Kelly's carvings of mounted troopers from the South African engagement.

McQuade Park occupies an irregular pentagon. The east and south sides of Macquarie's original rectangular Great Square are still part of the park, along most of the frontage to Tebbutt Street and part of the frontage to George Street. The western side of the park is bounded by Hawkesbury Valley Way (known as Richmond Road until 2009). The two northerly sides of the park are bounded by Moses Street.

The park is broadly ringed by narrow leaved ironbark trees (*Eucalyptus Crebra*). On its northern side are 2 Bunya pines (*Araucaria Bidwillii*) and stone pines (*Pinus Pinea*). On its west is an avenue of camphor laurel trees (*Cinnamomum Camphora*), kurrajongs (*Brachychiton Populneus*), a Chinese elm (*Ulmus Parvifolia*) and crepe myrtle (*Lagerstroemia Indica*).

Team sport dominates the northern sector of the park today. There are two ovals, primarily used for cricket. The principal playing field, with a grandstand, car-parking and amenities, is on the east, with a vehicular entry from Tebbutt Street. The playing area is delimited by a white picket fence installed early in the twenty-first century as the result of an initiative of the local Rotary Club. The other cricket pitch, known as the Don't Worry field, lies to the west and has no amenities.

Between the two ovals there is a memorial area, created in 1994. The central feature is Frederic Chepeaux's bronze statue of Governor Macquarie, standing at a stone plinth, facing St Matthew's Anglican Church and looking at plans of his Hawkesbury towns. The raised entry to the statue from Moses Street is flanked by eight pillars made of red brick and a triangular area set in mosaic. Around the statue there is a low circular brick wall encompassed by a hedge planted at ground level below the artificial platform.

To the south of the grandstand there is a playground. There is also a bandstand which is listed as a separate heritage item as per HELP 2012.

The south-west sector of the park is used primarily for passive recreation around the lake close to George Street. This hard-edged free-form pond, normally adorned with water lilies, is a modern development of the natural feature of a swampy area fed by a spring and a seasonal waterway. A small, grassy island, reached by a short pedestrian bridge, has been created in the northern part of the pond.

Immediately to the east of the pond, accessed from George Street, is the Country Women's Association meeting hall, an inter-war brick cottage within a small rectangular enclosure. To the east of this hall is the Tennis Clubhouse and courts in a square area, also accessed from George Street.

To the north and north-east of the tennis courts is Windsor Bowling Club, with its clubhouse and two greens on a rectangular block of land, but this was excised from the park in 1972 and is not included in the curtilage.

The south-east corner of the park, in a square enclosure bounded by George and Tebbutt Streets, is called Memorial Park, dedicated to war memorials. It is entered through an opening between two high brick walls bearing granite plaques which commemorate those who fought in the two World Wars, in Vietnam and in Korea. Behind each wall is a field-gun. The square beyond is a formally laid-out garden around the very fine Boer War Memorial. This consists of a marble obelisk, placed on a sandstone plinth, dedicated to the three local men who died while serving in the Boer War. The stone section contains two fine relief carvings, each of a mounted trooper, carved by J. O'Kelly. A local female nurse who also served in South Africa is separately commemorated by a marble plaque placed on the

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perimeter of the small circular area around the obelisk. The 'War Memorial' is listed as a heritage item under the Hawkesbury Local Environmental Plan 2012("HELP 2012").

Five crepe myrtle trees (*Lagerstroemia indica*) are planted around the Boer War Memorial on the park's north-east corner. The major trees in McQuade Park, however, are clustered around the periphery and are narrow leaved ironbark (*Eucalyptus Crebra*). The three surviving bunya pines (*Araucaria Bidwillii*) are located on Moses Street opposite the Anglican Church Hall and on the corner of Moses Street and Tebbutt Street. A variety of other trees which are probably nineteenth- or early twentieth-century plantings are prominent along Moses Street, the northern part of Tebbutt Street and at the corner of Moses Street and Hawkesbury Valley Way.

The principal areas of later tree-plantings are along a driveway which runs diagonally across the Park, south-east from Hawkesbury Valley Way, above the pond, and then turns south to George Street between the CWA hall and the tennis courts. There is also a tree shield between the lake and Hawkesbury Valley Way. Many of these recent plantings commemorate individual 'pioneers', as a result of a programme initiated during the 1994 celebrations of two hundred years of European settlement along the Upper Hawkesbury.

Because of the lack of built elements within the park along Moses Street, the original relationship of the Great Square with the Anglican complex of St Matthew's and its rectory has remained highly legible.

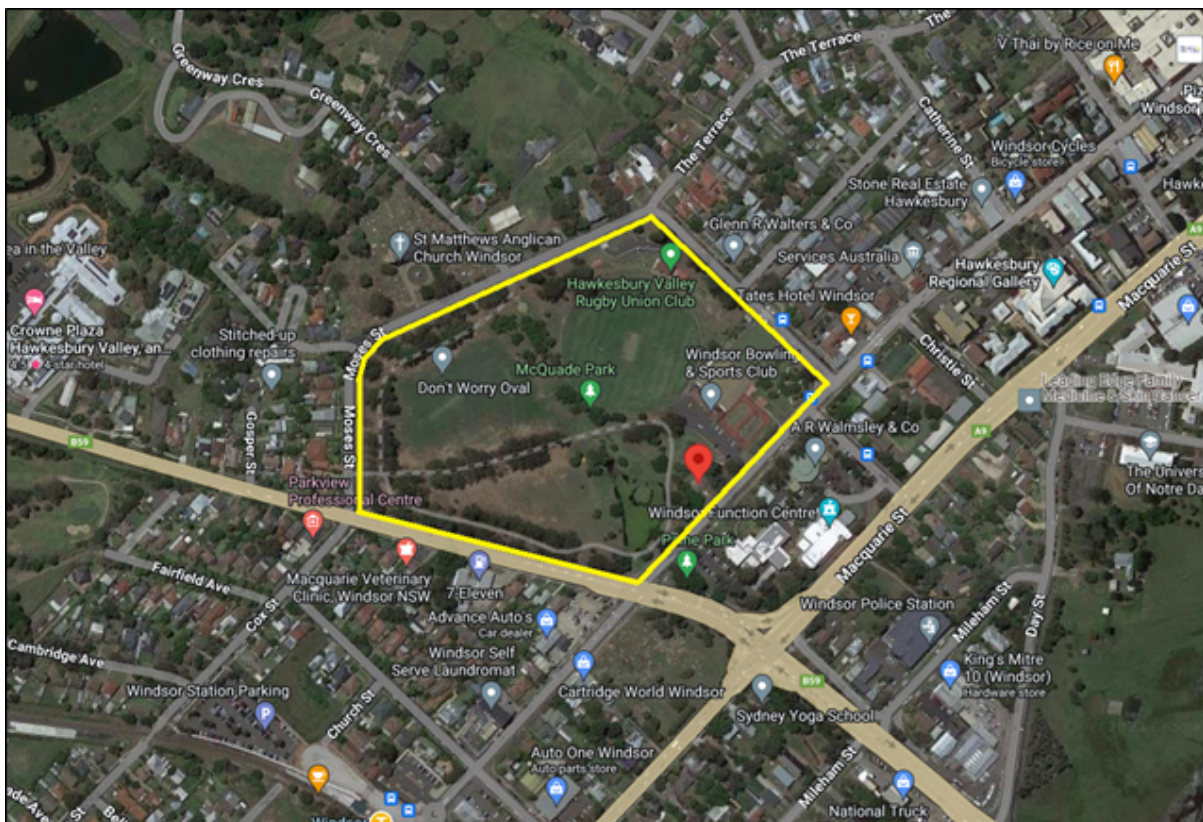


Figure 1 Aerial image of subject site outlined in yellow (*Source: Nearmap*)

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Figure 2 Zoning Map with subject site outlined in yellow (Source: DoP Spatial Viewer)

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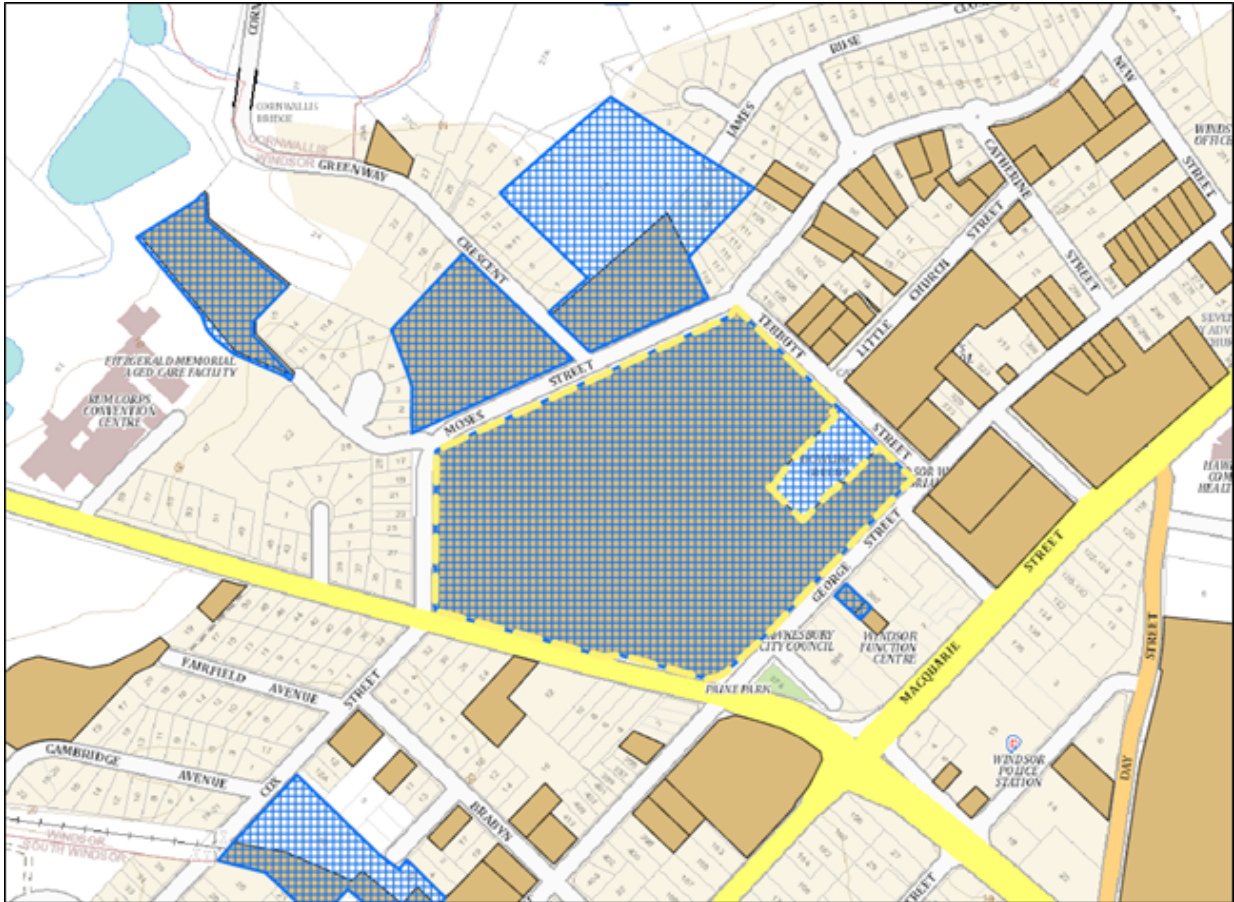


Figure 3 Heritage Map outlining Heritage Item (01851 – McQuade Park) (Source: DoP Spatial Viewer)

2. Relevant Site History

The site was subject to the following development applications:

Application	Proposal	Determination
DA0699/05	Extension to existing kiosk building for additional storage and toilet facilities	Approved – 13/10/2005
DA0567/06	New cricket storage facility	Approved – 20/11/2006
DA0056/16	Recreational Area - Memorial Structure	Withdrawn
DA0298/23	Demolition of external toilet and replacement with an accessible toilet with deck and access ramp, upgrade of internal toilets	Under Assessment

3. The Proposal

The proposal seeks consent for the construction of a memorial structure, with a total area of 32.22sqm, including a three-tiered base and sandstone monument with three pillars. The proposed development is to be located adjacent to the western side of the existing lake. The proposal will specifically comprise of the following:

- Semicircle platform made from polished concrete to accommodate for platform stairs and piers a dimension of 9m wide x 5.4m long x 0.55m high (maximum).
- Polished concrete including aggregate to form platform, including feature steps to front and side of platform with a total dimension of 4.4m wide x 2 long x 1m high.
- Three (3) brick piers with granite finish with a dimension of 0.47 wide x 0.47 wide x 3m high.
- Three (3) stainless steel flag poles, 3m in height.

The vision for the proposal was motivated by the large number of people (10,000-15,000) who attended the Centenary ANZAC Day Service on the subject site. Due to the success in attendance, the Windsor RSL sub-branch became concerned that the increase in number of attendees could not be accommodated at the World War 1 Memorial on the corner of George Street and Tebbutt Street. Discussion took place with Council to propose a permanent cenotaph to maintain the momentum and accommodate 6,000-10,000 attendees in the future. In 2015 the Windsor sub-branch drafted an application proposing a new cenotaph. Due to time constraints, a temporary cenotaph made from timber and sandstone, which could be installed temporarily, has been utilised for future services. This application seeks to provide a permanent and durable structure to be enjoyed by the community and used in ongoing services.

The proposal seeks to provide a commemorative area which can be used for various services at various times of the year, including:

- April – Anzac Day
- May – Boer War
- July – Korean Veterans
- August – Victory in the Pacific & Vietnam Veterans
- September – Battle for Australia
- November – Remembrance Day

Each of the above is considered to be a military parade commemorating significant historical events.

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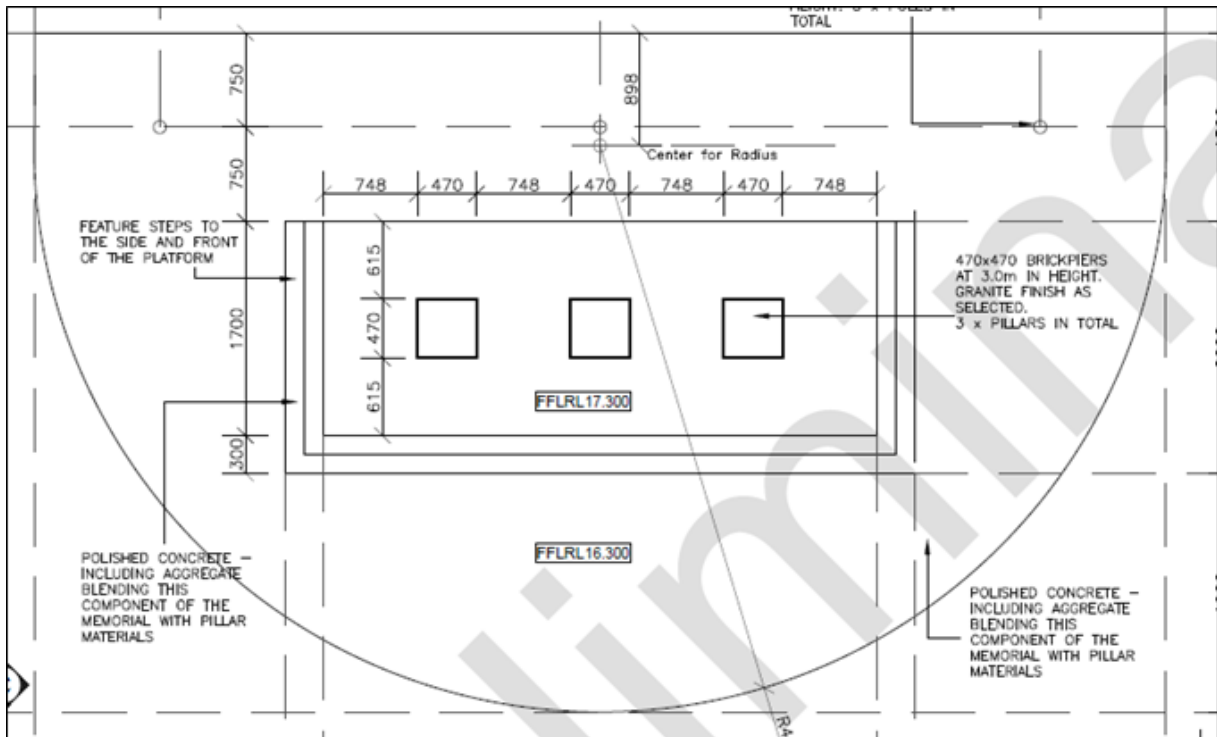


Figure 4 Proposed Floor Plan showing layout of proposal submitted with DA0350/23



Figure 5 Artistic rendition of cenotaph submitted with DA0350/23



Figure 6 Location of proposed development submitted with DA0350/23

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Figure 6 Location Map of McQuade Park showing proposed memorial site (*McQuade Park Plan of Management 2022*)

4. Relevant Application History

Date	Comment
09/10/23	Application lodged on the NSW Planning Portal.

5. Referrals

Internal Referrals	Comment
Parks Officer	<p>The comments provided by Council’s Parks Officer is detailed and discussed below:</p> <p>1.The monument should be at least 10m away from the pond.</p> <p>Comment: The Site Plan details that the monument is approximately 10.50m from the pond. A condition of consent is also imposed to ensure that this requirement is achieved.</p> <p>2.If the location of the monument disturbs the existing pathway location, the applicant is responsible for re-constructing and reconnecting the pathway.</p> <p>Comment: This condition has been imposed.</p>

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Internal Referrals	Comment
	<p>3.Lack of detail on the dimensions of the monument in terms of vertical heights.</p> <p>Comment: The architectural plans detail the proposed height of the structure.</p> <p>4.Recommendation that the cenotaph tie in with the existing pathway level so that people with disabilities can transition directly from the path to the cenotaph to participate in the memorial or commemorative services.</p> <p>Comment: This has been conditioned as a design change and required to be detailed on plans lodged with the application of the construction certificate.</p> <p>5.The materials of the monument need to be of a suitable quality to withstand the impact of whipper snipping. The Plan of Management does suggest that gardens/vegetation be used to soften harsh edges.</p> <p>Comment: A condition of consent has been imposed to address this issue.</p> <p>6. The materials and finishes should be slip resistant.</p> <p>Comment: A condition of consent has been imposed to address this issue.</p>
Development Engineer	<i>No objections, subject to conditions of consent</i>
External Referrals	
Heritage Council of NSW	<i>Approval, subject to General Terms of Approval</i> These conditions have been included as conditions of this consent.

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;
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20);
- Hawkesbury Local Environmental Plan 2012 (LEP 2012);
- Hawkesbury Development Control Plan 2002 (HDCP 2002) & 2023 (HDCP 2023);
- Hawkesbury City Council Flood Policy 2020;
- McQuade (Windsor) Park Conservation Management Plan; and

- Plan of Management – McQuade Park, Windsor 2022

6.2. State Environmental Planning Policy (Biodiversity & Conservation) 2021

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

Chapter 2 – Vegetation in Non-Rural Areas

The Biodiversity and Conservation SEPP regulates clearing in non-rural areas.

This development application does not propose the removal of any trees or vegetation.

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. Given the small-scale nature of the proposed development, there will be a neutral effect on water quality in the catchment.

6.3. State Environmental Planning Policy (Resilience & 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 are 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 memorial structure with a three-tiered base and sandstone monument with three pillars in an existing public park. Given the existing use of the subject site is for public recreation and previous application records indicate there are no previous potentially contaminating uses, there is no specific evidence that indicates the site is contaminated.

6.4. State Environmental Planning Policy – Transport & 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 southern 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.*

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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 monument will not result in any adverse impacts on traffic nor is the development sensitive to traffic noise as a result of the site's location on a classified road.

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

- a) *To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*
- b) *To provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.*
- c) *To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production.*
- d) *To protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways.*
- e) *To protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development.*
- f) *To conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations.*
- g) *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.*
- h) *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 public recreation purposes and allow the continuation of memorial and remembrance services to be held in the park. In doing so, the proposed development is considered to align with aims (aa), (b),(e) under the HELP 2021.

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7.2. Clause 2.3 Zone objectives and Land use table.

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

- *To enable land to be used for public open space or recreational purposes.*
- *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 proposed development would achieve the above objectives as it:

- Enables the continuation of use of public open space for remembrance and memorial services;
- Provides a suitable platform for memorial services for the general public; and
- Does not involve the removal of any trees or native vegetation, enhancing the natural environment in which the proposed development is located.

The proposed development is best described as ancillary development to a 'recreation facility', which is a permissible form of development in the RE1 zone under the HELP 2012. A 'recreation area' is defined as follows:

“recreation area means a place used for outdoor recreation that is normally open to the public, and includes –

- a) a children’s playground, or*
- b) an area used for community sporting activities, or*
- c) a public park, reserve or garden or the like, and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).”*

7.3. Development Provisions

Clause	Comment
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	The application does not include subdivision works.
4.2 Rural subdivision	N/A
4.3 Height of buildings	No nominated height controls for the site.
4.4 Floor Space Ratio	No nominated FSR for the site.
4.6 Exceptions to development standards	The proposed development does not seek any variation to the development standards.
Part 5 – Miscellaneous provisions	
5.1A Development on land intended to be	The site is already zoned RE1 Public Recreation and is used as a park for public recreation purposes.

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Clause	Comment
acquired for public purposes	
5.10 Heritage conservation	<p>The site is zoned RE1 Public Recreation and is identified as being of State heritage significance (SHR No: 01851). McQuade Park's significance is based on its outstanding and rare feature of Governor Macquarie's concept of a planned country town in 1810. A central square played a pivotal role in a Macquarie town and McQuade Park retains this role in relation to public activities and open space, as well as its relationship to one of the great early churches and cemeteries of New South Wales (St Matthews). The intimate association with Macquarie himself and with his chief surveyor, James Meehan, is of state significance.</p> <p>A Statement of Heritage Impact had accompanied the application and satisfactory addresses the matters for consideration under Clause 5.10 with respect to Heritage Conservation.</p> <p>The application was externally referred to the Heritage Council of NSW who have raised no objections to the proposal, subject to standard conditions which have been included as conditions of consent associated with this Development Application.</p>
5.11 Bush fire hazard reduction	The site is not mapped as being located on bushfire prone land.
5.21 Flood planning	The application was referred to Council's Development Engineer, who has imposed flood related conditions of consent.
Part 6 – Additional local provisions	
6.1 Acid sulphate soils	The subject site is mapped as containing Class 5 Acid Sulfate Soils and is located approximately 180m away from land affected by Class 4 Acid Sulfate Soils. The proposal includes minimal earthworks in order to accommodate for the proposal. 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.
6.2 Earthworks	Council's development engineers have reviewed the proposed earthworks involved and support the application subject to the imposition of conditions.
6.6 Development in areas subject to aircraft noise	The proposal is not considered to be a noise sensitive building.
6.7 Essential services	The subject site accommodates essential services. No proposed changes.

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

CONTROL	COMPLIANCE
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 proposal does not include the construction of a building. Therefore, no Site Analysis Plan is required.</p>
Chapter 3: Heritage	
<p>5 Heritage Management Documents</p> <p>For development proposals affecting a heritage item, conservation area or sites in the vicinity of a heritage item or conservation area, the applicant will be required to prepare a Heritage Impact Statement in order to assess the impact of the proposed works on the heritage significance of the heritage item(s) and/or conservation area concerned. Heritage Impact Statements should be prepared in accordance with the Australia ICOMOS Burra Charter 2013 and NSW Heritage Office Guidelines Statements of Heritage Impact.</p>	<p>The application has been supported by a Statement of Heritage Impact prepared by: Dominic Steele Consulting Archaeology, dated: 28 November 2017. The Heritage Impact Statement concludes that the proposed development will not detrimentally impact on the heritage values of McQuade Park.</p> <p>The proposal will maintain a character, scale and external appearance which provides for an appropriate visual relationship with the heritage significance of the site. The proposal will be appropriately sited, with adequate landscaping remaining on the site.</p>
Chapter 5: Traffic Access, Street Design and Parking	
<p>4.1 Off Street Parking Rates</p> <p>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, motorcycle 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</p>	<p>The proposal does not involve any gross floor area and as such no additional parking is required to be provided on site.</p> <p>The inclusion of the new monument would not generate any adverse traffic impacts which would require any additional traffic mitigation measures.</p> <p>Council's Development Engineer raised no objections to the proposed development from a parking or traffic perspective.</p>

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<p>required to be prepared for the proposed development to substantiate proposed parking provisions.</p> <p>Community facilities: On merit. Traffic and parking study may be required depending on scale of the development, taking into consideration the proposed uses and equivalent rates for similar uses.</p>	

Hawkesbury City Council Flood Policy 2020

The application has been assessed against Council's Flood Policy. The application was referred to Council's Development Engineer who has recommended that the structure be designed and certified by a structural engineer to withstand 1:100-year flood forces including buoyancy forces. Appropriate conditions of development consent have been imposed.

9. McQuade (Windsor) Park Conservation Management Plan

GENERAL POLICY	RESPONSE
6.5.1 Landscape Character	
A1 Conserve the integrity of Windsor (McQuade) Park as a key component of the Macquarie-planned town of Windsor.	The proposed development will not impact upon the integrity of the site.
A2 Ensure the retention and maintenance of the Park boundaries and the traditional open space character of the Park.	There are no proposed changes to existing boundaries of the park. The proposal is not considered to create detrimental impacts to the traditional open space character of the site.
6.5.2 Landscape Design	
B1 Consider fencing the entire park perimeter (e.g. a simple aris rail and timber post fence) and install gates to allow control of vehicular access.	No changes proposed.
B2 Enhance and reinforce the bold avenue plantings to the Park perimeter and to the internal road.	No changes proposed.
B3 Avoid introducing permanent monuments, memorials or artworks within Windsor (McQuade) Park that have no direct, compelling relevance to the site.	<p>The application is for the construction of a cenotaph to be used for a commemorative area for various services. A temporary cenotaph made from timber and sandstone, which could be installed temporarily, has been utilised for services in the past. This application seeks to provide a permanent and durable structure to be enjoyed by the community and used in ongoing services.</p> <p>The vision for the proposal was motivated by the large number of people (10,000-15,000) who attended the Centenary ANZAC Day Service on the subject site. Due to the success in attendance, the Windsor RSL sub-branch became concerned that the increase in number of attendees could not be accommodated at the World War 1 Memorial on the corner of George</p>

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	<p>Street and Tebbutt Street. Discussion took place with Council to propose a permanent cenotaph to maintain the momentum and accommodate 6,000-10,000 attendees in the future.</p> <p>The proposed development, although a permanent addition to the park, is considered to maintain the ongoing use of the site and provide for a commemorative area which can be used for various services at various times of the year. This is considered acceptable in this instance.</p>
B4 Enhance the south western corner of the Park with a passive recreational focus by planting with additional shade trees, the placement of which creates visual connections to the lake.	No changes proposed to existing landscaped nature of the site.
B5 Enhance the Lake precinct with additional tree plantings and, where appropriate, related structures that complement its use as a major passive focus. Consider incorporating indigenous wetland species as a means of interpreting the earlier (Macquarie era) vegetation regime in this area.	No changes proposed to existing landscaped nature of the site. The proposed cenotaph is considered to compliment the use of the precinct as a major passive focus and allows for the ongoing use of the site as a commemorative area.
B6 Enhance and reinforce the avenue of memorial plantings in the vicinity of the Macquarie Memorial.	No changes proposed to existing landscaped nature of the site.
B7 Ensure the conservation of the War Memorial structures and gardens.	No changes proposed to existing landscaped nature of the site.
B8 Provide an integrated formal carpark design in conjunction with a landscape masterplan for the northeastern part of the park.	No changes proposed.
6.5.3 Paths	
C 1 Pathway entrances to the park should be designed to a standard suitable for wheelchair access.	No changes proposed.
6.9 Management	
G2 There should be no subdivision of the park or excisions from or alienation of parts of the park.	No changes proposed.
6.10 Future Developments	
H1 Future development should be consistent with the significance of the open space character of the Park, the passive recreational aspects and the importance of the continuing use of the Park for sporting events.	The proposed development is not considered to create detrimental impacts to the significance of the open space character of McQuade Park, or impact upon its ability to cater for recreational and sporting activities and events.
H2 New design for replacement structures should be of an appropriately high standard	The proposed cenotaph is a new structure and is considered to be of a high standard, which is

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GENERAL POLICY	RESPONSE
sympathetic to the context and subservient to the cultural significance of the place.	sympathetic to the context and cultural significance of the park.

10. Plan of Management – McQuade Park, Windsor 2022

Memorial Services

The Windsor and District RSL Sub-Branch coordinates commemoration services within McQuade Park. Historically, these have been conducted at the war memorials and gardens at the corner of Tebbutt Street and George Street. The large numbers of visitors attending commemorative services on Anzac Day and Remembrance Day (pre-COVID-19) is considered too large to be safely hosted in this area and requires temporary road closures. In recent years these services have been moved to the western side of the ornamental pond where crowds can be more easily managed. Temporary memorial structures, however, need to be erected and dismantled each time creating significant ongoing costs and logistical issues for organisers.

Windsor and District RSL Sub-Branch have been working on a proposal to formalise a memorial space in this location on the western side of the pond for some time. The 2013 McQuade Park PoM (Table 7; Item B20) identified the following management objectives for relocation of commemorative services to the western side of the pond:

- To provide a safe, easily accessible space for large gatherings during commemorative services
- To protect local heritage values, the lake-side landscape setting and integrity of the memorial gardens
- To provide opportunities for multi-functional event space, retaining low-key character and visual quality

The Actions outlined in the Plan of Management also stated that the park's *“open visual qualities, low-key character and key heritage values and vistas must be protected, Council is to avoid introducing intrusive visual elements into the space and continue consultation with RSL club and community.”*

It should be noted that previous Development Application was lodged in February 2016 by the Windsor and District RSL for a much larger commemorative structure to be built 10 metres from the western edge of the ornamental pond. The semi-circular base would cover an area of 46 square metres, and the central raised rectangular platform and steps would be 9 square metres in area. Overall, the three columns would rise to 4.015 metres in height. The Development Application was subsequently withdrawn due to a number of reasons including new requirements for Crown Land arising from the Crown Land Management Act 2016.

The RSL is keen to progress the proposed development in its current form. Figures 7, 8 and 9 show the proposed location and design of the memorial.

The Windsor and District RSL propose that the new commemorative area would be used for Services throughout the year including:

- April – ANZAC Day
- May – Boer War
- July – Korea Veterans

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- August – Victory in the Pacific & Vietnam Veterans
- September – Battle for Australia
- November – Remembrance Day

Council, at its meeting on 22 February 2022 resolved to allow a memorial of the type and scale proposed by the Windsor RSL Sub-Branch, to be located as identified in their proposal, at 10m from the western edge of the ornamental pond. Council resolved:

“The design of any future proposal for a memorial at this location should:

- *protect local heritage values and vistas.*
- *protect the open visual quality and low-key character of the lake-side landscape setting.*
- *provide a safe, easily accessible space for large gatherings.*
- *consider including gardens/vegetation to soften any harsh edges.*
- *consider incorporating removable elements to retain the open, uncluttered passive recreation character of this location.*
- *exclude specific names of veterans.*
- *honour veterans from all conflicts, including indigenous.*
- *be publicly exhibited extensively, giving the broader public the opportunity to comment on the proposal.*

The exhibited plans should be notified to all residents within 400m of the park, a notice in the local paper and a notice on the land advising of the proposal and exhibition period. The plans should be exhibited, and comments allowed to be received for a minimum 42 days to be consistent with the requirements for Plans of Management in the local Governmental Act. In addition, any new memorial space should be used only for large events such as ANZAC Day and Remembrance Day, retaining the validity / significance of the existing Boar Memorial and World War 1 Memorial Gates”.

Response

The proposed development has been assessed against the above matters for consideration and successfully ensures:

- the protection of the local heritage values and vistas;
- the retention of the open visual quality and low-key character of the lake-side landscape setting;
- safety and accessibility.; and
- a built form which is not excessively bulky and is respectful of the passive recreational character of the landscape.

As the site is a State Heritage Item, the application is considered to be *Integrated Development* pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* as approval is required under

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Section 58 of the Heritage Act 1977. The application was referred to the Heritage Council of NSW, who have raised no objections to the proposal, subject to the recommended conditions of consent in the General Terms of Approval issued on the 14 February.

Table 7: McQuade Park Action Plan	RESPONSE
<p>A2</p> <p>Future development, land uses and activities:</p> <p>To protect the park's State heritage significance, cultural setting, and other identified values from inappropriate uses, activities, and development. To promote the park's role as a broadly accessible, equitable, and safe community asset. To protect the open visual character, its historic landscape setting and significant relationship with St. Matthew's Church group. To actively engage with the community to protect, manage and enhance the park for the community's benefit and for future generations. To improve access, circulation, and connectivity. To protect the park from incremental negative impacts and introduction of unsympathetic elements. To ensure that development proposals will have a net positive benefit in relation to identified values. To improve visitor education and interpretation.</p> <p>Development proposals, permissible uses and activities, leases/ licences/estates, and management practices must be consistent with:</p> <ul style="list-style-type: none">• Crown reserve purpose: 'Public Recreation' and assigned categories and core objectives.• The park's State heritage significance (State Heritage listing)• Protection of historic cultural setting, visual quality, open landscape character, commemorative, cultural and sporting values• Maintaining diversity and quality of historic cultural setting, recreational, sporting, and community uses and activities• Ensuring public accessibility, safety, connectivity, equity, and broad community use (including disabled access)• Providing opportunities for broader multiple uses and adaptive re-use of existing infrastructure	<p>The proposal maintains the parks State heritage significance and does not include a use or activity which threatens or adversely impacts the heritage significance of the site, landscape, cultural setting, aesthetic, or visual, social and cultural values of the site.</p>

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Table 7: McQuade Park Action Plan	RESPONSE
<ul style="list-style-type: none"> • Promoting improved water quality in the lake and WSUD principles • Facilitation of programs in community education and interpretation of heritage values including the Heritage Trail Network and Revitalisation of Windsor Town Centre (George Street). <p>Development proposals, uses and activities which may directly or indirectly threaten or adversely impact any key value(s) of historic heritage significance, landscape and cultural setting, aesthetic, visual, social, cultural or recreational values as identified in this Plan of Management are not permissible.</p>	
<p>A3</p> <p>To protect key values and significance in accordance with the CMP, listing on the State Heritage Register and this Plan of Management.</p> <p>Development proposals, uses and activities which may directly or indirectly threaten or adversely impact any key value(s) of historic heritage significance, landscape and cultural setting, aesthetic, visual, social, cultural or recreational values as identified in this Plan of Management are not permissible.</p>	<p>The proposal will provide for a safe and easily accessible commemorative area which is to be used throughout the year. The proposal is not considered to adversely affect the heritage significance of the site, landscape, cultural setting, aesthetic, or visual, social and cultural values of the site.</p>
<p>B1</p> <p>Protection of historic relationships and vistas: To protect open space, cultural landscape setting and relationship with St. Matthew’s Church and cemetery.</p> <p>Ensure protection of significant heritage values along the upper north-western and western portions of the park. Protect and maintain existing clusters of boundary trees, open mown grass, and unobstructed vistas across the park.</p>	<p>The proposal is not considered to create excessive bulk within the lake-side landscape and will retain the open, uncluttered passive recreational character of the landscape.</p> <p>No impact to existing clusters of boundary trees. The location of the cenotaph is considered to be appropriate in relation to the site and reflects the aims and objectives of this Plan of Management.</p>
<p>B23</p> <p>Proposed relocation of commemorative services to western side of lake: To provide a safe, easily accessible, multi-use space for large gatherings during commemorative services.</p>	<p>The proposal will provide for a safe and easily accessible commemorative area which is to be used throughout the year and caters for large gatherings expected at such events.</p>
<p>B24</p> <p>To protect lake-side landscape setting, open visual qualities, low-key character, and open vistas. Avoid introducing intrusive visual elements into this space. To protect the heritage values of the Memorial</p>	<p>The proposal has been assessed with consideration to the above considerations and has been found to ensure the protection of the local heritage values and vistas and the open visual quality and low-key character of the lake-side landscape setting. The proposal</p>

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Table 7: McQuade Park Action Plan	RESPONSE
<p>gardens (relocating major commemorative events). To honour veterans from all conflicts, including indigenous, excluding specific names of veterans.</p> <p>The design would need to be re-submitted for approval by Council in a modified form and as follows:</p> <ul style="list-style-type: none">• Being sympathetic to the nature of the site.• Being contemporary in nature.• Incorporate removable elements e.g. flag poles, plinth and columns, to retain the open, uncluttered passive recreation character of this location.• Small in scale and low key in nature with gardens/vegetation to soften any harsh edges. (size approximately 16m²)• Consider incorporating indigenous wetland plantings to interpret the earlier vegetation of this area.• Ensure the memorial design addresses visual aspects from all viewing directions.• Be designed by a heritage architect with experience in design of memorials.• Be designed in consultation with Council staff and endorsed prior to formal Development Application stage.• To publicly exhibit the proposal extensively, giving the broader public the opportunity to comment on the proposal. The exhibited plans should be notified to all residents within 400m of the park, a notice in the local paper and a notice on the land advising of the proposal and exhibition period. The plans should be exhibited, and comments allowed to be received for a minimum 42 days to be consistent with the requirements for Plans of Management in the local Governmental Act.	<p>is sympathetic to the nature of the site and is contemporary in design. The proposal will provide for a safe and easily accessible commemorative area which is to be used throughout the year. The proposal is not considered to create excessive bulk within the lake-side landscape and will retain the open, uncluttered passive recreational character of the landscape.</p> <p>The application is a nominated Integrated Development pursuant to Section 58 of the Heritage Act 1977. The application was referred to the Heritage Council of NSW, who have raised no objections to the proposal, subject to conditions included in the General Terms of Approval.</p>

11. Development Contributions

Pursuant to Council's adopted 7.11 Contributions Plan, the proposed works has an estimated cost of work of \$70,000 and as such, Development Contributions do not apply to the proposed development.

12. Environmental Planning and Assessment 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 development application seeks consent for the construction of a cenotaph at McQuade Park. A temporary cenotaph made from timber and sandstone, which could be installed temporarily, has been utilised for services up to now. This application seeks to provide a permanent and durable structure to be enjoyed by the community and used in ongoing services.

The proposal does not include excessive earthworks to accommodate the proposed development, with the proposed works being considered to be minor in nature. The proposed works are characteristic of the site and its heritage significance and will not appear visually excessive when viewed from Macquarie Street and Hawkesbury Valley Way.

The proposed development is considered to deliver an appropriately balanced and responsive planning outcome which enables ongoing use of the existing park whilst maintaining the amenity of surrounding properties.

The proposal has been assessed with consideration to the matters for consideration in the Management Plan and found to be respectful of the heritage values of the site and the vistas and the open visual quality of the lake-side landscape setting. The proposal will provide for a safe and easily accessible commemorative area which is to be used throughout the year. The proposal is not considered to create excessive bulk within the lake-side landscape and will retain the open, uncluttered passive recreational character of the landscape.

The application is a nominated Integrated Development pursuant to Section 58 of the Heritage Act 1977. The application was referred to the Heritage Council of NSW, who have raised no objections to the proposal, subject to General Terms of Approval.

The proposal is not considered to result in adverse economic and social impacts. In this regard, the proposed development can be supported subject to the imposition of appropriate conditions.

14. Suitability of the Site

The site is located in an RE1 Public Recreation zone with the proposal being a permissible form of development with consent. The proposed development is sought to support the ongoing use of McQuade Park. No changes are proposed to the existing parking and access arrangement.

The application was referred to Council's Development Engineer who has recommended that the structure be designed and certified by a structural engineer to withstand 1:100-year flood forces including buoyancy forces. Conditions of development consent have been imposed.

Additionally, the application is a nominated Integrated Development pursuant to Section 58 of the Heritage Act 1977. The application was referred to the Heritage Council of NSW, who have raised no objections to the proposal, subject to General Terms of Approval.

15. Public Consultation

In accordance with Schedule 1 of the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan 2019, the Development Application was required to be advertised for a minimum exhibition period of 28 days for Nominated Integrated Development and Council related Development Applications. The application was placed on public advertising and

neighbour notification from 23 October 2023 to 20 November 2023. No submissions were received in response to the proposed development.

16. Public Interest

The proposed development has been considered to relate to the size, shape and context of the site and has been designed in accordance with the existing character of McQuade Park.

The proposal has been designed to minimise, as far as practicable, any adverse effects on the heritage listed site, with the development complying with the principal controls and/or objectives of the LEP and the DCP. The proposal is not considered to result in adverse amenity impacts to nearby residents and the public. Accordingly, the proposed development is considered in the public interest.

17. Conclusion

The application has been assessed relative to 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 heritage significance of the site. 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. 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 Assessment Report & Conditions - *(Distributed under separate cover)*.

AT - 2 Architectural Plans - *(Distributed under separate cover)*.

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2.1.2. DA0285/23 - Change of Use to a Business Premise - Use as a Hair Salon - (96329)

Directorate: City Planning

DEVELOPMENT INFORMATION

Application Number	DA0285/23
Date Received	18 July 2023
Proposed Details	Change of Use to a Business Premise - Use as a Hair Salon
Estimated cost	\$68,859.00
Legal Description	Lot 1 DP 261131 Vol 14398 Fol 86
Property Address	1 Phillip Place McGRATHS HILL
Area	4162.0 Square metres
Zoning	Zone E1 Local Centre
Applicant	Timothy O'Keefe
Owner	Hawkesbury City Council
Exhibition Dates	29 September 2023 to 12 October 2023
Submissions	Nil
Key Issues	Nil
Recommendation	Approval

EXECUTIVE SUMMARY

Reason for Consideration by Local Planning Panel

The Local Planning Panel Directions dated 6 September 2023 under Section 9.1 of the Environmental Planning and Assessment Act 1979 stipulates that a conflict of interest exists where Council is the landowner. Schedule 1(1) of the Directions advises that Local Planning Panel decisions are required for conflicts of interest involving development for which the applicant or landowner is: "(a) the council".

Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979 this application seeks Council's consent for the change of use of Shop 4 to a Business Premise at 1 Phillip Place, McGraths Hill.

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The application specifically seeks consent for the use of Shop 4 a Hair Salon comprising of a hair cutting station for seven seats, a hair washing station for four basins, as well as amenity rooms with a kitchenette and bathroom. The application includes Business Identification Signage within the shop front windows facing car park to Red House Crescent. The Hair Salon is proposed to be operated by 5 staff between the following hours:

- Monday 10:00am to 2:00pm
- Tuesday 9:00am to 5:00pm
- Wednesday 9:00am to 7:00pm
- Thursday 9:00am to 8:00pm
- Friday 9:00am to 5:00pm
- Saturday 8:00am to 1:00pm

^{4.1.2}

The proposed development is located on land owned by Council and consequently, the application would be subject to the Council's Managing Council Related Development Policy. It is noted that a management strategy would not be needed when amongst other things:

"The management strategy for the following kinds of development is that no management controls need to be applied:

- a) commercial fit outs and minor changes to the building façade;*
- b) internal alterations or additions to buildings that are not a heritage item;*
- c) advertising signage;*
- d) minor building structures projecting from a building over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services); and*
- e) development where Council only receives a small fee for the use of the land."*

It is considered that the proposed development would be subject to a small fee for the use of the land to Council and as such, no management strategy would be needed for the purposes of the policy.

Permissibility

The development is consistent with the zone objectives and the following clauses of the Hawkesbury LEP 2012:

Zoning

The property is zoned E1 Local Centre. The proposed use of the shop for a Hair Salon is permissible within the land zone, being defined as a 'Business Premise' as per the land use definition as follows:

"Business premises means a building or place at or on which—

- a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- b) a service is provided directly to members of the public on a regular basis,*

and includes funeral homes, goods repair, reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital."

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The proposal is consistent with the land use definition and with the objectives of the zone in that it would promote employment opportunities and support commercial uses in the zone.

Consultation

The subject application was placed on neighbour notification from 29 September 2023 to 12 October 2023. No submissions were received in response to the proposed development.

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, grant development consent to DA0285/23 for the removal of existing signage and construction of a digital advertising structure on the site of Phillip Place, McGraths Hill for the following reasons:

- The proposed signage meets the objectives of the zone and relevant controls under the Hawkesbury Local Environmental Plan 2012.
- The proposed development generally complies with controls under the Hawkesbury Development Control Plan 2012.
- The proposed development remains in the public interest.

BACKGROUND

Detailed Description of Proposal

Site Description

The subject site is located on the corner of Red House Crescent and Phillip Place. The subject site is approximately 4162sqm in size, rectangular in lot shape and relatively flat in terrain. The subject site comprises a single storey, brick clad building that provides for a variety of commercial shops and is known as the McGraths Hill Shopping Centre. The building is serviced by a car park comprising of 15 parking spaces and vehicle access to Red House Crescent

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Figure 1 – Site photograph of the existing car park and shop frontage.



Figure 2 – Site photograph of the reception area for the proposed hairdressers



Figure 3 – Site photograph of the proposed hair cutting area and internal wall proposed for removal.



Figure 4 – Council Aerial Mapping of the subject site showing the location of the shop.

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Description of Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979 this application seeks Council's consent for the change of use of Shop 4 to a Business Premise at 1 Phillip Place, McGraths Hill.

The application specifically seeks consent for the use of Shop 4 a Hair Salon comprising of a hair cutting station for seven seats, a hair washing station for four basins, as well as amenity rooms with a kitchenette and bathroom. The application includes Business Identification Signage within the shop front windows facing car park to Red House Crescent. The Hair Salon is proposed to be operated by 5 staff between the following hours:

- Monday 10:00am to 2:00pm
- Tuesday 9:00am to 5:00pm
- Wednesday 9:00am to 7:00pm
- Thursday 9:00am to 8:00pm
- Friday 9:00am to 5:00pm
- Saturday 8:00am to 1:00pm

Site History

A Real Estate Agency Office had previously operated within the subject shop No. 4 on the site. The previous use of the shop had been approved as a Business Premise under DA0146/18 on the 29 June 2018.

Council Policies, Procedures and Codes to which the matter relates:

- State Environmental Planning Policy (Resilience and Hazards) 2021
 - Chapter 4 Remediation of Land
- State Environmental Planning Policy (Industry and Employment) 2021
 - Chapter 3 Advertising and Signage
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
 - Chapter 6 Water Catchment
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- a) The provisions (where applicable) of any:
 - i) Environmental Planning Instrument:

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Clause 4.6 of the SEPP (Resilience and Hazards) outlines a consent authority “must not consent to the carrying out of any development on land unless:

- a) it has considered whether the land is contaminated, and
- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.

Council records indicate that the property has historically been used for commercial purposes as a shopping centre with no contaminating uses being undertaken. Furthermore, Council records did not identify the introduction of landfill to the site and there were no noticeable signs of contamination observed during an inspection of the property by the assessing officer of the subject application. It is therefore considered that the land is not contaminated to any state that would prevent continued use of the land for commercial purposes. On this basis the property is considered acceptable having regard to the matters for consideration of this Policy.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The SEPP (Industry and Employment) 2021 applies to all signage that is visible from any public place or public reserve, except for that which could be considered as exempt development. The application proposes a 1.5 metre x 1.5 metre window shop signage with the business logo and name orientated towards Red House Crescent. As such, the proposed signage is defined as 'business identification' signage under the provisions of SEPP as it displays the logo, business name and symbols of the proposed Hair Salon.

The proposal is considered to satisfy the objectives of the Policy as set out within clause 3(1)(a) for the following reasons:

- the proposal is considered to be compatible with the desired amenity and character of the local area;
- the signage provides a suitable level of communication; and
- is of an acceptable design.

An assessment against the Assessment Criteria listed in Schedule 5 of the SEPP (Infrastructure and Employment) 2021 is provided below:

Character of the area

The local area is characterised by low density commercial premise and residences. Signage is local in scale and primarily limited to business identification. The proposed business identification signage will not significantly impact upon the character of the streetscape or any scenic vistas.

Special Areas

The proposed signage is not located within a conservation area or heritage listed item.

Views and Vistas

The proposal does not impact upon important views or reduce the quality of the local visual catchment.

Streetscape, Setting or Landscape

The proposal is assessed to adequately complement the existing streetscape and pattern of development. The proposal will not contribute to visual clutter in the locality.

Site and Building

The proposal is considered to be proportionate when considered in the local context and is adequately integrated into the front landscaping of the site.

Associated devices and logos with advertisements and advertising structures.

No associated devices or structures are proposed.

Illumination

No illumination of the signage is proposed.

Safety

The proposal will not impact negatively upon public, pedestrian, and road safety.

In this regard, it is considered that the proposed signage is consistent with Chapter 3 Advertising and Signage under SEPP (Infrastructure and Employment) 2021 and compatible with the character of the surrounding locality.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 6 Water Catchment

The proposal is consistent with the aims and objectives of chapter 6 of the SEPP. The proposed development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

The development is consistent with the zone objectives and the following clauses of the Hawkesbury LEP 2012:

- Zoning

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The property is zoned E1 Local Centre. The proposed use of the shop for a Hair Salon is permissible within the land zone, being defined as a Business Premise as per the Hawkesbury LEP dictionary definition:

"Business premises means a building or place at or on which—

- a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- b) *a service is provided directly to members of the public on a regular basis,*

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital."

The proposal is consistent with the land use definition and with the objectives of the zone in that it would promote employment opportunities and support commercial uses in the zone.

- **Clause 4.3 - Height of Buildings – Complies**

The application does not propose any alterations to the existing height of the building and as such, the building remains under the maximum permitted height for the subject lot under Clause 4.3 of the Hawkesbury LEP 2012.

- **Clause 5.10 Heritage Conservation – Complies**

The subject site and adjoining site are not heritage listed items under Schedule 5 of the Hawkesbury LEP 2012.

- **Clause 5.21 – Flooding – Complies**

The subject site is located below the 1-100 flood planning level. The proposal does not include any external building alterations and will continue to use of the shop for a commercial purpose. As such, the proposal will not adversely affect the existing occupation and available evacuation of people in the event of a flood in accordance with clause 5.21 of the Hawkesbury LEP 2012.

- **Clause 6.1 - Acid Sulfate soil controls – Complies**

Proposal does not involve any buildings works and it subsequently considered the proposal is not likely to lower the water table or expose acid sulfate soils.

- **Clause 6.4 – Biodiversity Controls – Complies**

The land is not affected by biodiversity controls and there is no removal of native vegetation.

- **Clause 6.7 – Essential Services – Complies**

It is considered that the services required for the development are suitable.

(ii) Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no draft planning instruments that apply to the subject development.

(iii) Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposal is consistent with the aims and objectives of the Hawkesbury DCP 2002 and is considered against the following relevant chapters:

Part A Chapter 3 – Notification

The application was notified from 29 September 2023 to 12 October 2023 in accordance with the Hawkesbury Community Participation Plan. No submissions were received in response to the proposed development.

Part C: Chapter 2 – Car Parking and Access – Complies

The proposal would not generate the need for additional parking under this plan as the commercial floor area of the existing building would remain unchanged. The existing shopping centre car park provides for 15 parking spaces and a truck loading area that is sufficient to support the continued commercial use of Shop 4. The existing car park is also serviced by a turning area so that all vehicles can enter and leave the site in a forward direction.

(iv) Planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

None Applicable.

(v) Matters prescribed by the Regulations:

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- The National Construction Code – Building Code of Australia (BCA).
- The development is exempt from contributions under Council's Section 94A Contributions Plan as the cost of works are below the minimum threshold.

(vi) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

It is considered that the proposed development would not have a detrimental social, economic or environmental impact on the locality. The proposal is considered to be consistent with the character of the locality and nature of adjoining land uses.

The proposal is within an established shopping centre and surrounded by low density residential homes in the locality. The proposed use within the existing shop would not adversely impact on the locality with respect to acoustic, traffic and odour hazards as the type of activity is low impact. The proposed business hours range from 9:00am to 7:00pm and are considered appropriate for the locality and type of low impact activity being undertaken within the shop.

(vii) Suitability of the site for the development:

The site is not affected by environmental constraints and is located within an area surrounded by industrial development and uses. The proposal would not impact upon critical habitats and threatened species, populations, ecological communities, and habitats.

The subject site is not a heritage listed item, bushfire affected or within a landslip area. The proposed Hair Salon is limited to the area of the existing commercial shop and is compatible with the flood affectation of the site.

Referrals

Infrastructure

Council's Infrastructure Department has reviewed the application and noted that whilst a 305 application is not necessary, a Trade Waste Application will be required to be lodged. As such, a condition of consent will be applied in this regard.

Environmental Health

Council's Environmental Health Officer has reviewed the application and raised no objections subject to recommended conditions. It was noted that the proposed Hair Salon has not been provided with a basin appropriate for the use of hand washing and preparation of dyes. Sufficient area exists to support an additional basin and Council's EHO has provided conditions that address waste, hygiene, and basin installations.

Building Surveyor

Council's Building Surveyor has reviewed the application and raised no objections subject to conditions of consent. It was noted that a Construction Certificate will be required for the internal alterations to remove a wall. As such, Council's Building Surveyor has recommended conditions be applied to the consent relating to Fire Safety and construction requirements under the Building Code of Australia.

The deposited plan is clear of easements or restrictions that would prohibit the proposed use. The site is serviced by Sydney Water in water supply and by Council's reticulated sewerage service. Conditions for services will be applied in this regard.

The proposal has adequately considered the site constraints and it is considered that proposed use is suitable to the site.

c) Any submissions made in accordance with the Act or the Regulations:

No submissions were received for this application.

d) The Public Interest:

It is considered that the proposal is consistent with the overall objectives of the zone and adequately addresses the relevant legislation. It is considered that the proposal would support the retail needs of the surrounding residence and support the sites use as a commercial centre.

Conclusion

The proposal has been assessed against Section 4.15 of the EP&A Act and is consistent having regard to the relevant environmental planning instruments and regulations which apply to the development.

The proposal is seen to be acceptable within the context of the locality and is recommended for approval.

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2. REPORTS FOR DETERMINATION

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Attachments

AT - 1 Attachment 1 – Conditions of consent DA0285 23 1 Phillip Place McGraths Hill

AT - 2 Attachment 2 - Architectural Plans for DA0285 23 1 Phillip Place McGraths Hill

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 21 March 2024

Attachment 1 - Conditions of consent DA0285 23 1 Phillip Place McGraths Hill



Development Assessment Report - Part 2

Development Application No DA0285/23
Proposal Change of Use to a Business Premise - Use as a Hair Salon
Legal Description Lot 1 DP 261131 Vol 14398 Fol 86
Property Address 1 Phillip Place MCGRATHS HILL NSW 2756

Recommendation

That development application DA0285/23 at Lot 1 DP 261131 Vol 14398 Fol 86, 1 Phillip Place MCGRATHS HILL NSW 2756 for Business Premises - Change of Use to a Business Premise - Use as a Hair Salon be approved subject to the following conditions:

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:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
1	Cover Sheet	TJK Design	A	18 July 2023
2	Floor Plan	TJK Design	A	18 July 2023
3	Section Plan	TJK Design	A	18 July 2023
4	Section Plan	TJK Design	A	18 July 2023
5	Signage Details - Elevation Plan	TJK Design	A	18 July 2023

b) Document Reference:

Document Title	Reference	Prepared By	Date
Waste Management Plan	1 Phillip Place McGraths Hill	Lauren O'Connor	18 July 2023

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:

- any amendments made by Council on the approved plans or documents;
- any notes, markings, or stamps on approved plans or documents; and
- 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:

- a Construction Certificate is obtained from either Council or an Accredited Certifier;

366 George Street (PO Box 146), WINDSOR 2756 | council@hawkesbury.nsw.gov.au | hawkesbury.nsw.gov.au | (02) 4560 4444



Interpreter Service available, call 131 450 131 450 خدمة الترجمة اللغوية متاحة للتصل على رقم 131 450 131 450 可提供傳譯服務，請致電 131 450 131 450 Hemm servizz tal-interpretu, cempel 131 450

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- 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 building 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).



7. **Trade Waste Agreement**

A Trade Waste Agreement must be entered into with Council for the discharge of trade waste to Council's sewer. Trade waste details are to be submitted to and approved by Council's Waste Management Branch prior to the release of the Construction Certificate.

Prior to the Issue of Construction Certificate

8. **Compliance with the Building Code of Australia - Fire Services and Equipment**

Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.

The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.

Details are to be provided to the Accredited Certifier prior to issue of the Construction Certificate.

9. **Health Standards for Fit Out of Hair Salon.**

The premise is to be fitted out so as to comply with Part 2 of Schedule 2 of the Local Government (General) Regulation 2021.

All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment are to be constructed so as not to harbour insects or vermin. The floors are to be covered with a durable, and impervious surface of a light colour. The floor covering is to be free of protrusions or gaps.

The premises is to be fitted with adequate hand washing facilities for hairdressing/skin penetration activities. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any work area. Handwashing basins should not be used for any other purpose, and are required:

- a) to be fitted with hand's free taps; and,
- b) to have hot and cold running potable water with a common spout capable of at least 40 degrees Centigrade; and,
- c) to be easily accessible; and,
- d) to have a constant supply of soap and single use paper hand towels fitted to the wall adjacent in an appropriate and durable dispenser.

Amended Plans and Documentation demonstrating compliance with the above requirements is to be provided to the Certifier prior to the Issue of the Construction Certificate.

Prior to Any Works Commencing on Site

10. **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*.

11. **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.

12. **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.

13. **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.

14. **Demolition - General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works



commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;

- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

15. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant SafeWork NSW License details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

16. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2017*.

In addition to the above, the following must be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifier with a copy of a signed contract with such a person before any development or works commence;



- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the consent must give the Principal Certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

17. **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

18. **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.

19. **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 signposted and such signposting be maintained in a way that ensures public safety at all times.

20. 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.

21. 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*.

22. Inspection and Compliance Certificates - Sewer Works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of:

- a) internal and external (house service connection) drainage, the inspection must be conducted by Council's Waste Management Branch;
- b) sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Council's Waste Management Branch. A compliance certificate will not be issued until a Works as Executed information has been received, assessed and approved by the Waste Management Branch; and



- c) major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

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

23. **Hairdresser/Skin Penetration Premises - Registration and Inspection Required**

The Hair Salon is to be registered with Council and a health inspection is to be arranged and conducted prior to the issue of any Occupation Certificate.

Note: Registration forms are available on Council's website at www.hawkesbury.nsw.gov.au

Operational Conditions

24. **Hours of Operation**

The premises must operate or trade only between the following hours:

Mondays	10:00am to 2:00pm
Tuesday	9:00am to 5:00pm
Wednesday	9:00am to 7:00pm
Thursday	9:00am to 8:00pm
Friday	9:00am to 5:00pm
Saturday	8:00am to 1:00pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

25. **Hair Salon Health and Safety Operational Requirements**

The Hair Salon is to be operated in the following manner:

- a) All appliances and utensils are to be stored appropriately in a hygienic manner and adequately disinfected.
- b) All used linen, towels, and protective work clothing is to be stored outside of the work areas in an appropriate receptacle with a close fitting lid.
- c) A first aid kit containing sterile disposable dressings should be maintained at the premises at all times.
- d) The operations of the development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
- e) All waste materials are to be stored adequately, away from work areas, and disposed of at regular intervals.



Advisory Notes (if applicable)

(i) **Approval Authority**

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

(ii) **Equitable Access**

The applicant must make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

(iii) **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.

(iv) **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.

(v) **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.

(vi) **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.

(vii) **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.



(viii) **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.

Reasons for Decision

Council has determined that the application be approved on 19 December 2023 on the following grounds:

1. The proposal is permissible under Hawkesbury Local Environmental Plan 2012 and is generally consistent with the relevant planning instruments and plans that apply to the development.



Delegate's Determination

Pursuant to the Authority delegated under the Local Government Act 1993, the application is:

- Approved subject to the conditions attached to the report.
- Refused subject to the reasons attached to the report.



Nicholas Powers
Senior Town Planner

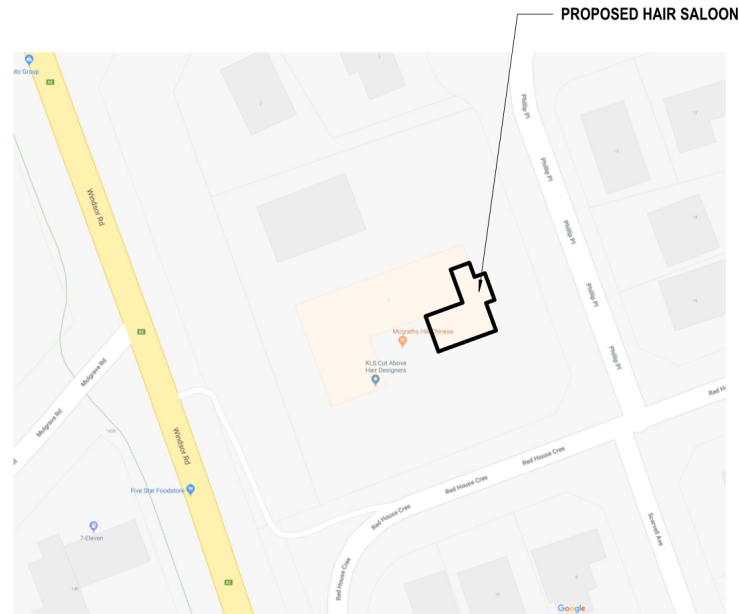
..... Date: 19/12/2023

.....
Steven Chong
Manager Development Assessment


Date: 19/12/2023

Attachment 2- Architectural Plans for DA0285 23 1 Phillip Place McGraths Hill

**PROPOSED HAIR SALOON FITOUT AT
MCGRATHS HILL SHOPPING CENTRE - MCGRATHS HILL**



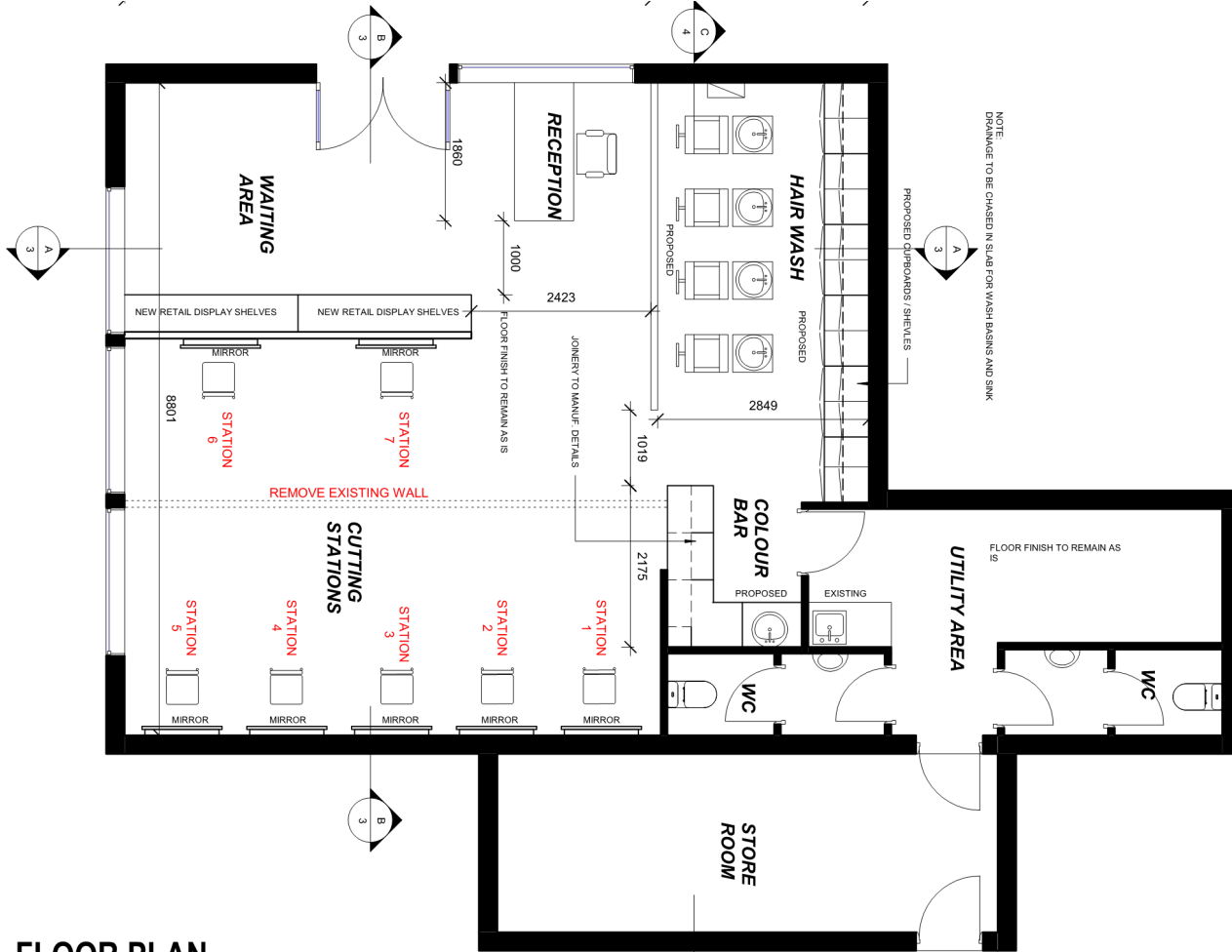
LOCATION PLAN - NTS

No	Date	Description	By
<small>ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK'</small>			
CLIENT	LAUREN O'CONNOR	JOB HAIR SALOON	TITLE: DA
ADDRESS	Shop 4 / 1 Phillip Pl, McGraths Hill	DWG 2352	SCALE:
		DATE 18/07/23	BY: KV
		SHEET: 1	REV.
 <small>RESIDENTIAL - COMMERCIAL - INDUSTRIAL E: tim@tjkdesign.com.au ph: 040035512</small>			

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 21 March 2024



FLOOR PLAN

ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK

CLIENT LAUREN O'CONNOR
ADDRESS Shop 4 / 1 Phillip Pl, McGraths Hill

JOB HAIR SALOON

TITLE: DA
DWG 2352

SCALE: 1 : 50
DATE 18/07/23
BY: KV

SHEET: 2
REV.

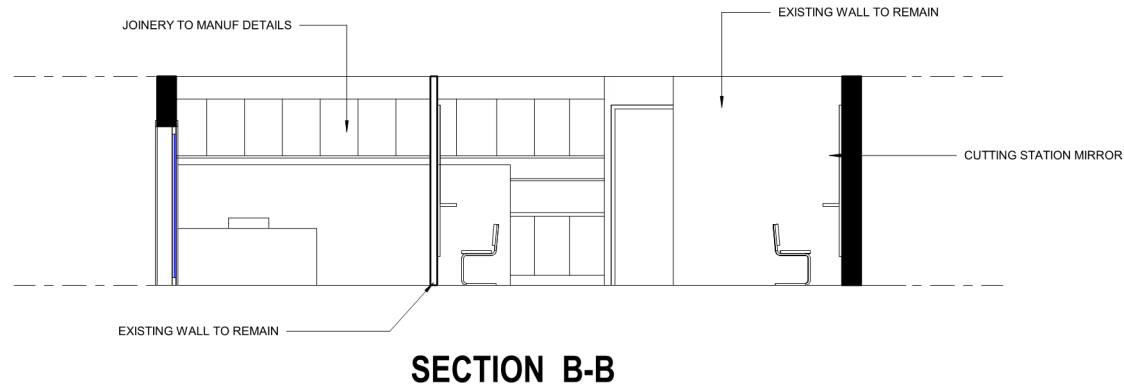
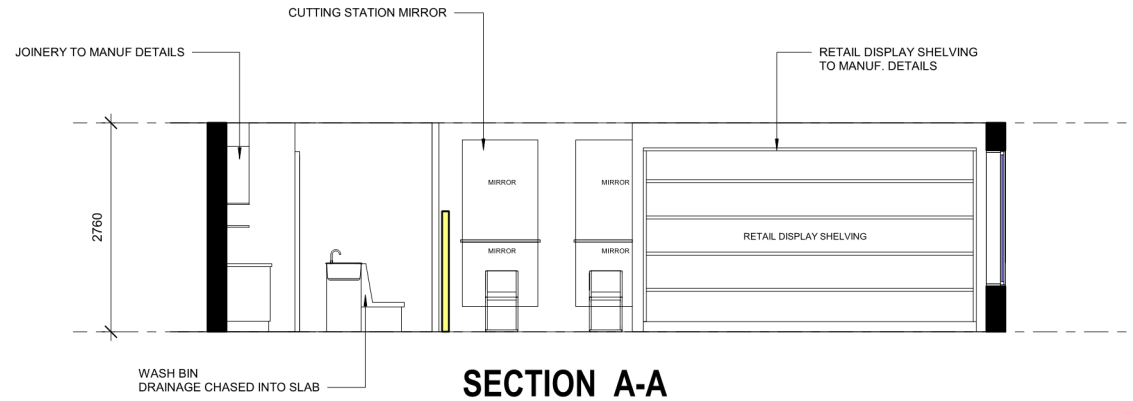
No	Date	Description	By

TJK DESIGN
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HAWKESBURY LOCAL PLANNING PANEL

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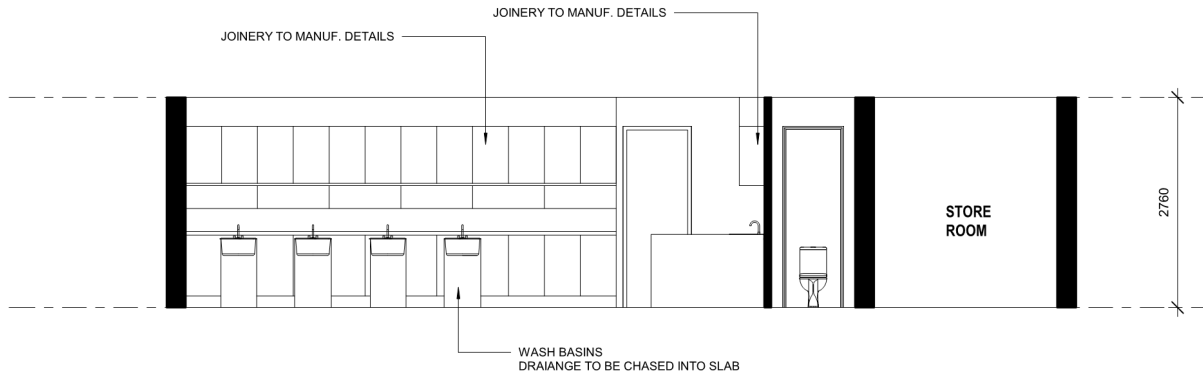
NOTE: CEILING AND FLOOR TO REMAIN AS EXISTING

No	Date	Description	By
<small>ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK</small>			
CLIENT LAUREN O'CONNOR		JOB HAIR SALOON	
ADDRESS Shop 4 / 1 Phillip Pl, McGraths Hill		TITLE: DA	
DWG 2352		DATE 18/07/23	
SCALE: 1 : 50		SHEET: 3	
BY: KV		REV.	
 <small>RESIDENTIAL - COMMERCIAL - INDUSTRIAL E: tim@tjkdesign.com.au ph: 0400035512</small>			

HAWKESBURY LOCAL PLANNING PANEL


2. REPORTS FOR DETERMINATION

Meeting Date: 21 March 2024



SECTION C-C

NOTE: CEILING AND FLOOR TO REMAIN AS EXISTING

No	Date	Description	By
<small>ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK.</small>			
CLIENT LAUREN O'CONNOR		JOB HAIR SALOON	
ADDRESS Shop 4 / 1 Phillip Pl, McGraths Hill		TITLE: DA	
DWG 2352		DATE 18/07/23	
SCALE: 1 : 50		SHEET: 4	
BY: KV		REV.	
			
<small>RESIDENTIAL - COMMERCIAL - INDUSTRIAL E: tim@tjkdesign.com.au ph: 040035512</small>			

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 21 March 2024



SIGNAGE DETAILS - ELEVATION

No	Date	Description	By
<small>*ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK</small>			
CLIENT	LAUREN O'CONNOR	JOB HAIR SALOON	TITLE: DA
ADDRESS	Shop 4 / 1 Phillip Pl, McGraths Hill	DWG 2352	SCALE:
DATE	18/07/23	SHEET: 5	BY: KV
REV.			
 <small>RESIDENTIAL - COMMERCIAL - INDUSTRIAL</small> <small>E: tim@tjkdesign.com.au ph: 040035512</small>			

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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NCC 2022 BUILDING CODE OF AUSTRALIA COMPLIANCE - VOLUME TWO
All works must be carried out in accordance with the National Construction Code (NCC), relevant Australian Standard and the relevant manufacturer's or Engineer's Instructions.

Part 3.1 Site Preparation	Part 3.6 Glazing	Part 3.12 Energy Efficiency
Part 3.1.1 Site preparation	Part 3.6 Glazing	
Part 3.1.1.1 Earthworks		
Part 3.1.2 Earth retaining structures	Part 3.7 Fire Safety	
Part 3.1.3 Drainage	Part 3.7.1 Fire properties for materials and construction	
Part 3.1.4 Termite risk management	Part 3.7.2 Fire separation of external walls	
	Part 3.7.3 Fire protection of separating walls and floors	
Part 3.2 Footings and Slabs	Part 3.7.4 Fire separation of garage top dwellings	
Part 3.2.2 Footings and slabs	Part 3.7.5 Smoke alarms and evacuation lighting	
Part 3.2.2 Preparation		
Part 3.2.3 Concrete and reinforcing	Part 3.8 Health and Amenity	
Part 3.2.4 Site classification	Part 3.8.1 Wet areas and external waterproofing	
Part 3.2.5 Footing and slab construction	Part 3.8.2 Room heights	
	Part 3.8.3 Facilities	
Part 3.3 Masonry	Part 3.8.4 Light	
Part 3.3.1 Unreinforced masonry	Part 3.8.5 Ventilation	
Part 3.3.2 Reinforced masonry	Part 3.8.6 Sound insulation	
Part 3.3.3 Masonry accessories	Part 3.8.7 Condensation management	
Part 3.3.4 Weatherproofing of masonry		
Part 3.3.5 Masonry veneer	Part 3.9 Safe Movement and Access	
Part 3.3.6 Isolated masonry piers	Part 3.9.1 Stairway and ramp construction	
	Part 3.9.2 Barriers and handrails	
Part 3.4 Framing	Part 3.10 Ancillary Provisions and Additional Construction Requirements	
Part 3.4.0 Framing	Part 3.10.1 Swimming pools	
Part 3.4.1 Subfloor ventilation	Part 3.10.2 Earthquake areas	
Part 3.4.2 Steel framing	Part 3.10.3 Flood hazard areas	
Part 3.4.3 Timber framing	Part 3.10.4 Construction in alpine areas	
Part 3.4.4 Structural steel members	Part 3.10.5 Construction in bushfire prone areas	
	Part 3.10.6 Attachment of decks and balconies to external walls of buildings	
Part 3.5 Roof and Wall Cladding	Part 3.10.7 Boilers, pressure vessels, heating appliances, fireplaces, chimneys and flues	
Part 3.5.1 Roof cladding, gutters and downpipes and wall cladding		
Part 3.5.1.1 Sheet roofing		
Part 3.5.2 Roof tiles and shingles		
Part 3.5.3 Gutters and downpipes		
Part 3.5.4 Timber and composite wall cladding		
Part 3.5.5 Metal wall cladding		

BUILDING DESIGN SAFETY REPORT

1. FALLS, SLIPS, TRIPS
a) WORKING AT HEIGHTS DURING CONSTRUCTION
b) Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall of assets in two metres is possible and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
The builder should provide a suitable barrier whenever a person is required to work in a situation where falling more than two metres is a possibility.

2. FALLING OBJECTS AND UNLIFTED SURFACES
a) SUPERFICIAL UNLIFTED SURFACES
b) Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall of assets in two metres is possible and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
The builder should provide a suitable barrier whenever a person is required to work in a situation where falling more than two metres is a possibility.

3. TRAFFIC MANAGEMENT
For buildings where on-site loading/unloading is restricted:
Construction of this building will require loading and unloading of materials on the road way. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.
For all buildings:
Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES
Residue of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around the site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service, appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: Underground power lines may be located in or around the site. All underground power lines must be disconnected or certified dead and adequate warning signs used prior to any construction, maintenance or demolition commencing.
Locations with overhead power lines:
Overhead power lines may be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS
Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.
All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag.
All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES
ASBESTOS
For alterations to a building constructed prior to 1990:
If this existing building was constructed prior to 1990 - therefore may contain asbestos 1990 - therefore is likely to contain asbestos
either in cladding material or in the retained insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or other disturbing the existing structure.
POWDERED MATERIALS
Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.
TREATED TIMBER
The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.
VOLATILE ORGANIC COMPOUNDS
Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.
SYNTHETIC MINERAL FIBRE
Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.
TIMBER FLOORS
This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.
7. CONFINED SPACES
EXCAVATION
Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.
ENCLOSED SPACES
For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers for unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.
SMALL SPACES
For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers for unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.
8. PUBLIC ACCESS
Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

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	ADDRESS	Shop 4 / 1 Phillip Pl, McGraths Hill		DWG	2352	SCALE:		BY:	KV

No	Date	Description	By
			
REGISTRATION - CONSTRUCTION - 450017346 E: tm@tjkdesign.com.au ph: 0400035512			

ooo END OF REPORT ooo



Hawkesbury Local Planning Panel Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.