



# Hawkesbury Local Planning Panel

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Date of meeting: 17 August 2023  
Location: By audio-visual link  
Time: 10:00 AM

**MINUTES**



**HAWKESBURY LOCAL PLANNING PANEL**

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## HAWKESBURY LOCAL PLANNING PANEL

### 1. PROCEDURAL MATTERS

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### 1. PROCEDURAL MATTERS

Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 17 August 2023, commencing at 10:02am.

#### ATTENDANCE

**Present:** Mr Stephen Leathley, Expert Member, Chair  
Ms Juliet Grant, Expert Member  
Ms Elizabeth Kinkade, Expert Member  
Mr Michael Edwards, Community Representative

**In Attendance:** Mr Matthew Golebiowski - Acting Town Planner Coordinator  
Ms Sunehla Bala – Coordinator Strategic Landuse Planning,  
Hawkesbury City Council  
Mr Karu Wijayasinghe – Senior Strategic Landuse Planner, Hawkesbury  
City Council  
Ms Tracey Easterbrook – Administrative Support Coordinator,  
Hawkesbury City Council

#### 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.

#### ADDRESS BY INVITED SPEAKERS

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

#### SPEAKERS ITEM NO/SUBJECT

Robert Montgomery (Applicants Representative)	Item: 2.1.1 CP - DA0289/22 - No. 79 Bells Lane Kurmond NSW 2757
Chris Shannon David Workman (Applicants Representative)	Item: 3.1.1 CP - Planning Proposal - LEP001/21 - 172 Commercial Road, Vineyard Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012

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### 2. REPORTS FOR DETERMINATION

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### 2. REPORTS FOR DETERMINATION

**2.1.1 CP - DA0289/22 - No. 79 Bells Lane Kurmond NSW 2757 - (95498, 96329, 102260, 13804)**

**Previous Items:** 203, Ordinary (26 October 2021)

**Directorate:** City Planning

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#### PANEL DECISION

1. That the Development Application DA00289/22 for a 3-lot subdivision over two stages at 79 Bells Lane Kurmond, NSW 2757 is determined in accordance with Section 4.16 of the Environmental Planning and Assessment Act, 1979 by the granting of consent subject to the conditions stated in Attachment 5 of the Council report with the exception of the following changes:
  - a) Deletion of condition 12.
  - b) Amendment to conditions 20 and 56 to 60 as set out in Attachment 1 to this determination.
2. Reason for Panels decision is as follows:
  - a) The development is permissible in the RU1 zone pursuant to the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls.
  - b) The development would not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.
  - c) The subdivision will not compromise the water supply services benefiting adjoining priorities.
  - d) In respect to the site being declared bushfire prone land, the RFS have issued GTA's in respect to the subdivision.
3. That Council advise those who made a submission of the determination.

#### **Attachments:**

**AT - 1** Amendment to conditions 20 and 56 to 60 as set out in Attachment 1 to this determination.

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

**For the Decision:** Stephen Leathley, Juliet Grant, Elizabeth Kinkade and Michael Edwards.

**Against the Decision:** Nil.

**Absent:** Nil.

**AT - 1 Amendment to conditions 20 and 56 to 60 as set out in Attachment 1 to this determination**

**20. Demolition – General (stage 1)**

All demolition works **consisting the nominated structures including structures on the proposed boundaries** 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;

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- 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.

#### 56. Easements and Restrictions - Subdivision for Stage 2 (stage 2)

Lots affected by new easements must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifier and the relevant utility provider prior to release of the Subdivision Certificate.

**Prior to the issue of Subdivision Certificate for stage 2, a detailed stormwater management plan demonstrating the ability to provide a legal point of discharge is to be provided for Lot 10 and Lot 11. The drainage easement may be required burdening Lot 11 and benefitting Lot 10 to convey stormwater to a legal point of discharge. Any works required the drainage easement must be completed prior to the issue of a subdivision certificate and to the satisfaction of Council's Development engineers.**

#### 57. Demolition (stage 2)

Prior to the issue of the subdivision certificate for Stage 2 the demolition of the 72m<sup>2</sup> shed and any other structures situated on the proposed boundary between Lot 10 and Lot 11 are to be completed.

If asbestos containing materials are encountered during construction or demolition work; measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulation 2001*. Work must not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

In accordance with Safework NSW requirements, a SafeWork NSW licensed Asbestos Removalist is to be engaged to undertake asbestos removal.

Prior to commencing demolition of buildings likely to comprise asbestos containing material(ACM), a commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent must notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

#### 58. Principal Certifier Site Sign (stage 2)

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



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- 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.

#### 59. Demolition – General (stage 2)

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';
- e) 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;
- f) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- g) 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;
- h) 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;
- i) 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;
- j) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- k) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- l) 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;
- m) no material is to be burnt on site;

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- n) 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
- o) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

**60. Demolition (stage 2)**

- 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.

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### 3. REPORTS FOR ADVICE

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### 3. REPORTS FOR ADVICE

**3.1.1. CP - Planning Proposal - LEP001/21 - 172 Commercial Road, Vineyard Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012 - (95498, 124414)**

**Directorate:** City Planning

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The Panel unanimously provided the following advice:

1. The panel notes the long history of various landuses on the site operating under existing consents, potentially with existing use rights, and the intention of the Planning Proposal to regularise the existing uses and enable external storage of machinery, equipment, and materials to occur within future warehouse structures. The Panel also notes that the Planning Proposal would enable a development application to be lodged over the site for the operations currently being undertaken, and that process would enable contemporary environmental standards to be conditioned as part of a consent process. The Panel also notes that the site is located within the Vineyard Precinct Stage 2 of the North West Growth Area, and that the site is part of an area identified for future employment uses. On that basis the Panel considers that the Planning Proposal has potential strategic and site-specific merit.
2. Prior to Council endorsing the Planning Proposal to the Gateway phase, the proponent should be requested to address the following items in a revised Planning Proposal:
  - a) The Planning Proposal has been considered in the context of additional permitted uses rather than a rezoning and currently proposes to enable 'depot, light industry and warehouse or distribution centre' on the site. This would facilitate a broad range of landuses and needs further refining to restrict the additional permitted uses to those specifically required to regularise the existing uses.
  - b) The Planning Proposal be amended to include a specific maximum GFA for the site so the quantum of the site's future development potential is clearly understood.
  - c) The Planning Proposal be updated to address the findings of the 2022 NSW Flood Inquiry which highlights the importance of taking a proactive, risk-based approach to flooding and planning decisions about land use.
  - d) The Planning Proposal be amended to include reference to the relevant development controls relating to the site and development, and whether Chapter 2 Part D of the Hawkesbury DCP applies to the site. If it does not, a mechanism for those provisions to apply to any future development application enabled by the Planning Proposal should be outlined.
  - e) The Planning Proposal be amended to ensure the protection of the landscaped setback / buffer around the perimeter of the site to protect the visual setting, amenity and transition to the adjoining low density residential areas to the east and semi-rural to the north and west of the site.
  - f) The Planning Proposal be updated to include commentary on the applicability of State Environmental Planning Policy (Precincts—Central River City) 2021 to the site and commentary of the consistency of the Planning Proposal with this State Environment Planning Policy.
3. Council give consideration as to whether they should enter into a VPA with the proponent.

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**3. REPORTS FOR ADVICE**

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

**For the Advice:** Stephen Leathley, Juliet Grant, Elizabeth Kinkade and Michael Edwards.

**Against the Advice:** Nil.

**Absent:** Nil.

The meeting terminated at 10:37am.