



Hawkesbury City Council

hawkesbury
local
planning
panel
meeting
minutes

date of meeting: 18 October 2018
location: council chambers
time: 12:30 p.m.

HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held in Council Chambers, Council Offices, Windsor, on 18 October 2018, commencing at 12.33pm.

ATTENDANCE

Present:

Steve Kennedy, Expert Representative, Alternate Chair
David Broyd, Expert Representative
Juliet Grant, Expert Representative
Paul Rogers, Community Representative

In Attendance:

Ms Linda Perrine, Director City Planning
Mr Andrew Kearns, Manager Strategic Planning
Ms Cristie Evenhuis, Manager Development Services
Ms Sanzida Alam, Town Planner
Mr Karu Wijayasinghe, Strategic Planner Land Use
Ms Colleen Haron, Senior Town Planner
Ms Tracey Easterbrook, Administrative Support Coordinator
Ms Jodie Tillinghast, Administration Support Officer
Mr Michael Wearne, Manager Corporate Services and Governance

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

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

ADDRESS BY INVITED SPEAKERS

The Chairperson enquired to those present in the Gallery as to whether there were any persons who would like to address the Panel.

The following persons addressed the Panel:

SPEAKERS

ITEM NO./SUBJECT

Mr Kim Ford	008 - DA0539/17 - Lot 4 DP 579215, 152 Mountain Avenue, Yarramundi NSW 2753
Mr George Stockton	008 - DA0539/17 - Lot 4 DP 579215, 152 Mountain Avenue, Yarramundi NSW 2753
Ms Sally Hatcher	008 - DA0539/17 - Lot 4 DP 579215, 152 Mountain Avenue, Yarramundi NSW 2753
Mr Bob Marshall	008 - DA0539/17 - Lot 4 DP 579215, 152 Mountain Avenue, Yarramundi NSW 2753

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SECTION 3 – Reports for Determination

Item: 007 **SS - Pecuniary Interest Returns - (95496, 96333, 95498)**

007 RESOLUTION:

The Panel unanimously resolved that:

- a) That the Section 4.18(b) Pecuniary Interest Returns be received and noted.
- b) That the Section 4.18(b) Pecuniary Interest Returns be made available on Council's website.

Item: 008 **CP - DA0539/17 - Lot 4 DP 579215, 152 Mountain Avenue, Yarramundi NSW 2753 - (95498, 142164)**

Directorate: City Planning

The Panel inspected the subject site and context prior to the public meeting.

Mr Kim Ford, Mr George Stockton, Ms Sally Hatcher and Mr Bob Marshall, speaking for the recommendation, addressed the Panel. Ms Sally Hatcher handed the panel photographs of the site.

The Panel understands that key issues include:

- unauthorised clearing,
- run off and sediment control,
- loss of habitat and biodiversity,
- impact on amenity such as dust and noise, and
- impacts on water quality and the riparian zone.

008 RESOLUTION:

That Development Application No. DA0539/17 at Lot 4 DP 579215, 152 Mountain Avenue Yarramundi NSW 2753 for a truck depot and associated driveway and manoeuvring area be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposed development fails to adequately demonstrate consistency with the objectives of the E4 Environmental Living Zone in Hawkesbury Local Environmental Plan 2012.
2. The proposed development fails to demonstrate that the development will operate in a way that will have a low impact on the locality, and will not create or contribute to rural land use conflicts.
3. Insufficient information has been submitted to allow the full and proper assessment of the application.

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Particulars:

- a) The submitted noise impact assessment has not taken into consideration the maximum movements of vehicles associated with the use of the truck depot during Christmas and the holiday season.
 - b) The submitted noise impact assessment report has failed to provide a detailed noise management plan and mitigation measures to the affected neighbouring property.
 - c) The submitted documentation does not provide a plan of management for the proposed operation of the truck depot.
 - d) The submitted documentation does not detail the proposed works within the unformed section of Mountain Avenue and the road reserve. No details are provided as to whether any vegetation removal is required for the proposed construction of vehicular access.
 - e) The submitted documentation does not provide a detailed landscaping plan demonstrating the minimisation of amenity impacts.
 - f) The submitted documentation does not provide any detailed waste management plan including the collection and spillage of any waste associated with the truck depot operation.
 - g) The submitted documentation does not provide adequate information to allow the full and proper assessment under Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997).
 - h) The submitted documentation does not provide adequate information to allow the full and proper assessment under State Environmental Planning Policy No. 44 - Koala Habitat Protection.
4. The proposed development would have an adverse impact on the amenity of residents in the immediate locality in terms of noise, dust and visual amenity.
 5. The approval would not be in public interest.

ADVISORY NOTE

1. The Panel took note of the comments and photographs provided by the speakers at the meeting and the concerns raised by those speakers with respect to non-compliances and alleged illegal clearing, earthworks and activities (motorbike racing) on the subject site.
2. The Panel requested that Council give immediate priority to investigating the alleged items in point one.
3. The Panel recommended that Council consider reviewing the permissibility of truck depots within E4 Zones.

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VOTING

For the Motion	Against the Motion
Steve Kennedy (Alternate Chair)	NIL
David Broyd	
Juliet Grant	
Paul Rogers	

The public part of the Hawkesbury Local Planning Panel meeting closed at 3.05pm.

HAWKESBURY LOCAL PLANNING PANEL CLOSED SESSION

The Hawkesbury Local Planning Panel entered into a Closed Session for the consideration of the remaining matters listed on the Business Paper and made its determinations as follows:

Item: 009 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map from RU4 Primary Production Small Lots to IN1 General Industrial - 27 Park Road, Vineyard and 41 Park Road, Mulgrave - (95498, 144940, 124414)**

Directorate: City Planning

The Panel inspected the subject site and resolved the following:

009 RESOLUTION:

That the Hawkesbury Local Planning Panel:

1. Recommends to the Council that the planning proposal to rezone the subject site from RU4 Primary Production Small Lots to IN1 General Industrial and to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes proceed for Gateway determination subject to the following:
 - a) The Land Zoning Map be amended to change the current RU4 Primary Production Small Lots zoning of the subject site to IN1 General Industrial.
 - b) The Height of Buildings Map be amended to remove the current 10 metre maximum permissible height provision currently applying to the subject site.
 - c) The Lot Size Map be amended to remove the current 2 hectare minimum lot size provision currently applying to the subject site.
2. Recommends that Council forward the planning proposal to the Greater Sydney Commission/Department of Planning and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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3. Advises that its decision was based on the following:
- a) Demonstrated strategic merit:
 - Consistency with implementation of The Greater Sydney Region Plan, the Western City District Plan and the Hawkesbury Employment Plan Strategy 2008.
 - b) Demonstrated site specific merit:
 - The subject site's close proximity to both Mulgrave and Vineyard stations.
 - It's relatively easy access to the regional transport network.
 - It enables the expansion of the existing Mulgrave Industrial and Business Precinct to strengthen the Precinct's status as a diverse industry base.
 - Is located within 30 minutes travel distance to Windsor and in close proximity to future residential development within Vineyard Precinct and also the Riverstone Precinct in the North West Growth Area within the Blacktown Local Government Area.

VOTING

For the Motion	Against the Motion
Steve Kennedy (Alternate Chair)	NIL
David Broyd	
Juliet Grant	
Paul Rogers	

Item: 010 **CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 42 Bells Lane, Kurmond - (95498, 124414, 136641)**

Directorate: City Planning

The Panel inspected the subject site and was addressed by the applicant and Council Officers.

The applicant raised a number of issues with respect to the application including;

- the history of the strategic planning process and application and associated issues of natural justice,
- the fact that the applicant had offered to prepare and supported the need for additional supporting documentation and studies, and
- concerns with regard to the time frames required for completion of Council's strategic studies impacting on the future of the Kurmond Kurrajong Investigation Area.

ADVICE:

This Planning Proposal raises a number of issues with regards to balancing long term strategic objectives with individual interests.

The Panel finds itself being asked to advise Council on the merits of individual planning proposals whilst the strategic overview of the Kurmond Kurrajong Investigation Area is still under investigation.

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The Panel does not think this is the appropriate approach to effective management of the Kurmond Kurrajong Investigation Area. However, the Panel is also conscious of the history of the five remaining pre Gateway Planning Proposals in Council, including the two Proposals subject of reports before the Panel.

The Panel considers it would be unfair to the applicant and relevant land owners to defer or refuse the application but the Panel are also of a mind that the proposal is not in a form that can be supported for Gateway. This includes concerns with respect to the desired future character of the area, the actual subdivision being proposed, the appropriate zoning for the site (and other sites seeking similar subdivision) and the preparation of sufficient supporting documentation to address environmental matters.

In the Panels view, the public interest is best served by coordinated decisions that take into consideration a broader context, and evaluate outcomes above the specific interest of individuals. The Panel considers that long term strategic planning should have been completed before these planning proposals were considered.

RECOMMENDATION:

The Panel recommends that:

1. The Planning Proposal proceed for Gateway determination subject to the following:
 - a. the LEP amendment process be 24 months to allow time for Council to complete its strategic planning for the investigation area including:
 - i. the whole investigation area to be evaluated for appropriate zoning - the expectation being that it shall be predominantly R5 Large Lot Residential;
 - ii. the completion of a development control plan for the Kurmond Kurrajong Investigation Area.
 - b. the proposed subdivision not exceed five lots.
 - c. completion of the following site-specific studies by the applicant:
 - i. Environmental design/site capacity
 - ii. Bush fire assessment
 - iii. Flora and Fauna assessment
 - iv. Traffic impact assessment
 - v. Waste water feasibility
 - vi. Infrastructure requirements and funding
2. Council seek funding from the Department of Planning and Environment to enable the strategic planning for the Kurmond Kurrajong Investigation Area.
3. A coordinated approach to all current planning proposals be undertaken for the Kurmond Kurrajong Investigation Area currently before Council, including the subject site.

The Panel is of a view that the above is the best means of serving the public interest of the broader Hawkesbury community whilst acknowledging the reasonable expectations of the applicant.

010 RESOLUTION:

That the Hawkesbury Local Planning Panel recommends that:

1. The Planning Proposal to amend the Hawkesbury Local Environmental Plan 2012 - 42 Bell Lane, Kurmond, proceed for Gateway determination subject to the following:

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- a. the LEP amendment process be 24 months to allow time for Council to complete its strategic planning for the investigation area including:
 - i. the whole investigation area be evaluated for appropriate zoning - the expectation being that it shall be predominantly R5 Large Lot Residential;
 - ii. the completion of a Development Control Plan for the Kurmond Kurrajong Investigation Area.
 - b. the proposed subdivision not exceed five lots.
 - c. completion of the following site-specific studies by the applicant:
 - i. Environmental design/site capacity
 - ii. Bush fire assessment
 - iii. Flora and Fauna assessment
 - iv. Traffic impact assessment
 - v. Waste water feasibility
 - vi. Infrastructure requirements and funding
2. Council seek funding from the Department of Planning and Environment to enable the strategic planning for the Kurmond Kurrajong Investigation Area.
 3. A coordinated approach to all current planning proposals be undertaken for the Kurmond Kurrajong Investigation Area currently before Council, including the subject site.

VOTING

For the Motion	Against the Motion
Steve Kennedy (Alternate Chair)	NIL
David Broyd	
Juliet Grant	
Paul Rogers	

Item: 011 **CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 98 Bells Lane, Kurmond - (95498, 124414, 136641)**

Directorate: City Planning

The Panel inspected the subject site and was addressed by the applicant and Council Officers.

The applicant raised a number of issues with respect to the application including:

- the history of the strategic planning process and application and associated issues of natural justice
- the fact that the applicant had offered to prepare and supported the need for additional supporting documentation and studies, and
- concerns with regard to the time frames required for completion of Council's strategic studies impacting on the future of the Kurmond Kurrajong Investigation Area.

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ADVICE:

This Planning Proposal raises a number of issues with regards to balancing long term strategic objectives with individual interests.

The Panel finds itself being asked to advise Council on the merits of individual planning proposals whilst the strategic overview of the Kurmond Kurrajong Investigation Area is still under investigation.

The Panel does not think this is the appropriate approach to effective management of the Kurmond Kurrajong Investigation Area. However, the Panel is also conscious of the history of the four remaining pre Gateway Planning Proposals in Council, including the two Proposals subject of reports before the Panel.

The Panel considers it would be unfair to the applicant and relevant land owners to defer or refuse the application but the Panel are also of a mind that the proposal is not in a form that can be supported for Gateway. This includes concerns with respect to the desired future character of the area, the actual subdivision being proposed, the appropriate zoning for the site (and other sites seeking similar subdivision) and the preparation of sufficient supporting documentation to address environmental matters.

In the Panels view, the public interest is best served by coordinated decisions that take into consideration a broader context, and evaluate outcomes above the specific interest of individuals. The Panel considers that long term strategic planning should have been completed before these planning proposals were considered.

RECOMMENDATION:

The Panel recommends that:

1. The Planning Proposal proceed for Gateway determination subject to the following:
 - a. the LEP amendment process be 24 months to allow time for Council to complete its strategic planning for the investigation area including;
 - i. the whole investigation area be evaluated for appropriate zoning - the expectation being that it shall be predominantly R5 Large Lot Residential;
 - ii. the completion of a Development Control Plan for the Kurmond Kurrajong Investigation Area.
 - b. the proposed subdivision not exceed four lots.
 - c. completion of the following site-specific studies by the applicant:
 - i. Environmental design/site capacity
 - ii. Bush fire assessment
 - iii. Flora and Fauna assessment
 - iv. Traffic impact assessment
 - v. Waste water feasibility
 - vi. Infrastructure requirements and funding
2. Council seek funding from the Department of Planning and Environment to enable the strategic planning for the Kurmond Kurrajong Investigation Area.
3. A coordinated approach to all current planning proposals be undertaken for the Kurmond Kurrajong Investigation Area currently before Council, including the subject site.

The Panel is of a view that the above is the best means of serving the public interest of the broader Hawkesbury community whilst acknowledging the reasonable expectations of the applicant.

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011 RESOLUTION:

That the Hawkesbury Local Planning Panel recommends that:

1. The Planning Proposal to amend the Hawkesbury Local Environmental Plan 2012 - 98 Bells Lane Kurmond, proceed for Gateway determination subject to the following:
 - a. the LEP amendment process be 24 months to allow time for Council to complete its strategic planning for the investigation area including;
 - i. the whole investigation area to be evaluated for appropriate zoning - the expectation being that it shall be predominantly R5 Large Lot Residential;
 - ii. the completion of a Development Control Plan for the Kurmond Kurrajong Investigation Area.
 - b. the proposed subdivision not exceed four lots
 - c. completion of the following site specific studies by the applicant:
 - i. Environmental design/site capacity
 - ii. Bush fire assessment
 - iii. Flora and Fauna assessment
 - iv. Traffic impact assessment
 - v. Waste water feasibility
 - vi. Infrastructure requirements and funding
2. Council seek funding from Department of Planning and Environment to enable the strategic planning for the Kurmond Kurrajong Investigation Area.
3. A coordinated approach to all current planning proposals be undertaken for the Kurmond Kurrajong Investigation Area currently before Council, including the subject site.

VOTING

For the Motion	Against the Motion
Steve Kennedy (Alternate Chair)	NIL
David Broyd	
Juliet Grant	
Paul Rogers	

The meeting terminated at 5.15pm