

DATE OF DETERMINATION	20 November 2025
DATE OF PANEL DECISION	20 November 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Jeff Organ, Judy Clark
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 November 2025.

MATTER DETERMINED

PPSSWC-608 – Hawkesbury – DA0013/25 – 61 Rickaby Street, Clarendon - Animal boarding training establishment - demolition of existing structures; remediation of land; construction of two stable buildings, a waste and storage shed, 4 horse walkers, wash bays, sand rolls, tie-ups and car parking; landscaping works and the reconstruction of Rickaby Street.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented in Schedule 1.

Application to vary a development standard

After considering the Applicant's written request, made under cl 4.6 (3) of the *Hawkesbury Local Environmental Plan 2012*, the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (Height of Building) is unreasonable or unnecessary in the circumstances because the development will satisfy the objectives the development standard despite the non-compliance and will not result in any adverse privacy, overshadowing or visual impacts; this is primarily because the non-compliance relates to a thin strip at the top of the two stables with substantial setbacks from the rest of the building (see below); and
- there are sufficient environmental planning grounds to justify contravening the development standard as the design will result in higher quality stables than a compliant scheme.



Development application

The Panel determined to approve the development application (DA) pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the DA for the reasons outlined in Council's assessment report.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and the *Hawkesbury Local Environmental Plan 2012*
- The development complies with the relevant requirements in the *Hawkesbury Development Control Plan 2002 & 2023*
- The development will have a neutral and beneficial impact on the Hawkesbury-Nepean catchment, consistent with the requirements in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- With the remediation required under the conditions, the site can be made suitable for the development
- The other impacts of the development are acceptable, and can be suitably controlled by the conditions of consent
- Several of these conditions are directed towards controlling the potential acoustic impacts of the development noting in particular that there is a requirement that within six months of full operation of the approved use an acoustic report must be supplied to the Council from a suitably qualified acoustic consultant demonstrating that the development satisfies the approved acoustic report. Minor changes to the wording of that condition are proposed below for clarity of its effect
- The conditions require the relevant developer contributions to be paid
- The development will support the ongoing operations of the Hawkesbury Racecourse, and is consistent with the strategic planning objectives for the area
- The development is in the public interest.

CONDITIONS

The DA was approved subject to the conditions in Council's assessment report, with the following amendments:

Condition 114 is amended to read:

114 Noise - Commercial and Industrial Premises

- A. The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:
- a) The LAeq (15 minute) noise level emitted from the use must not exceed the background noise level LA90 (15 minute) by more than 5dB when assessed at the boundary of any affected residence;
 - b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise;
 - c) The LAeq (15minute) noise level shall be adjusted to account for any applicable corrections for annoying noise characteristics in accordance with the NSW EPA Noise Policy for Industry.

Alternatively, compliance may be demonstrated through any appropriate method detailed in EPA Noise Policy for Industry. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise policy for Industry, unless agreed in writing by the Manager Regulatory Services.

- B. The following activities are to be limited to the NPfl daytime period (7:00 am to 6:00 pm):
- Use of Horse Walkers 01 and 02

- Site deliveries and waste collection, including all heavy vehicle movements on site
 - Site maintenance activities
- C. Prior to commencement of the use, the certifying authority is to be satisfied that a noise complaints management system has been prepared and is to be implemented during operation so as to comply with section 6.4.3 of the acoustic report supporting the development application to ensure all complaints are dealt with in an appropriate manner, and particularly that arrangements are in place for:
- A staff member nominated to deal with complaints from the community. Contact details of the nominated staff member will be displayed at the entry point of the site
 - All complaints received will be logged within a complaint register to be brought to the attention of Racing NSW.
 - An archive of complaints will be maintained, documenting the nature of the complaint and the actions implemented for resolving the complaint will endeavour to attend to these complaints within 48 hours of receipt.
 - The complaint log should be reviewed at regular intervals to identify common complaints and recurring issues. The review can be used to adjust operations to reduce the number of complaints moving forward.
 - The complaints log will be made available to relevant regulatory authorities on request.
 - A template of the complaints log is presented below:
 - Item Comments
 - Date and time of call
 - Name and location of caller
 - Contact details of caller
 - Nature of complaint
 - Action taken
 - Staff member handling complaint
- D. Clear signage is to be erected at site entrances advising people that they must not generate excessive noise and leave the site in a quiet and sensible manner to minimise any potential impacts of the surrounding amenity which is to be in place before the use commences.

Condition 115 is amended for clarity to read:

115 Acoustic Validation Assessment

Within six months of full operation of the approved use an acoustic report from a suitably qualified acoustic consultant is to be prepared demonstrating that the development satisfies the approved acoustic report as endorsed under the deferred commencement condition.

A copy of this acoustic report must be provided to Council for consideration within that 6 month period having regard to compliance with the specified noise criterion. Should noise levels exceed this requirement, appropriate mitigation measures are to be installed to meet the relevant noise criteria and validation that the noise has been reduced to be compliant is to be supplied to Council within a further 60 days or any activity identified as exceeding the criteria is to cease.

CONSIDERATION OF COMMUNITY VIEWS

The DA was exhibited from 10 February to 23 February 2025 and attracted 2 submissions.

One of these submissions supported the DA because it will support the continued operation of the nearby Hawkesbury Racecourse and provide economic benefits to the region.

The other submission objected to the DA, raising concerns about:

- Hours of operation

- The location of the driveway and horse walking machines in close proximity to an existing residence
- Operational noise impacts.

In determining the DA, the Panel has considered these concerns carefully and is satisfied that they have been adequately addressed in Council's assessment report and the conditions of consent.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Jeff Organ 
Judy Clark 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-608 – Hawkesbury – DA0013/25
2	PROPOSED DEVELOPMENT	Animal boarding training establishment - demolition of existing structures; remediation of land; construction of two stable buildings, a waste and storage shed, 4 horse walkers, wash bays, sand rolls, tie-ups and car parking; landscaping works and the reconstruction of Rickaby Street.
3	STREET ADDRESS	61 Rickaby Street, Clarendon
4	APPLICANT/OWNER	Applicant: Urbis Owner: Racing NSW
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Act 1979 - Environmental Planning and Assessment Regulations 2021 - State Environmental Planning Policy (Biodiversity & Conservation) 2021 - State Environmental Planning Policy (Resilience & Hazards) 2021 - State Environmental Planning Policy (Transport & Infrastructure) 2021 - Hawkesbury City Council Flood Policy 2020 - Hawkesbury Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Hawkesbury Development Control Plan 2002 and 2023 (HDCP 2002 and 2023) - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 4 November 2025 - Clause 4.6 variation request: Height of Building - Written submissions during public exhibition: 2 - Total number of unique submissions received by way of objection: 1
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report