



Hawkesbury Local Planning Panel Meeting

Date of meeting: 19 January 2023
Location: By audio-visual link
Time: 10:00 a.m.

MINUTES

HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 19 January 2023, commencing at 10:00am.

ATTENDANCE

Present: Mr David Ryan, Chair
Ms Elizabeth Kinkade, Expert Member
Mr Wayne Carter, Expert Member
Mr Paul Rogers, Community Representative

In Attendance: Mr Andrew Kearns, Manager Strategic Planning, Hawkesbury City Council
Ms Sunehla Bala, Coordinator Strategic Land Use Planning, Hawkesbury City Council
Mr Karu Wijayasinghe, Senior Strategic Landuse Planner, Hawkesbury City Council
Mr Lachlan Mackenzie, Strategic Planner, Hawkesbury City Council
Ms Tracey Easterbrook, Administrative Support Coordinator, Hawkesbury City Council

ADDRESS BY INVITED SPEAKERS

The chairperson advised that the following person has been permitted to address the panel at the commencement of the consideration of the item.

SPEAKERS

Amy Sutherland - Sutherland
Planning (Applicant)

ITEM NO/SUBJECT

Item: 001 CP - Planning Proposal - LEP005/22 - 6/21 Vincents
Road, Kurrajong - Community Title Subdivision - (124414)

DECLARATIONS OF INTEREST

The chairperson asked the panel if any member needed to declare a pecuniary interest in 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.

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SECTION2 – Reports for Advice

Item: 001 **CP - Planning Proposal - LEP005/22 - 6/21 Vincents Road, Kurrajong - Community Title Subdivision - (124414)**

Directorate: City Planning

RESOLUTION:

The Panel unanimously provided the following advice:

The Planning Panel supports the Planning Proposal proceeding to Gateway, including the additional Clause 3(d) as recommended by Council staff, for the following reasons:

1. The Panel notes that the Planning Proposal arises from the decision of the Land and Environment Court to approve the Seniors Housing Development on the site, but which held that the strata subdivision component of that development was prohibited under current planning controls. The Planning Proposal aims to address this apparent anomaly.
2. The Panel is satisfied that the Planning Proposal has strategic merit as it is consistent with relevant State and Local Planning Strategies, and that it has site specific merit based on its relationship with the existing and approved Tallwood Seniors Living Development on the site.
3. The Planning Proposal facilitates the orderly and economic use of the site, allowing for the effective ongoing management of the Seniors Housing development and of the private cemetery.
4. Whilst not a matter relating to the Planning Proposal considered by the Panel, the Community Member, Mr Paul Rogers identified that the Community has ongoing concerns around the need for footpaths from Kurmond to Kurrajong, and particularly urges Council to provide safe pedestrian access to the site on Vincents Road at the earliest opportunity.

For the Advice: David Ryan, Elizabeth Kinkade, Wayne Carter and Paul Rogers.

Against the Advice: Nil.

Absent: Nil.

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Item: 002 **CP - Planning Proposal - LEP001/23 - Hawkesbury Local Environmental Plan 2012 Review and Update - (124414)**

Directorate: City Planning

RESOLUTION:

The Panel unanimously provided the following advice:

1. The Planning Panel supports the Planning Proposal proceeding to Gateway for the reasons outlined in the Council officers' report, subject to further consideration of the issues raised in this advice.
2. The Panel acknowledges the extent of analysis and associated consultation undertaken to date in preparing the Planning Proposal, and notes there will be further exhibition and opportunities for community consultation and engagement should Gateway approval be obtained.
3. The Planning Panel raised the following issues for Council to consider:
 - a) Strategic studies that support the proposed changes to zones and land use controls should be referenced in the Planning Proposal. To the extent reasonably practical and appropriate, proposed zoning changes (for example, the Glossodia and Mulgrave) should be supported by detailed site information and analysis that addresses any significant site constraints. Where site constraints are appropriate to be addressed at a subsequent stage of the Planning Process (such as prior to public exhibition or at DA stage), this should be identified.
 - b) Where amendments to zones are proposed, particularly where there is an absence of development standards or controls (FSR, maximum building heights, setbacks etc), an assessment should be made of zoning interface issues to assess potential impacts on surrounding properties.
 - c) The Planning Proposal should be updated to address all relevant Ministerial Directions and SEPPs even where an anomaly is being addressed or in circumstances where proposed broad scoping changes have site specific implications (for example, where a holistic town centre zoning review involves a zone change to an individual property that may not be consistent with a Ministerial Direction).
 - d) Where reasonable and practicable, provide the rationale behind existing zonings in Richmond and Windsor, with information on which standards are changing i.e: what will be possible on such sites in the future as a result of the proposed changes, compared to the current situation.
 - e) With respect to proposed zone amendments in Mulgrave, consider the impacts of the proposed changes to zoning and development potential, on current and planned infrastructure capacity and how adequate infrastructure will be made available to meet anticipated demands. Interface issues, as described in point (b) above, should also be considered.
 - f) To assist in community understanding of the implications of the Planning Proposal, proposed changes to permissible land uses in the land use table should be clarified and the rationale for changes summarised.
 - g) Amend the Artisan Food and Drink Industry Clause to specify which of the two alternative standards specified is to prevail.

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- h) Amend the Urban Heat Clause with respect to the deep soil provisions and review the wording of Part 3 to ensure development is not unreasonably restricted as a consequence.

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Item: 003 **CP - Planning Proposal - LEP003/23 - 7 and 9 Fitzgerald Street, Windsor –
Rezone from SP2 Infrastructure to E2 Commercial Core - (124414)**

Directorate: City Planning

RESOLUTION:

The Panel unanimously provided the following advice:

The Planning Panel supports the Planning Proposal proceeding to Gateway for the following reasons:

1. The Planning Proposal has strategic and site specific merit for the reasons outlined in the Council officers' report.
2. It notes that this Planning Proposal is a result of an anomaly occurring through the translation of the LEP1989 to the LEP2012.
3. The subject site is proposed to be rezoned to E2 Commercial Centre as a result of the Employment Zone reforms, which is consistent with the existing use of the site and the future zoning of surrounding sites.
4. Council should also review the zoning of the adjacent Road, to be consistent with usual LEP mapping protocols.
5. Council should ensure that the Planning Proposal documents compliance with all Ministerial Directions, and in particular, Directions 4.1 and 5.2.

For the Advice: David Ryan, Elizabeth Kinkade, Wayne Carter and Paul Rogers.

Against the Advice: Nil.

Absent: Nil.

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Item: 004 **CP - Planning Proposal - LEP002/23 – 1913 and 1905 Bells Line of Road, Kurrajong Heights – Reclassification to Operational Land - (124414)**

Directorate: City Planning

RESOLUTION:

The Panel unanimously provided the following advice:

The Planning Panel supports the Planning Proposal to initiate the process of reclassification of the subject site, for the following reasons:

1. The Planning Proposal has strategic and site specific merit for the reasons outlined in the Council officers' report.
2. The Panel notes the history relating to the site, which included previous attempts to obtain development approval that were prevented by land ownership issues and relied upon the presence of existing structures that were subsequently destroyed in the 2019/20 bush fires.
3. Reclassification is the first step in the process to allow future dealings with the land that may assist in resolving these ongoing land management and development issues (noting however, that it is not within the remit of the Panel to make any comment on the nature or outcome of any such future dealings).
4. The Planning Proposal process should be undertaken in accordance with the requirements of Planning Circular PN16-001 and the relevant Departmental Guidelines with respect to classification and reclassification.
5. The Panel acknowledged the advice of Council officers at the meeting that Council was not seeking its advice on Clause 6.14 of the Hawkesbury LEP.

The meeting terminated at 3:30pm.



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End of Minutes

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