



Hawkesbury City Council

attachment 2  
to  
item 170

Proposed Reclassification of  
Community Land at Vineyard and Pitt  
Town Public Hearing Report

date of meeting: 14 September 2021  
location: by audio-visual link  
time: 6:30 pm





# PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT VINEYARD AND PITT TOWN

## PUBLIC HEARING REPORT

FINAL

20 AUGUST 2021

### **PUBLIC HEARING** *Reclassification of Land*



HAWKESBURY CITY COUNCIL

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PROPOSED RECLASSIFICATION OF  
COMMUNITY LAND AT  
VINEYARD AND PITT TOWN

PUBLIC HEARING REPORT

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FINAL

20 AUGUST 2021

Parkland Planners

ABN: 33 114 513 647

PO Box 41  
FRESHWATER NSW 2096

tel: (02) 9453 6377  
mob: 0411 191 866

[sandy@parklandplanners.com.au](mailto:sandy@parklandplanners.com.au)

[www.parklandplanners.com.au](http://www.parklandplanners.com.au)

DIRECTOR: Sandy Hoy

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# 1 INTRODUCTION

## 1.1 Purpose of this report

This report has been prepared under Section 29 of the *Local Government Act 1993* to report to Hawkesbury City Council on the public submissions made at and after the public hearing on Thursday 5 August 2021 regarding the proposed reclassification of parcels of Council-owned land in Vineyard and Pitt Town from community land to operational land.

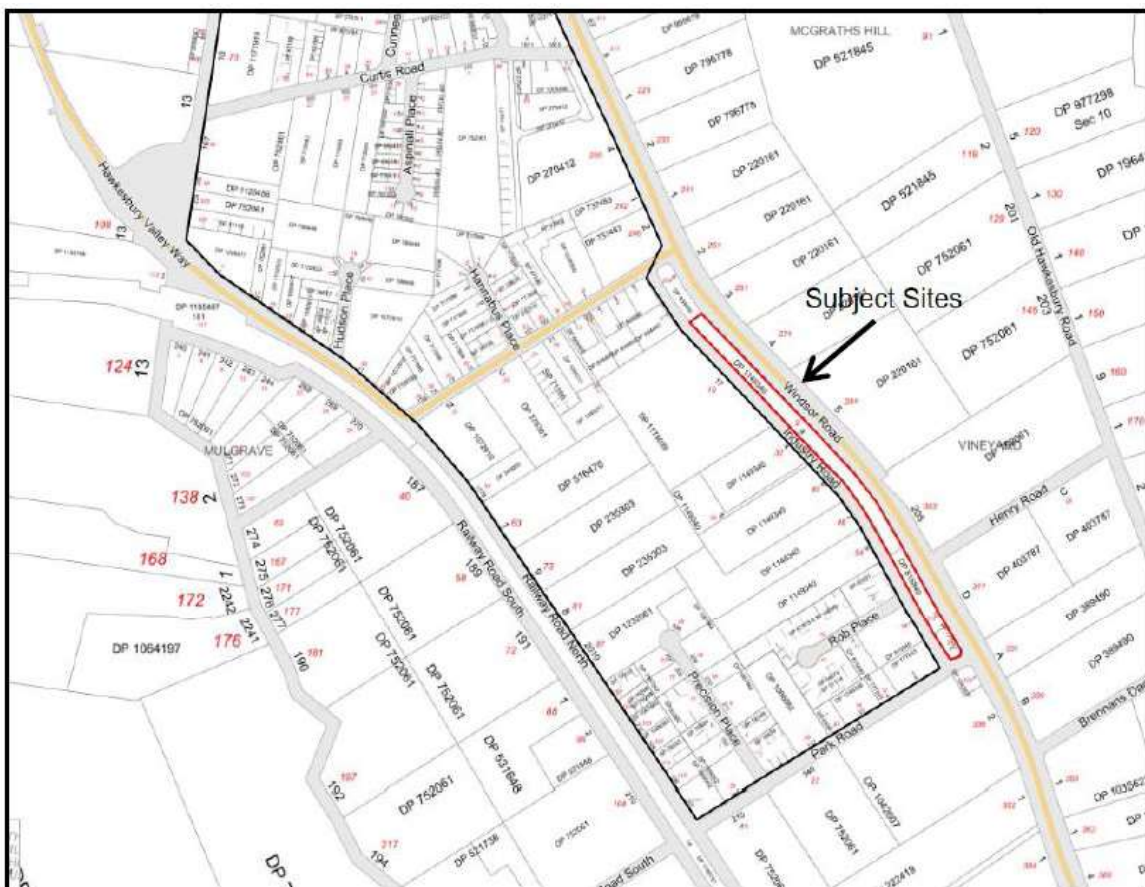
The proposed reclassification of the subject land is explained in detail in the *Planning Proposal – Proposed Amendment to the Hawkesbury Local Environmental Plan 2012 to reclassify and/or Rezone Land at 9 Industry Road, Vineyard and Fernadell Park, Fernadell Drive, Pitt Town* (Hawkesbury City Council, September 2020).

This report also makes recommendations to Council regarding the proposed reclassification.

## 1.2 Land to which the proposed reclassification applies

The proposed reclassification applies to the Council-owned land at 9 Industry Road and 312 Windsor Road in Vineyard, and to part of 7 Fernadell Drive in Pitt Town.

Figure 1 Locality Map – 9 Industry Road & 312 Windsor Road, Vineyard



**Figure 1: Locality Map - 9 Industry Road & 312 Windsor Road, Vineyard**  
Source: *Planning Proposal LEP001-19* (Hawkesbury City Council, 2021)



Figure 2 Locality Map – Part of 7 Fernadell Drive, Pitt Town

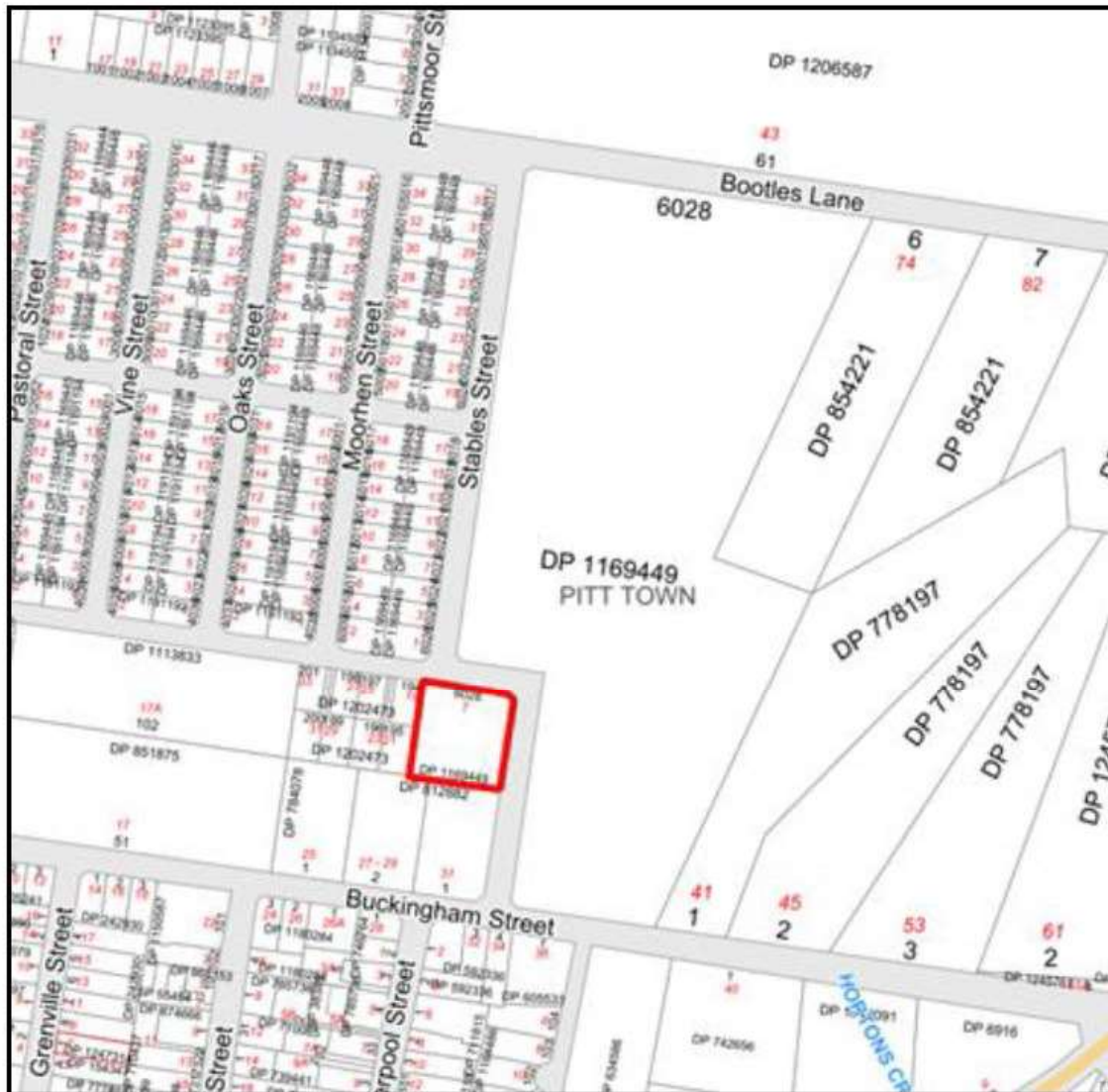


Figure 3: Locality Map – Part of 7 Fernadell Drive, Pitt Town

Source: Planning Proposal LEP001-19 (Hawkesbury City Council, 2021)

## 1.3 Contents

The remainder of this report contains:

- ❑ a general explanation of the proposed reclassification of the subject land from community land to operational land (Section 2)
- ❑ site specific explanation of the proposed reclassification of the Vineyard site (Section 3) and Pitt Town site (Section 4)
- ❑ the public hearing details (Section 5)
- ❑ assessment of submissions (Section 6)
- ❑ recommendations (Section 7).



# 2 PROPOSED RECLASSIFICATION OF LAND

## 2.1 What is reclassification of community land?

Under the *Local Government Act 1993*, public land is classified as either 'operational' or 'community' land. The Vineyard and Pitt Town sites are classified as community land under the *Local Government Act 1993*, however both sites are not categorised or included in a Plan of Management under the Act.

Community land would ordinarily comprise land accessible to the public, such as a park or a community centre. Community land must not be sold (except in the limited circumstances referred to in Section 45 (4) of the Act). Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. Council also cannot grant a lease, license or other estate for private purposes over community land.

Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a Council of its functions, or land which may not be open to the general public, such as a works depot. Operational land may be leased for a longer period of time, and may be sold/ transferred. Operational land does not have any special restrictions and can be used by Council for a broad range of purposes.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

## 2.2 Process of reclassification of community land

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when reclassifying community land to operational land. Relevant legislation can be accessed at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

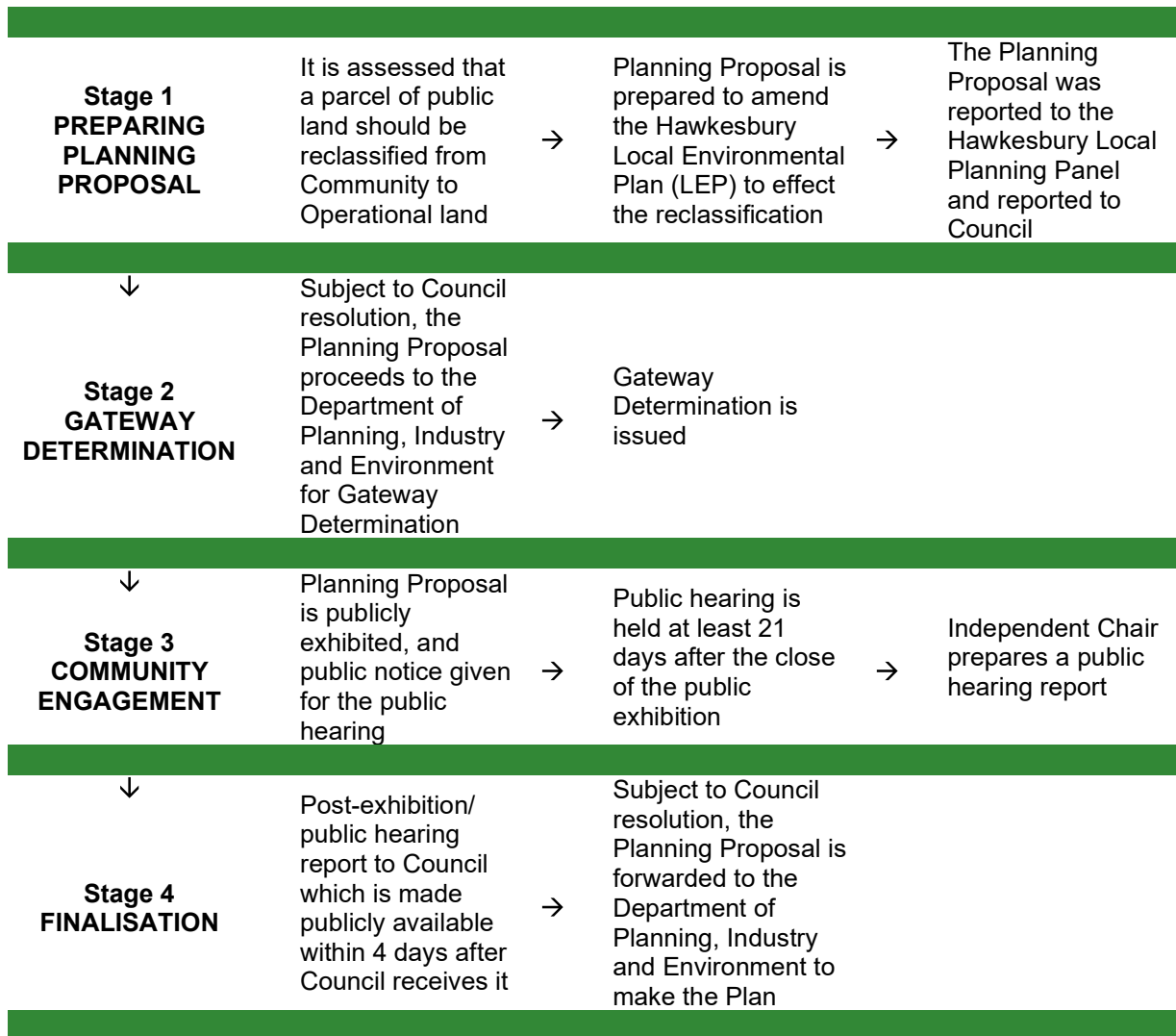
Reclassification may be carried out by either:

1. A Local Environmental Plan under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993*, or
2. Council resolution under Section 27(2) of the *Local Government Act 1993*.

Council is proposing to reclassify the Council-owned community land under Option 1 ie. by amendments to the Hawkesbury Local Environmental Plan 2012.

The process of reclassifying community to operational land by changes to the Hawkesbury Local Environmental Plan 2012 is in Figure 3.

Figure 3 Process of reclassifying community land to operational land by local environmental plan



## 2.3 Background to the proposed reclassification

The background to and reasons for the proposed reclassification are set out in detail in the Planning Proposal LEP001-19: *Planning Proposal – Proposed Amendment to the Hawkesbury Local Environmental Plan 2012 to reclassify and/or Rezone Land at 9 Industry Road, Vineyard and Fernadell Park, Fernadell Drive, Pitt Town* (Hawkesbury City Council, September 2020).

Planning Proposal LEP001-19 was prepared to:

- ❑ reclassify Council-owned land Lot 9 DP 1149340, 9 Industry Road, and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard from 'Community' land to 'Operational' land
- ❑ reclassify part of Council-owned land Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town from 'Community' land to 'Operational' land

by:

- ❑ amending *Hawkesbury Local Environmental Plan 2012*, Schedule 4, Part 1 – *Land classified, or reclassified, as operational land – no interests changed* to include 9 Industry Road and 312 Windsor Road, Vineyard

- ❑ amending *Hawkesbury Local Environmental Plan 2012*, Schedule 4, Part 2 – *Land classified, or reclassified, as operational land – interests changed* to include part of 7 Fernadell Drive, Pitt Town
- ❑ creating a Land Reclassification (Part Lots) map for the *Hawkesbury Local Environmental Plan 2012* to identify part of 7 Fernadell Drive, Pitt Town as being 'Operational' land.

Other aspects of the Planning Proposal that are not part of the public hearing are:

- ❑ rezoning part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town from RU2 Rural Landscape to RE1 Public Recreation to enable the development of the subject site for community and recreational purposes
- ❑ amending the minimum lot size for subdivision of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to part 4,000m<sup>2</sup> and part no minimum lot size
- ❑ amending the maximum height of buildings on part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town.

## 2.4 Process of the public hearing and report

Table 1 Process of the public hearing and report

Process	Relevant legislation
At its meeting on 11 September 2018, Hawkesbury City Council resolved to prepare a Planning Proposal to reclassify Lot 9 DP 1149340, 9 Industry Road, Vineyard and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard from community land to operational land	
At its meeting on 30 October 2018, Hawkesbury City Council resolved to prepare a Planning Proposal to reclassify part of 7 Fernadell Drive at Pitt Town from community land to operational land	
The Planning Proposal was referred to the Hawkesbury Local Planning Panel for comment on 21 November 2019 prior to reporting to Council.	Ministerial Direction under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>
Council requested a Gateway Determination in respect of the Planning Proposal. Council submitted the Planning Proposal to the NSW Department of Planning and Environment.	Section 3.34(1) of the <i>Environmental Planning and Assessment Act 1979</i>
The Minister for Planning and Public Spaces determines the Planning Proposal to reclassify the subject land from community to operational land should proceed. The Gateway Determination was issued on 5 August 2020	Section 3.34(2) of the <i>Environmental Planning and Assessment Act 1979</i>
Council places copies of the Planning Proposal and supporting information on public exhibition for comment between Thursday 27 May and Friday 25 June 2021. Copies were available on Council's website, and Council's administration centres. Submissions from 5 people and one organisation were received.	
Public notice of the public hearing was done after the conclusion of the statutory public exhibition of the Planning Proposal on 25 June 2021.	
The public hearing into the proposed reclassification was held on Thursday 5 August 2021. The person presiding at the public hearing is not a councillor or employee of the council holding the public hearing, or has been a councillor or employee of that council at any time during the 5 years before the date of her appointment.	Section 29 of <i>Local Government Act 1993</i> Department of Planning and Infrastructure Practice Note PN09-003 Section 47G of <i>Local Government Act 1993</i>

Process	Relevant legislation
Independent chairperson at public hearing prepared the public hearing report and issued it to Council.	
Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing.	Section 47G of <i>Local Government Act 1993</i>
Consideration of the public hearing report and public submissions to the Planning Proposal by Council.	
<b><i>If Council decides to proceed with the reclassification:</i></b>	
Report to Council on the public hearing and submissions.	
Council requests the Department of Planning, Industry and Environment to prepare the draft Local Environmental Plan to give effect to the Planning Proposal.	
Amendment made to the <i>Hawkesbury Local Environmental Plan 2012</i> to reclassify the community land as operational land may make provision to the effect that, on commencement of the plan, the land ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.	Section 27 of <i>Local Government Act 1993</i>
Reclassification of the land to operational land.	Section 30(1) of <i>Local Government Act 1993</i>



### 3 PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT VINEYARD

### 3.1 Land description

### 3.1.1 Location

The location of 9 Industry Road and 312 Windsor Road in Vineyard is shown in Figure 4.

Figure 4 Location of 9 Industry Road and 312 Windsor Road in Vineyard



**Figure 2: Aerial View - 9 Industry Road & 312 Windsor Road, Vineyard**

Source: Planning Proposal LEP001-19 (Hawkesbury City Council, 2021)

### 3.1.2 Local site context

Figure 5 Local site context of Vineyard site



*Culvert and footpath on subject land*



*View of subject land looking south along Vineyard Rd*



*Existing billboard advertising sign on subject land (Lot 9)*



*View looking towards site (Lot 6) from Park Rd*





*Sewer pumping station - adjoining part of reserve (Lot 8)    Low lying part of subject land*

Further information about the site can be obtained from the *Planning Proposal – Proposed Amendment to the Hawkesbury Local Environmental Plan 2012 to reclassify and/or Rezone Land at 9 Industry Road, Vineyard and Fernadell Park, Fernadell Drive, Pitt Town* (Hawkesbury City Council, September 2020).

### 3.2 Why is the land proposed to be reclassified?

The following information is derived from the Planning Proposal LEP001-19.

***What is the reason for the planning proposal being prepared and the land being reclassified?***

The proposed reclassification of the land would allow Council to lease the exiting advertising structures on the subject sites. When Council took ownership of the subject sites, there was an advertising sign located on Lot 9 DP 1149390 at 9 Industry Road, Vineyard which had been approved under DA0289/95. APN Outdoor, the owners of the sign, had an agreement with the previous owner of Lot 9 DP 1149390 to lease the area where the sign is located. However, when Council took ownership of the subject site no agreement between Council and SPN Outdoor was entered into.

APN Outdoor and neighbouring retailers approached Council to continue to utilise the space for advertising purposes. If Council were to reclassify the parcels of land it would create an opportunity to consider new advertising models, and hence an increased income stream for Council.

Section 46 of the *Local Government Act 1993* deals with the leasing of community land and states that Council is not authorised to use community land for advertising structures regardless of the Plan of Management for the property.

To enable Council to enter into a lease agreement with APN Outdoor and other retailers, the subject site would need to be reclassified to operational land via a Planning Proposal.

### 3.3 Implications of reclassifying the land from community land to operational land

The following information is derived from the Planning Proposal LEP001-19.

The reclassification of 9 Industry Road and 312 Windsor Road in Vineyard would enable Council to lease and manage the sites in line with their existing use for advertising purposes.

The reclassification will not change the use of the subject site as a public reserve and will have no impact on the environmental attributes of the subject sites.

Reclassification enables Council to lease part of the subject sites, allowing flexibility to retain ownership whilst providing an ongoing income source forming part of Council's general funds. This will enable Council to enter into lease agreements for existing signage on the land and explore new advertising models that might be appropriate for the site subject to the required approvals. In turn it would support the productivity of the Mulgrave Industrial and Business Precinct by facilitating ongoing use of the sites for advertising purposes.

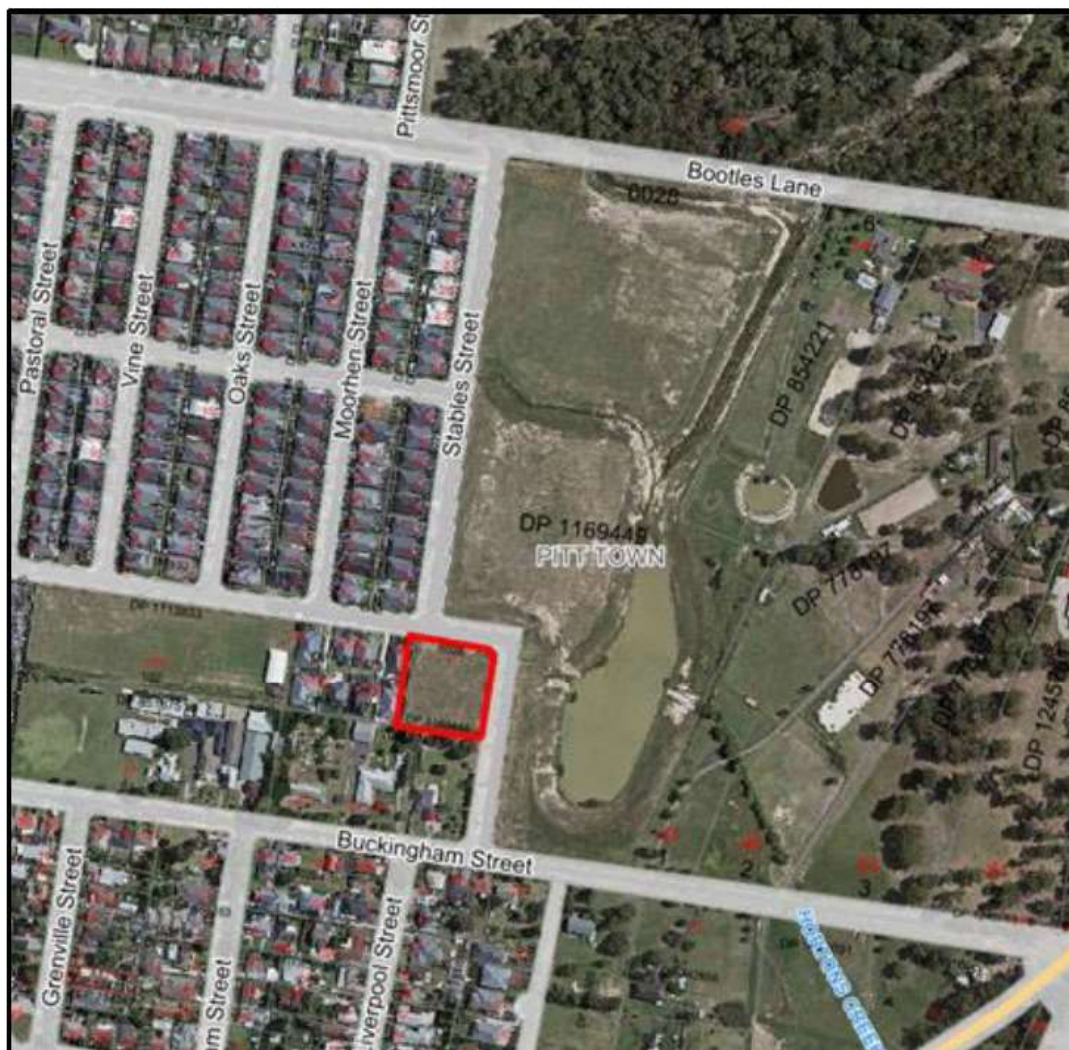
# 4 PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT PITT TOWN

## 4.1 Land description

### 4.1.1 Location

The location of part of 7 Fernadell Drive in Pitt Town is shown in Figure 6.

Figure 6 Location of part of 7 Fernadell Drive in Pitt Town



**Figure 4: Aerial View - Part of 7 Fernadell Drive, Pitt Town**

Source: Planning Proposal LEP001-19 (Hawkesbury City Council, 2021)



### 4.1.2 Local site context

Figure 7 Local site context of part of 7 Fernadell Drive in Pitt Town



*Looking north-west from the site*



*The site from Fernadell Drive*

Further information about the site can be obtained from the *Planning Proposal – Proposed Amendment to the Hawkesbury Local Environmental Plan 2012 to reclassify and/or Rezone Land at 9 Industry Road, Vineyard and Fernadell Park, Fernadell Drive, Pitt Town* (Hawkesbury City Council, September 2020).

## 4.2 Why is the land proposed to be reclassified?

The following information is derived from the Planning Proposal LEP001-19.

The Hawkesbury Section 94 Contributions Plan 2015 includes provision for the construction of community facilities, recreational buildings and park improvements in Pitt Town to support residential development within the township.

Council has acquired 9.95 hectares of land on Fernadell Drive for this purpose. The property comprises two sections of land divided by Fernadell Drive. A 4,299m<sup>2</sup> section of land to the west of Fernadell Drive had been identified as the site for a proposed community centre, with the balance of 9.5 hectares to the east and north of Fernadell Drive identified as the site for a recreation and sporting facility.

In September 2018 Council staff met with representatives of the Pitt Town Progress Association to commence the community engagement process in relation to the development of concept plans for the Pitt Town Community Precinct. The Association provided Council with a summary of the design suggestions and expectations of residents for the provision of community facilities in Pitt Town. During these discussions the option of combining the community facilities, recreational facilities and park improvements was canvassed with the intention of constructing a single multi-function centre to be located on the larger portion of Fernadell Park. As part of this option the 4,299m<sup>2</sup> portion of the site would no longer be required for public amenity purposes, and could potentially be sold in the future with the sale proceeds reinvested into the multi-function community, recreation and sporting facility on the 9.5 hectare portion of the site.

## 4.3 Implications of reclassifying the land from community land to operational land

The following information is derived from the Planning Proposal LEP001-19.

The reclassification of part of 7 Fernadell Drive in Pitt Town to operational land would provide Council with the potential to sell and develop the land in the future, and to reinvest the proceeds of the sale into the multi-function community, recreation and sporting facility on the 9.5 hectare portion of the site comprising Fernadell Park.

The subject site would be sold at the current market value.

The current RU2 Rural Landscape zone and associated permitted uses are not proposed to be changed through the Planning Proposal and reclassification.

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# 5 THE PUBLIC HEARING

## 5.1 Advertising and notification

Hawkesbury City Council advised the community about the public hearing in several ways as follows:

- ❑ Notice and supporting information was provided on Council's Community Engagement site 'Your Hawkesbury Your Say' commencing 8 July 2021 (refer to Figure 8 below)
- ❑ Notice of the Public Hearing was placed in the Courier on Thursday 8 July 2021 and 22 July 2021
- ❑ Notice was given on Council's Facebook page commencing 8 July 2021
- ❑ 83 Letters were sent to the owners/occupiers of adjoining properties and to those that provided a submission to the exhibition of the Planning Proposal.

Figure 8 Notice about public hearing on 'Your Hawkesbury Your Say'

The screenshot shows a web browser displaying the 'yourhawkesbury-yoursay.com.au/lep001-19' website. The page has a dark blue header with navigation links: Photo Credit: Destination NSW, Home, Contact Us, Website, Media Releases, About, Social Media, and a search bar. Below the header, the main content area is titled 'Notice of Public Hearing – Reclassification of Land – LEP001/19 – 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and 7 Fernadell Drive, Pitt Town – Exhibition of Planning Proposal'. To the right of the title is a 'Documents' section listing various files for download, including 'Public Hearing', 'Planning Proposal', and 'Gateway Determination'. Below the title, there is a list of affected lots and a map showing the location of the land. The map is titled 'PUBLIC HEARING Reclassification of Land' and shows a street layout with labels for 'Vineyard' and 'Pitt Town'. Below the map, there is a 'NEWS FEED' section with a 'SURVEY' button and a 'Public Hearing' post dated 05 Jul 2021. The post includes the title 'Notice of Public Hearing – Reclassification of Land – 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and Part 7 Fernadell Drive, Pitt Town' and a brief description of the public hearing.

yourhawkesbury-yoursay.com.au/lep001-19

Photo Credit: Destination NSW Home Contact Us Website Media Releases About Social Media Search

Home »  
Notice of Public Hearing – Reclassification of Land – LEP001/19 – 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and 7 Fernadell Drive, Pitt Town – Exhibition of Planning Proposal

### Notice of Public Hearing – Reclassification of Land – LEP001/19 – 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and 7 Fernadell Drive, Pitt Town – Exhibition of Planning Proposal

Facebook Twitter LinkedIn Email

Council has exhibited a planning proposal affecting:

- Lot 9 DP 1149340, 9 Industry Road, Vineyard,
- Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard, and
- Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town.

The objective of the planning proposal was to;

(a) Reclassify Lot 9 DP 1149340, 9 Industry Road, and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard from 'Community' land to 'Operational' land;

(b) Reclassify part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town from 'Community' land to 'Operational' land;

(c) Rezone part of Lot 6028 [Continue reading](#)

Public Hearing

05 Jul 2021

Facebook Twitter LinkedIn Email

**Notice of Public Hearing – Reclassification of Land – 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and Part 7 Fernadell Drive, Pitt Town**

A Public Hearing will be held to provide opportunity for the community's views to be heard about a proposal to reclassify land at 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, and part of 7 Fernadell Drive, Pitt Town from 'Community' land to 'Operational' land.

**Documents**

- Public Hearing
  - Frequently Asked Questions about the Public Hearing (49.4 KB) (pdf)
  - 1. Background Information Reclassification of Public Land (529 KB) (pdf)
  - 2. LEP Practice Note – Classification and reclassification of land through a local environmental plan (96.9 KB) (pdf)
- Planning Proposal
  - 1. Planning Proposal LEP001-19 – September 2020 (4.14 MB) (pdf)
  - 2. Detailed Site Investigation Fernadell Drive Pitt Town (60.5 MB) (pdf)
  - 3. Proposed Land Zoning Map (144 KB) (pdf)
  - 4. Proposed Lot Size Map (177 KB) (pdf)
  - 5. Proposed Land Classification Map (120 KB) (pdf)
  - 6. Proposed Height of Building Map (170 KB) (pdf)
  - 7. Checklist for Reclassification of Land – Pitt Town (60.4 KB) (pdf)
  - 8. Checklist for Reclassification of Land – Vineyard Properties (60.1 KB) (pdf)
- Gateway Determination
  - 1. Gateway Determination 5 August 2020 (567 KB) (pdf)

**The Public Hearing is scheduled to be held on Thursday 5 August 2021 at 6pm.**

The hearing will be chaired by an independent person from Parkland Planners.

Due to the current NSW public health order with respect to COVID-19, the hearing will be held online using the Zoom platform.

Interested persons will need to register with Council by close of business on Friday 30 July 2021 to:

- Virtually attend or listen to the hearing
  - Make a submission at the hearing
- via the following link:

<https://www.eventbrite.com.au/e/public-hearing-planning-proposal-lep00119-tickets-161985989455>

If you would like to make a formal written submission to the Independent Chairperson, you can do this by forwarding your submission to:

- [sandy@parklandplanners.com.au](mailto:sandy@parklandplanners.com.au)
  - Sandy Hoy, Parkland Planners, P.O. Box 41, FRESHWATER NSW 2096
- The last day for receipt of written submissions is Monday 9 August 2021.

Should you have any enquiries, please contact Colleen Haron, Senior Strategic Land Use Planner on (02) 4560 4564 or email enquiries to [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au).

**Supporting Documentation**

1. Council Meeting – Agenda Item 38 (37.5 KB) (pdf)

2. Council Meeting – Attachment 1 to Item 38 (1 MB) (pdf)

3. Council Meeting – Attachment 2 to Item 38 (2.29 MB) (pdf)

4. Council Meeting – Minutes Item 38 (22.5 KB) (pdf)

5. LEP Practice Note – Classification and reclassification of land through a local environmental plan (95.6 KB) (pdf)

6. Hawkesbury Local Environmental Plan 2012

7. Hawkesbury Community Strategic Plan 2017 – 2036

8. Hawkesbury Local Strategic Planning Statement

9. Links to Various Planning Documents  
Hawkesbury Local Environmental Plan 2012

The Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policies and Sydney Regional Environmental Plans

Local Planning Directions made under Section 9.1 of the Environmental Planning and Assessment Act 1979

GREATER SYDNEY REGION PLAN – A Metropolis of Three Cities March 2018

OUR GREATER SYDNEY 2056 – Western City District Plan March 2018

**Key Dates**

Public Exhibition of the Planning Proposal closes

**25 June 2021**

Public Hearing

**05 August 2021**

**Who's Listening**

**Colleen Haron**

Senior Strategic Land Use Planner  
Hawkesbury City Council



**Phone** 4560 4444

**Email** [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

**FAQs**

What is a planning proposal?

What is the objective and the intended outcome of this planning proposal?

Will the proposal provide benefit to the local community?

Can I view the planning proposal?

Can I get further information about the planning proposal?

How can I make a submission?

Do I need to lodge a Political Disclosure?

Do I need to include my personal information?

Can I make a late submission?

Can the public or the proponent see my submission?

If I make a submission, will I be notified of which Council Meeting the matter will be decided?

Will my submission stop the planning proposal from progressing?

Will a public hearing be held?

Who will make the amendment to the local environmental plan?

Can Council decide not to amend the LEP?

[and Conditions](#) [Privacy Policy](#) [Moderation Policy](#) [Accessibility](#) [Technical Support](#) [Site Map](#) [Cookie Policy](#)

To further encourage interested people to attend the public hearing, Council:

- ☐ sent emails to registered attendees of the public hearing the day before reminding them of the hearing and providing the agenda and the names of the chairperson and Council officers attending
- ☐ sent emails to registered attendees on the day following the hearing advising that written submissions will be accepted up to Monday 9 August 2021 and providing postal and email addresses for submissions.

## 5.2 Timing of the public hearing

The public hearing was timed to occur after the public exhibition of and receipt of any written submissions regarding the planning proposal for the proposed reclassification of the land closed on 25 June 2021.

Public notice of the public hearing was given at least 21 days after the completion of the statutory public exhibition period of the Planning Proposal.

The public hearing to receive submissions on the proposed reclassification of community land at Vineyard and Pitt Town was held on Thursday 5 August 2021 from 6:00pm online via the Zoom platform.

## 5.3 Chairperson

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing. Ms. Hoy has not at any time been either a Councillor or an employee of Hawkesbury City Council.

## 5.4 Site inspection

Ms. Hoy inspected the Vineyard and Pitt Town sites prior to the public hearing.

## 5.5 Attendance at the public hearing

The following Council officers were present at the hearing to represent Council, listen to verbal submissions, and answer questions:

Andrew Kearns	Manager, Strategic Planning
Colleen Haron	Senior Strategic Planner

Four community members registered with Council to attend the public hearing.

One community member attended the public hearing.

## 5.6 Agenda of the public hearing

Ms. Hoy opened the public hearing at 6:10pm, and explained the purpose and process of the public hearing. Council officers explained the purpose of the proposed reclassifications, and answered questions. A presentation using information from the Planning Proposal was referred to for background information about the proposed reclassifications.

Verbal submissions regarding the proposed reclassification were received at the public hearing. The content of those submissions are outlined in more detail in Section 5 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 6.35pm.

## 5.7 Written submissions

Written submissions after the public hearing could be lodged with the Independent Chairperson by Monday 9 August 2021 by:

- ☐ email at [sandy@parklandplanners.com.au](mailto:sandy@parklandplanners.com.au)
- ☐ post to Sandy Hoy, Parkland Planners, PO Box 41, FRESHWATER NSW 2096.

No written submissions were received after the public hearing.

# 6 SUBMISSIONS

## 6.1 Submissions to the Planning Proposal

Written submissions to the Planning Proposal were reviewed before the public hearing.

Relevant points raised from one written submission to the Planning Proposal which addressed the proposed reclassification of the Fernadell Drive site are:

*We also strongly oppose the request to reclassify any part of Lot 6028 DP 1169449, 7 Fernadell Drive Pitt Town from 'Community' land to 'Operational land'. ... We also oppose creating a land classification (Part Lots) Map for the Hawkesbury Local Environmental Plan 2012 to identify Part 7 Fernadell Drive Pitt Town as being 'operational' land; .... We moved to this area of Pitt Town for its rural landscape, culture and small community living. The peace and quiet. We also paid a premium to build our home on Stables St and were advised by the developers that no commercial or residential buildings would be built adjacent to Stables St because of its zoning. The proposal to move from community to operation (sic) land and rural landscape to public recreation will be in direct conflict of this and the reasons, and additional investment myself and my family made, as well as many others living on Stables St, Bootles Lane and Buckingham Street and Fernadell Drive.*

The written submissions to the Planning Proposal are addressed in a separate report to Council from Council staff.

## 6.2 Public hearing submissions

The question posed to the community regarding the purpose of the public hearing is:

Do you agree or not with the proposal to reclassify from Community land to Operational land:

- Lot 9 DP 1149340, 9 Industry Road, Vineyard
- Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard
- Part Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town

Why or why not?

One person attended the public hearing. Their comments and questions are set out below.

Table 2 Verbal submissions to the public hearing

Submission / question	Council response
It makes sense to use the larger lot (Fernadell Park) for the community centre.	Noted
The small parcel of land at Fernadell Drive is zoned RU2. If the land was ever sold would it be used for agriculture?	The RU2 zone permits agriculture with consent from Council. Given its small size and because it is next to residences, it is highly unlikely that agricultural development would occur on that site. The current planning controls would remain over the site. A single residential dwelling or attached dual occupancy development would be more likely.

## 6.3 Written submissions after the public hearing

No written submissions were received after the public hearing by the closing date of Monday 9 August 2021.



# 7 ASSESSMENT AND RECOMMENDATIONS

## 7.1 Assessment of submissions

### 7.1.1 Vineyard site

After reviewing and considering the written submissions to the Planning Proposal and the verbal submissions made at the public hearing set out in Section 6, there were no submissions made about the proposed reclassification of Lot 9 DP 1149340, 9 Industry Road, Vineyard and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard. By implication there is community support and conversely no community opposition to the proposed reclassification of Lot 9 DP 1149340, 9 Industry Road, Vineyard and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard.

### 7.1.2 Fernadell Drive site

One submission supported the proposed reclassification of part of 7 Fernadell Drive in Pitt Town because it made sense that the proposed community centre would be constructed on the larger Fernadell Park site and not on the much smaller subject site.

Another submission did not support the proposed reclassification of part of 7 Fernadell Drive, because the submitter moved to Stables Street because of the rural landscape, culture, small community living and peace and quiet; and they are concerned that that commercial or residential buildings would be built adjacent to Stables Street.

The smaller part of 7 Fernadell Drive in Pitt Town is now surplus to Council's requirements for the Pitt Town Community Centre. It is financially prudent that Council seeks to reclassify the land and sell it to use the proceeds to establish the Pitt Town Community Centre in Fernadell Park. The proposed lot sizes mean that a single residential dwelling or an attached dual occupancy would be the maximum development of the site. Such residential development would be of a lower density than the small-lot residential development in the vicinity of Fernadell Drive and Stables Street, and a lower intensity of land use than a community centre.

In conclusion, there is no compelling reason why part of 7 Fernadell Drive in Pitt Town should not be reclassified as operational land as set out in the Planning Proposal.

## 7.2 Recommendations regarding the proposed reclassification

After considering the submissions, my recommendations to Hawkesbury City Council regarding the proposed reclassification of the subject land from community land to operational land are to:

1. Consider the viewpoints and issues raised in the verbal and written submissions outlined in Section 6 when making the decision whether to proceed with the proposed reclassifications.
2. Reclassify Lot 9 DP 1149340, 9 Industry Road, Vineyard and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard from community land to operational land.
3. Reclassify part of 7 Fernadell Drive in Pitt Town from community land to operational land.

## 7.3 Recommendations regarding reporting

Within four days of receiving this report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- ☐ send a copy of the public hearing report to the person who attended the public hearing and the people and organisations which made a submission on the Planning Proposal.
- ☐ keep a copy of the public hearing report for inspection at its administration centre and at its libraries.
- ☐ post an electronic copy of the public hearing report on Council's website.



**Sandy Hoy**  
**Director, Parkland Planners**

20 August 2021